

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Feb 16 2021
SC Court of Appeals

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

YASHAWNUS PATTERSON,

APPELLANT

APPELLATE CASE NO 2020-000979

RECORD ON APPEAL

TAYLOR D GILLIAM
Appellate Defender

ALAN WILSON
Attorney General

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

MATTHEW BUCHANAN
General Counsel
S.C.P.P.S.
Post Office Box 207
Columbia, SC 29202

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRANSCRIPT OF PROBATION REVOCATION HEARING HELD MAY 29, 20201

PROBATION REVOCATION ORDER22

MOTION TO RECONSIDER24

ORDER DENYING MOTION TO RECONSIDER25

INDICTMENTS27

CERTIFICATE OF COUNSEL31

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
2009-GS-40-09253
2009-GS-40-09740

State of South Carolina,)
Plaintiff,)
vs.) TRANSCRIPT OF RECORD
Yashawnus Patterson,)
Defendant.)

May 29, 2020
[REMOTE], South Carolina

B E F O R E:

THE HONORABLE JOCELYN NEWMAN, JUDGE.

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

AGENT EVERS, PROBATION, PAROLE AND PARDON
Appearing for the Plaintiff

CHRISTOPHER P. WHITEHEAD, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

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

I N D E X O F W I T N E S S E S

(WHEREUPON, no witnesses were called during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced during these proceedings.)

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

MAY 29, 2020

(WHEREUPON, the hearing began at 12:12 p.m.)

THE COURT: Yashawnus Patterson.

Agent Evers. Mr. Whitehead.

Okay, Mr. Patterson, will you raise your right hand.

(Defendant complies.)

THE COURT: Do you swear or affirm the testimony to the Court will be the truth, the whole truth, and nothing but the truth?

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

THE COURT: Okay. Agent Evers, let me hear from you.

AGENT EVERS: Mr. Patterson is on community supervision for two counts of criminal sexual conduct with a minor second degree. He spent around nine years in SCDC. And his community supervision began on December 31st, 2019. He has GPS not less than six months, no contact with the victim or the victim's family, and sex offender counseling.

He was arrested on February 18th of 2020 too because he stayed overnight at a Super 8 motel on the 9th, the 10th, and the 16th of February, 2020.

1 He failed to follow up on mental health
2 referral written on January 7th, 2020.

3 And on February 12th he was instructed to
4 report to the Department of Mental Health on the
5 18th, but he failed to do so.

6 Mr. Patterson has tested positive for cocaine
7 on the 3rd and 5th and the 12th of February.

8 He failed to pay any of his fees: GPS,
9 supervision fees, drug test fee.

10 He also failed to provide a urine sample on
11 the 6th and the 11th of February, even after being
12 scheduled to report for the urinalysis.

13 And he failed to refrain from going to the
14 hotel, the Super 8, on Fairfield Road, after being
15 told he couldn't do so.

16 I don't know if you are familiar with that
17 area of that particular motel, but it has got a
18 high crime rate for drugs and prostitution.

19 And on the day he was arrested, I took his
20 cell phone and found out that he had a lot of
21 sexually explicit materials. I found a lot of
22 pornographic images on his cell phone.

23 He failed to refrain from having social media.
24 He had active Facebook and Facebook Messenger
25 accounts which he was using to further sexual

1 activity.

2 And at first he -- well, he refused to provide
3 his password so I could access his cell phone, and
4 luckily I just guessed it.

5 I attached a report of an examination on his
6 phone, and you'll see a lot of pictures. You don't
7 have it? Well, there are a lot of sexually
8 explicit pictures that he was being sent to his
9 cell phone. And there are a lot of text messages
10 that indicate that he was setting up drug deals,
11 participating in drug activity, as well as
12 prostitution.

13 He also has a lot of pictures of himself that
14 are sexually explicit that he was sending out to
15 females.

16 So it is pretty evident that he is not willing
17 to abide by the conditions of supervision.

18 I honestly believe the first time I met him he
19 had mental health issues. And I -- the first time
20 I met him, I sent a referral to mental health to
21 try to get him some kind of assistance, but he
22 failed to do so. He always came up with excuses,
23 and he just -- he wouldn't do it. But I do believe
24 that he does need some kind of mental health
25 assessment before he would be eligible to be on

1 supervision.

