

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

—————  
Appeal from York County

Brian M. Gibbons, Circuit Court Judge  
—————

**RECEIVED**

**Jul 28 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

MARK JEFFREY DORKO,

APPELLANT

APPELLATE CASE NO. 2020-000239  
—————

RECORD ON APPEAL  
—————

JOANNA K. DELANY  
Appellate Defender

MATTHEW C. BUCHANAN  
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South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
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SC Department of Probation, Parole, and Pardon  
Services

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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I-N-D-E-X

WITNESSES:

NO TESTIMONY TAKEN

E-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
(NO EXHIBITS)			

1 THE COURT - All right, Mr. Probation.

2 MR. MITCHELL - Yes, sir, Agent Mitchell with the  
3 State. We are here in reference to Mark Dorko. He was  
4 sentenced to probation on 10-4-2016, sentenced to two years  
5 suspended upon the service of 90 days, suspended upon 24  
6 months probation. We're here in reference to Warrant  
7 #W46180293. In your packet you will see that states  
8 primarily that he was -- he left to -- he left the State  
9 without permission. He went up to Illinois where he ended  
10 up picking up additional charges which included fleeing  
11 police over 21 miles per hour, possession of ---

12 THE COURT - Has he reported in the past year?

13 MR. MITCHELL - No, sir.

14 THE COURT - All right, thank you. Mr. Bonds,  
15 what you want to tell me?

16 MR. BONDS - Thank you, Your Honor. May it please  
17 the Court. Your Honor, Mr. Dorko was originally sentenced  
18 to two years suspended on 90 days and 24 months of  
19 probation. He's been in our jail for 34 days. He tells me  
20 that he served the 90 day sentence day for day. Your  
21 Honor, he -- as far as why he was in Illinois, what he  
22 tells me is that this I believe is his third probation  
23 agent while he's been on probation. He tells me that he's  
24 essentially completed probation and his old agent -- first  
25 it was Mr. Oliver, then it was Ms. Hawkins -- essentially

1 that Ms. Hawkins had told him that he was finished with  
2 probation, however, did not put the paperwork through to  
3 terminate his probation. That's why he tells me he was in  
4 Illinois. Illinois is where his child's mother and child  
5 live. He was there to visit, picked these charges up. As  
6 I understand now, those charges have been dismissed with  
7 the exception of a fleeing and eluding which in Illinois is  
8 a misdemeanor. He tells me that he essentially, I believe,  
9 pled to a time-served sentence because he had been  
10 incarcerated for two months there. Your Honor, he tells me  
11 that he has completed substance abuse counseling at the  
12 Phoenix Center, and, in fact, when he was arrested in South  
13 Carolina, he tells me he was picked up at Solution Sober  
14 Living Facility in Greenville where he had checked in  
15 thinking he was not on probation or under any issues. He  
16 was just trying to better himself. Basically, he's from  
17 Chicago. He moved here after high school and then I  
18 believe -- I'm sorry -- he was elementary school here,  
19 moved to Chicago for high school, moved back in 2014. He  
20 tells me that if he were to be released, he would live here  
21 with his parents I believe ---

22 (WHEREUPON, DISCUSSION HELD BETWEEN MR. BONDS AND  
23 MR. DORKO WHICH WAS NOT REPORTED)

24 MR. BONDS - --- with his mother and father. Your  
25 Honor, he's got a good education. I understand that he is

1 employable; he's trying to get things back on track with  
2 his life. Quite frankly, he has a hold in North Carolina,  
3 so Your Honor, I'm asking, given the amount of time he's  
4 been jail and that he has been -- he has a hold in North  
5 Carolina, that we time serve him here and send him up there  
6 and let them deal with him then he will be finished with  
7 all of his issues.

8 THE COURT - All right. Thank you. Mr. Dorko,  
9 anything you want to tell me?

10 MR. DORKO - No, sir.

11 THE COURT - All right, based upon my review of  
12 the record, I do find that you willfully failed to comply  
13 with the terms and conditions of your probation. I'm going  
14 to partially revoke 14 months, give you credit for time  
15 served; I'm going to terminate the probation, civil  
16 judgment for all monies due.

17 Good luck to you.

18 MR. MITCHELL - Thank you, Your Honor.

19 MR. BONDS - Thank you, Your Honor.

20 (END OF TRANSCRIPT)

21

22

23

24

25

## C E R T I F I C A T E

I, Shirley Broom, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing 6 pages is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the proceedings of State of South Carolina vs. Mark Dorko, as taken by me in The Court of General Sessions for the Sixteenth Judicial Circuit on February 10, 2020 and provided by me this the 11th day of March, 2020.