2 THE COURT: Okay. Mr. Patterson?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Is it correct that you tested
5 positive for drugs in February a couple of times?

6 THE DEFENDANT: Yes, ma'am. Well, partly, the
7 Super Bowl night, a guy that I used to know from
8 years before, but I just did 11 years and three and
9 a half months in prison for that sentence, which
10 wasn't even a proper conviction because I had never
11 been indicted in my name. They thought it was me
12 and convicted me for the charge that another guy
13 had. The victim lied to me about their age, their
14 address, their name, the school they went to, just
15 so that I would sleep with them because they made
16 me think that they were older than that. So they
17 straight falsified their identity to me. That is
18 how I got caught, which it will never happen again.
19 I was 27 years old at the time. I'm about 40 now
20 in August.

21 I did use cocaine, but the initial use was
22 just a cigarette. I smoked it. After that I
23 haven't used cocaine in over ten years. After that
24 I did relapse. I do have a drug problem with that
25 particular drug from the past. I have not been

1 using drugs since I have been here and I don't want
2 to because it will affect my mind. I see how
3 people try to manipulate and use people because a
4 guy was supposed to be giving me a job. Okay, he
5 implemented drugs into the picture, which was never
6 nothing that I asked for, I only asked for a job to
7 make money.

8 I was supposed to pay Ms. Evers the money.
9 The reason why I was never able to pay, I was only
10 able to pay -- when my mother couldn't take me back
11 and forth to probation, I never missed a hearing
12 for her probation hearing, I always caught the bus.
13 That is what I used my money towards, the bus fair
14 from Monticello Road to Gregg Street.

15 As far as the images in my phone, I did --
16 somebody put the Facebook Messenger for me because
17 I am not activated. I have been gone for so long
18 and so many things happened. I was trying to
19 locate a person by their name somebody had given me
20 years ago saved my life when I was nine years old
21 trying to make it. It was very crazy. But the
22 images were sent to a female that was sent to me
23 and that I did meet. And she stayed out of state.
24 She is an adult female. There was no contact with
25 any minors, no contact with anyone that it

1 shouldn't have been. She was an adult.

2 As far as me and my situation, I have done 11
3 years and about six months incarceration. I do
4 have mental health issues. The reason why I didn't
5 get to make it to the mental health appointment,
6 because the first time I went, the lady said I
7 needed an ID. I didn't have a state ID. I went
8 and got an ID. I reported to Ms. Evers and showed
9 her the ID. After that, the ID was stolen by the
10 same person who put me on cocaine to try I guess to
11 go on the dark web, or whatever he was going to do
12 with my identity theft. My mother had spoken to
13 the guy. That is the reason I didn't have an ID.

14 I had a job opening at Gregory Electric to
15 learn how to be an electrician on the first week of
16 March. I figured I could make that job, but I was
17 incarcerated February 18th by Ms. Evers. And to my
18 boarding house where I stay at, because I am
19 incarcerated for not reporting to the mental health
20 place, the only thing that I really had issue with
21 is drugs. The worst thing is the drug test and I
22 guess --

23 THE COURT REPORTER: I'm sorry, Your Honor, he
24 is breaking up. I can't hear what he is saying.

25 THE COURT: Step closer and talk louder.

1 THE DEFENDANT: I was saying that the worst
2 thing that I have as a citation is the use of
3 drugs. And I do have a problem with that, and I do
4 need mental health help. I was supposed to been
5 reporting to go to the Bryan Center, but then they
6 said a mental health facility at SCDC, which is GPH
7 to be given a psychiatric housing unit or hospital.
8 I honestly have had problems with officers beating
9 on me. I had to have surgery to fix my left
10 shoulder's rotator cuff performed by a lieutenant.
11 I have been assaulted by groups of people. I have,
12 you know, still have problems with people in SCDC.
13 If I go back there, my life is pretty much in
14 jeopardy. I'm going to be back to report to mental
15 health because I am not going to spend my time
16 running from any type of crooked officers or
17 inmates. It is going to send me through emotional
18 distress, and I'm not. The only thing that I know
19 how to do is cut or try to commit some sort of
20 suicide, hanging or something, because of the
21 pressure that I have been put through.

22 Everyone here knows about the Lee County riot.
23 Things like that happen every day. It is not just
24 one time. It was one time that it was noticed by
25 other people. But I have witnessed gang riots

1 where mud has been splashed in my face, seen people
2 getting stabbed to death, seen people get stomped
3 and beaten. I have been stomped and beaten. It is
4 just a madhouse. I don't think that SCDC is the
5 appropriate place for someone with mental health
6 issues and a person who just failed to pay some
7 funds or had a problem with drugs. They have the
8 Bryan Center, they have LRADAC, they have -- and if
9 I would have known that they had it, I would have
10 admitted myself to the Bryan Center. I did want
11 the mental health help, I just wasn't able to make
12 it there because of so much confusion in my life
13 with having to report to Gregg Street, report to
14 Richland County, you know, just pay money for this.
15 It is just too much pressure on me to have to do
16 all of that after being gone for over a decade.
17 And I didn't really know how the world works
18 anymore. I have been in here for three months just
19 praying, trying to do the right thing for myself
20 and keep my mind clear from nightmares, and stuff
21 like that. And I still, you know, still going
22 through a lot of mental trauma just basically from
23 what I have been through. You know, 20 years in
24 prison is just a lot, but that 11 years that I just
25 did was a great big eye opener because it hasn't

1 done nothing but got worse. And I don't think that
2 that is the appropriate thing for me is more prison
3 time because that is what is inducing the suicidal
4 thoughts, the emotional distresses, and all of the
5 things that I have been through. There so much
6 time paying for something that was just a case
7 built up of lies. If the victim would have just
8 told me the truth, I would have never been in this,
9 never consenting to that.

10 And I don't, you know, I don't -- I'm not part
11 of a gang and I don't, you know, have any issues
12 with people in gangs. I just think that it was
13 just a bad time for me in my life. And I was on
14 drugs and I wasn't really coherent to what was
15 going on until later after the fact.

16 I apologize for the things that happened with
17 Ms. Evers, but I throw myself on the mercy of the
18 Court. And I do want to get some mental health
19 treatment. She didn't know at the time when she
20 locked me up that I missed it because of the ID was
21 missing. She didn't know that. And I was going to
22 report to tell her that, but she came -- she
23 probably felt like I wasn't taking her seriously.
24 And I just, you know, and I was taking her
25 seriously. I was going to just let her know that,

1 Hey, look, my ID got stolen, I got a job position,
2 you know, can you just work with me because I need
3 someone to try to be lenient on me because of the
4 fact that I have been through a lot of trauma in 11
5 years in prison day for day like that. It is just
6 something that I really -- I mean, I really don't
7 even feel like myself still yet now. Going home
8 and being home for 47 days and putting my mother
9 through that. She is so stressed about it she is
10 not even talking to me right now because she hates
11 to talk to me while I am incarcerated. She is
12 under a lot of stress herself. She is going
13 through early stages of Alzheimers. And I'm losing
14 her. And if I lose her to prison, then I'm not
15 going to want to live anymore, because I haven't
16 given her enough as a son for the past 20 years. I
17 haven't been the type of son I should be. She
18 shouldn't have to go through that. That's what I'm
19 going through.

20 That is pretty much it. I mean, I just ask
21 that you send me -- if I do have to go back, then
22 GPH is probably the only place that would be best
23 for me because they kind of take their job more
24 seriously for mental health. And if not, then I
25 could go to the Bryan Center to get some treatment

1 for issues that I'm having. I just need a place
2 where people will take my problems seriously.

3 THE COURT: Okay. Mr. Whitehead?

4 MR. WHITEHEAD: Good afternoon, Your Honor.
5 And let me first candidly apologize, I do have a
6 4-month old, so if she starts crying, I would like
7 to just apologize for that, of course.