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

/s/ SHIRLEY G. BROOM

Shirley Broom, CVR-M  
Official Court Reporter,  
Certified Verbatim Reporter, In and  
for the State of South Carolina

**WITNESSES**

YCSO

Witnessing Officer: T.Hager

**ARREST WARRANT NUMBER**

2016A4610201891

**ACTION OF GRAND JURY**

Foreperson of Grand Jury  
Date:

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016-GS46-03353

**The State of South Carolina**  
**County of York**

**COURT OF GENERAL SESSIONS**

**DECEMBER 8, TERM 2016**

**THE STATE**

**VS.**

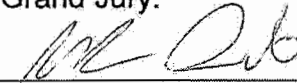
**MARK JEFFREY DORKO**

**INDICTMENT FOR**

**POSSESSION WITH INTENT TO  
DISTRIBUTE HEROIN**

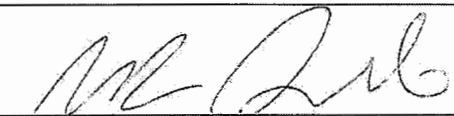
SC Code: § 44-53-370  
CDR Code: 0184

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



**Defendant**

I \_\_\_\_\_  
hereby appear in my own proper person and plead guilty to the within indictment or to  
*possession of Heroin 2<sup>ND</sup> offense*



**Defendant**

**Witness:**

*RP Priddy - Ct. Spec.*  
**C.C.C. PLS. AND G.S.**

STATE OF SOUTH CAROLINA  
COUNTY OF YORK


INDICTMENT

At a Court of General Sessions, convened on December 8, 2016, the Grand Jurors of York County present upon their oath:

**POSSESSION WITH INTENT TO DISTRIBUTE HEROIN**

The defendant, Mark Jeffrey Dorko, did on or about September 1, 2016, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Heroin, a schedule I controlled substance narcotic. All in violation of 44-53-370, *South Carolina Code of Laws* (1976, as amended).

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

  
CHRISTOPHER W. EPTING  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK  
STATE VS.

MARK JEFFREY DORKO

AKA: Mark Dorko  
Race: White Sex: M Age: 25  
DOB: [redacted] SS#: [redacted]  
Address: Jack Pine Road  
City, State, Zip: Clover, SC 29710  
DL# [redacted] SID# SC02212946

INDICTMENT/CASE#: 2016GS4603353  
A/W: 2016A4610201891  
Date of Offense: 09/01/2016  
S.C. Code §: 44-53-370  
CDR Code #: 0184

SENTENCE SHEET  
ORIGINAL

DWA

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Possession of Heroin 2<sup>nd</sup> offense  
In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0177

CONVICTED OF or  PLEADS

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)

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

ATTEST: [Signature] 76321 Defendant [Signature] Attorney for Defendant 101444  
Christopher W. Epting, Assistant Solicitor SC Bar # [redacted]

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 2 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 24  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which  
are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections. 36 days  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Set by SCDPPPS \_\_\_\_\_

Recipient: _____	
*Fine: _____	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ <u>100</u>
§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/Prob)	\$500 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ <u>150</u>
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ _____
TOTAL	\$ <u>275</u>

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: In-patient drug treatment

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. [Signature]

Clerk of Court/Deputy Clerk: David Hamilton  
Court Reporter: Shirley Bloom  
SCCA/217 (07/2016)

Presiding Judge: [Signature]  
Judge Bar ID: \_\_\_\_\_ Judge Code: 2153  
Sentence Date: 10-4-16

STATE OF SOUTH CAROLINA  
 County of York  
 STATE VS.  
 AKA: MARK DARKO  
 Race: W Sex: M  
 DOB: [REDACTED]  
 SSN: [REDACTED]  
 SID# 02212946

IN THE COURT OF GENERAL SESSIONS

Indictment Number:  
16 - GS - 46 - 03753  
 Probation C/W#: W-46-18-0273  
 Name of Original Offense: POSS OF HEAVY 2ND OFF  
 Original A/W#: 2016-A46-1020/891  
 Date of Original Offense: 9-1-2016  
 Conviction S.C. Code §: 44-53-370  
 Conviction CDR Code #: 0111814  
 Original Sentence: 2 YRS Upon serv. to 90 day  
90 day 565P. 24 Months.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/14/16 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 10-4-16, as set forth in the attached warrant(s) or citation(s) dated 8-24-18. 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, 7, 8, 9, 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 14 months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:  Department fees (arrearage) Civil judgment:  Department fees  
 Fines and other fees (arrearage / balance)  Fines and other fees  
 Restitution (and 20%) (arrearage / balance)  Restitution (and 20%)
- Additional Conditions ordered by the Court: Partial Revocation 14 mths and terminate.  
Convert Court Fees to Civil Judge.

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 SC Court of Sessions

- 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 SCDCC time).
- The defendant has served 124 days/months/years of prior revocations and/or initial SCDCC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 10 day of February, 2020  
York, SC

Presiding Judge [Signature]  
York SC  
 Judicial Circuit

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 FEB 10 PM 4:29  
 YORK COUNTY  
 CLERK OF COURT  
 HAMILTON

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 10 day of February, 2020 at York SC  
 Day Month Year City

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

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**Jul 28 2020**

**SC Court of Appeals**

s/ Joanna K. Delany

Joanna K. Delany  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 28th day of July, 2020.