8 Mr. Patterson did bring up some key aspects
9 that I wanted to highlight. He had -- he was
10 arrested in September of 2008, and he just got
11 released I believe either the 31st or the 2nd of
12 January, somewhere around New Years of this past
13 year. So he had been incarcerated for a lengthy
14 period of time.

15 Clearly he does keep bringing up that he does
16 need mental health treatment, and that is a way
17 forward for him.

18 In terms of what happened with him being
19 unable to get to mental health, obviously with him
20 just being out of prison, it has been difficult for
21 him to find employment, have transportation, and
22 being able to do all those things in order -- and
23 have an ID in order to go to mental health.

24 Additionally, his inability to obviously pay.

25 In terms of drug use, I believe Mr. Patterson

1 did admit that he has -- that he did use cocaine.
2 Unfortunately, a lot of times drug use and mental
3 health go hand-in-hand in terms of self-
4 medication.

5 In terms of the newer allegations, which I
6 believe are the illicit pictures and social media,
7 I also don't have any packet in regards to what was
8 sent. My understanding is that, and also from what
9 the agent has spoken of, is that those pictures, a
10 lot of them were sent to him, and those were of
11 individuals above the age of majority.

12 In terms of social media, obviously I believe
13 that he now understands that he cannot have those
14 sorts of applications. That is a part of his term
15 of community supervision. I do know that a lot of
16 times with those social media accounts, especially
17 something like Facebook Messenger, which can be
18 considered almost some sort of a messaging -- a
19 text messaging app, that if an individual does not
20 have a cellular plan, they might be able to still
21 communicate with somebody freely in terms of WiFi,
22 which would be not used for him if he doesn't have
23 a cellular plan. But obviously he needs to know
24 that. And he has taken responsibility that that
25 sort of behavior is not acceptable and that he

1 cannot have those social media platforms while
2 under community supervision.

3 Your Honor, there is an individual that would
4 like to speak on Mr. Patterson's behalf. That is
5 Kendra Goodman. If you would be so kind to allow
6 her to speak.

7 THE COURT: Ms. Goodman? Are you there?
8 Kendra Goodman? Okay. You look frozen, though.
9 Ms. Goodman, are you there? Okay. But I can't
10 hear you.

11 MS. GOODMAN: Is that better?

12 THE COURT: Yes.

13 MS. GOODMAN: Okay. I have known Shawnus for
14 about 20 years. And I have known him in and out of
15 incarcerations. I know that this last time when he
16 was released, Shawnus really was trying to do
17 everything that he could the right way with the
18 help.

19 As far as getting to his scheduled
20 appointments, I was not able to help at the moment,
21 at that time, because I was without a vehicle, a
22 functioning vehicle. His mom was trying to do the
23 best that she could. And even when she was not
24 able to, he was still trying to catch the bus.

25 I know his excitement that he had when he had

1 the job lined up. It was just the fact of getting
2 his paperwork in order after being incarcerated for
3 so long. It was the fact of trying to get the
4 identification so that he could get transportation.
5 His mom even had a car waiting for him. She still
6 has a car waiting for him that he needs to fix. It
7 is just the fact of him having to report to all of
8 his appointments, having to pay out all this money,
9 and he was just getting out. It was hard for him.
10 So he really was trying.

11 I agree that Shawnus needs some mental health
12 counseling. I agree that he needs to be in a
13 mental health facility so that he can get the
14 proper help that he needs.

15 I really do not feel that him being
16 incarcerated again back in SCDC will help him with
17 that. I really don't.

18 And I'm sorry, that's about all I've got to
19 say. I have a lot going on right now. I have just
20 had a death that I had to deal with in the past
21 couple of hours. So that is about all I can say.

22 THE COURT: Okay. Thank you, Ms. Goodman.

23 Anything else, Mr. Whitehead?

24 MR. WHITEHEAD: Yes, briefly, Your Honor.

25 Supervising Agent King did just send me those --

1 the pictures, and she has also stated to me that
2 they were sent to our office a few months earlier.
3 I never received them, but I trust Supervisor
4 King's assessment that they were sent, Your Honor.

5 Clearly from the discussions not only from
6 Mr. Patterson, but also from Ms. Goodman, some sort
7 of mental health is needed for him. He will be off
8 of community supervision in September of 2021. So
9 he will need a heads-up to, you know, get back and
10 try to be a citizen and, you know, work, and do all
11 those things that he hopes to do, and help out his
12 mom.

13 He has been in jail since February 18th, I
14 believe, which is, by my calculation, it is 102
15 days, Your Honor.

16 THE COURT: All right. Based on what I have
17 heard -- and I have been provided with the images
18 and all of that just while I was listening to
19 Mr. Patterson talk, so I have not scrutinized them
20 in great detail, but I have had a chance to flip
21 through and look at some of the discussions and the
22 text messages, the dates on those text messages,
23 the subject of the text messages and the photos.
24 And it is certainly not just one woman, it is
25 multiple women. And it is not -- it doesn't appear

1 to be any sort of quid pro quo or, you know,
2 swapping photos. Maybe in one case. I don't know,
3 but -- and there is lots of talks about drugs, and
4 all of that.

5 I guess I haven't made the finding yet, but I
6 find that Mr. Patterson has willfully violated the
7 terms and conditions of community supervision. And
8 I think based on everything I'm seeing, I mean, all
9 of this happened -- he hadn't been out but a month
10 or so. And I know everybody is talking about
11 mental health treatment, and he probably does, and
12 he was supposed to get it, but he didn't get it,
13 so, you know -- in fact, was ordered to get it,
14 which is, you know, even more compulsory than just
15 suggesting or allowing him to do it on his own.
16 Even if he didn't want to, he was ordered to do it.
17 So I think that the most appropriate thing is to
18 revoke community supervision in this case.

19 Thank you.

20 MR. WHITEHEAD: Your Honor, will that be
21 revoke the one year community supervision?

22 THE COURT: You have to talk to probation. I
23 mean, doesn't he --

24 AGENT EVERS: Yes, ma'am. So he is eligible
25 to be revoked for a year, and then he will come

1 back on another CSC certificate.

2 THE COURT: There you go.

3 AGENT EVERS: And is there any way we can, you
4 know, make it court ordered for him to do mental
5 health on the next go-round, for the next community
6 supervision?

7 THE COURT: Yes.

8 AGENT EVERS: Okay.

9 THE COURT: Okay. Mr. Patterson? Yes, sir?

10 THE DEFENDANT: So you are going to revoke the
11 community supervision back to SCDC, is that what
12 you are saying?

13 THE COURT: Correct.

14 THE DEFENDANT: So am I going to go to a
15 mental health facility there? Are they going to --
16 am I court ordered to be in a mental health
17 facility in SCDC?

18 THE COURT: No, sir. I just send you to SCDC,
19 and SCDC makes decisions as to where they put you.
20 I don't get involved in that.

21 THE DEFENDANT: Well, I'm asking that as a
22 request of the mercy of the Court that I have that
23 sort of stipulation so when I go there that they
24 know that I need that to be part of my supervision
25 when I return that they know when I go there so

1 that I can get the mental health help while I'm
2 there, when I go back.

3 THE COURT: Well, you can request that from
4 them. I just told you, I don't get involved in
5 that.

6 THE DEFENDANT: Well, how much time am I going
7 to do with that?

8 THE COURT: One year. And then you come back
9 out on community supervision.

10 THE DEFENDANT: Credit for time served?

11 MS. KING: Your Honor, I'll talk to his
12 attorney and he can relay the messages.

13 THE COURT: Perfect. Thank you. Your
14 attorney will get with you on that.

15 (WHEREUPON, the proceedings were
16 concluded at 12:36 p.m.)

17

18

19

20

21

22

23

24

25

(END OF TRANSCRIPT)

STATE OF SOUTH CAROLINA
 COUNTY OF **Richland**
 STATE
 -VS-
Yashawnus Patterson
 Defendant
 01094663
 SID #
 SCDC# or DOB

I 707129
 IN THE COURT OF GENERAL SESSIONS
 No. 09 -GS- 40 - 09253
 Count

Community Supervision
RECEIVED
 REVOCATION ORDER
 JUL 06 2020
 SC Court of Appeals

This matter was brought before me on the 29th day of May, 2020, pursuant to a warrant (W-40-20-0066) and citation (C-40-20-0114) charging

the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions;

RICHLAND COUNTY
 2020 JUN -5 AM 9:12
 JEANETTE W. MCBRIDE
 CLERK OF COURT

IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of 1 year (total may not exceed one (1) year).

- Revoke one year.
- Allow time served to satisfy intensive supervision fees, GPS fees and drug test fee. No administrative monitoring.
- Return collected evidence (cell phone) to family (mother).
- Mandatory mental health treatment when released from SCDC.
- No discretionary GPS.
- Credit time served 101 days.

This 2nd day of June, 2020

Jocelyn Yarnes
 Presiding Judge

Columbia

S. C.

Fifth

Judicial Circuit

This is to certify that I have received this order.

Offender's Signature YASHAWNUS PATTERSON

Witnessed by Jocelyn Yarnes

Signed this 29 day of May, 2020, at Columbia, SC

IN THE COURT OF GENERAL SESSIONS
No. 09 -GS- 40 - 09740
Count

STATE OF SOUTH CAROLINA
COUNTY OF **Richland**

STATE
-vs-
Yashawnus Patterson
Defendant
01094663
SID #
SCDC# or DOB

Community Supervision
REVOCATION ORDER
RECEIVED
JUL 06 2020
SC Court of Appeals

This matter was brought before me on the 29th day of May, 2020, pursuant to a warrant (W-40-20-0086) and citation (C-40-20-0114) charging

the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions;

JEANETTE V. MACBRIDE
2020 JUN -5 PM 9:14
RICHLAND COUNTY

IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of 1 days 1 months 1 year (total may not exceed one (1) year).

- Revoke one year.
- Allow time served to satisfy intensive supervision fees, GPS fees and drug test fee. No administrative monitoring.
- Return collected evidence (cell phone) to family (mother).
- Mandatory mental health treatment when released from SCDC.
- No discretionary GPS.
- Credit time served 101 days.

This 29th day of June, 2020

Judith Yerman
Presiding Judge

Columbia

S. C.

Fifth

Judicial Circuit

This is to certify that I have received this order.

Offender's Signature YASHAWNUS PATTERSON

Witnessed by Judith Yerman

Signed this 29 day of May, 2020, at Columbia

JUN 29 2020

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 The State of South Carolina,)
)
 vs.)
)
 Yashawnus Patterson,)
Defendant)

IN THE COURT OF GENERAL SESSIONS
 Warrant Numbers: W-40-20-0066

NOTICE OF MOTION AND
 MOTION TO RECONSIDER

To: Agent Leanne Evers

PLEASE TAKE NOTICE that, as soon as this matter may be heard, Mr. Yashawnus Patterson will move through his undersigned attorney, for reconsideration of the Court’s community supervision violation entered on May 29, 2020, by the Honorable Judge Jocelyn Newman.

Mr. Patterson was found to have violated his community supervision and revoked, with the maximum revocation of one (1) year allowed under S.C. Code Ann. § 24-21-560.

Respectfully submitted,

Christopher P. Whitehead
 Richland County Public Defender’s Office
 1701 Main Street
 Post Office Box 192
 Columbia, South Carolina 29201
 (803) 929-6150

Columbia, South Carolina
 June 2, 2020

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

State of South Carolina

v.

Yashawnus Patterson,

Defendant.

IN THE COURT OF GENERAL SESSIONS

FOR THE FIFTH JUDICIAL CIRCUIT

Warrant No. W40200066

RECEIVED

JUL 06 2020

SC Court of Appeals

ORDER DENYING
MOTION TO RECONSIDER

2020 JUN 23 6:14 151

This matter comes before the Court upon Motion to Reconsider, dated June 2, 2020. In his motion, Defendant asks that this court reconsider its decision to revoke his community supervision and incarcerate him following a hearing on May 29, 2020. In his motion, Defendant offers no reason why he believes that the Court's decision was erroneous.

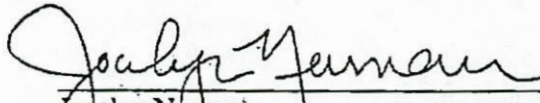
Having fully considered Defendant's request, the Court finds that the sentence imposed is neither improper nor excessive under the circumstances. The Court's decision was based on a number of factors after a lengthy hearing. See, e.g., *Brooks v. State of South Carolina*, 325 S.C. 269, 271-72, 481 S.E.2d 712, 713 (1997) (citations omitted) (finding that a trial judge is allowed broad discretion in sentencing and that sentence is not excessive if it is within statutory limits and isn't based on prejudice). During the hearing, both Defendant and his counsel were given a full and fair opportunity to present facts, arguments, and evidence. Defendant admitted violating the terms of community supervision on at least two occasions – by using cocaine to celebrate the Super Bowl and by sending and receiving certain sexually explicit photographs.¹ The Court also found (even without an admission from Defendant) that Defendant violated other terms of community

¹ Defendant is not permitted to "purchase, possess, or use any sexually stimulating or sexually explicit material..." as a result of his conviction for criminal sexual conduct with a minor in the second degree.

supervision, including failing to provide urine samples as requested and failing to stay away from certain locations as mandated by his supervising agent.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Reconsider is DENIED.

AND IT IS SO ORDERED.



Jocelyn Newman
Presiding Judge

June 23, 2020
Columbia, South Carolina.

WITNESSES

✓(S) YVONNE WOODS, RCSD

ARREST WARRANT NUMBER

I-907929

ACTION OF GRAND JURY

TRUE BILL

Heaven Adams

Foreperson of Grand Jury
Date:

FEB 12 2009

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-40-9253

**The State of South Carolina
County of Richland**

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2009

92

**THE STATE
vs.**

SHAWN LEE PATTERSON

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR 2ND DEGREE**

SC Code: 16-3-655(C)
CDR Code:0397
Class FEL/C(V)

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

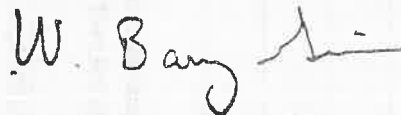
INDICTMENT

At a Court of General Sessions, convened on FEBRUARY 11, 2009, the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR 2nd DEGREE

That SHAWN LEE PATTERSON did in Richland County on or about AUGUST 12, 2008, wilfully, unlawfully and feloniously engage in a sexual battery against **Minor 2**, who was at least fourteen (14) years of age but who was less than sixteen (16) years of age, and said defendant being older than said victim; all in violation of S.C. Code of Laws § 16-3-655(C), (1976, as amended).

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



Warren B. Giese, SOLICITOR

WITNESSES

(S) YVONNE WOODS, RCSD

ARREST WARRANT NUMBER

I-907947

ACTION OF GRAND JURY

TRUE BILL

Heim Raming

Foreperson of Grand Jury
Date: FEB 12 2009

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-40-9740

**The State of South Carolina
County of Richland**

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2009

92

**THE STATE
vs.**

SHAWN LEE PATTERSON

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR 2ND DEGREE**

SC Code: 16-3-655(B)
CDR Code: 0396
Class FEL/C(V)

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

Defendant

I Shawn Lee Patterson
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 RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on FEBRUARY 11, 2009, the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR 2nd DEGREE

That SHAWN LEE PATTERSON, did in Richland County on or about AUGUST 12, 2008, wilfully, unlawfully and feloniously engage in a sexual battery with a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: **Minor 1**; all in violation of Section 16-3-655 (B), S.C. Code of Laws, 1976, as amended.

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



Warren B. Giese, SOLICITOR

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,

RECEIVED

Feb 16 2021

SC Court of Appeals

s/Taylor D. Gilliam

Taylor D. Gilliam

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 16th day of February, 2021.