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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable L. Casey Manning, Circuit Court Judge
Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRELL DENARD KNIGHTNER,

APPELLANT

APPELLATE CASE NO. 2020-001018

RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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(S) Richard Carter
- Richland County Sheriff

ARREST WARRANT NUMBER

2013A4010600139

TRUE BILL
SECTION OF GRAND JURY

Gary N. Rice
Foreperson of Grand Jury
Date:

||| 21 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS4004324

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JULY TERM 2016

125

THE STATE
vs.

Terrell Denard Knightner

Indictment for
SEX / CRIMINAL SEXUAL CONDUCT -
THIRD DEGREE

SC Code: **16-03-0654**
CDR Code: **0162**

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)	GENERAL SESSIONS
)	
County of Richland)	2016-GS-40-04324
)	
STATE OF SOUTH CAROLINA,)	
)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
TERRELL DENARD KNIGHTER,)	
)	
DEFENDANT,)	

December 13, 2016
Columbia, South Carolina

BEFORE:

THE HONORABLE L. CASEY MANNING, JUDGE.

APPEARANCES:

SANDRA MOSIER, ASSISTANT SOLICITOR
Attorney for the State

ROBERT BANK, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 TERRELL KNIGHTER, after being duly sworn,
2 testified as follows:

3 THE COURT: Yes, ma'am.

4 MS. MOSIER: May it please the Court.

5 THE COURT: Yes, ma'am.

6 MS. MOSIER: I don't know if I need to go over here
7 or how you want to do this, but --

8 THE COURT: Whatever suits you, ma'am.

9 MS. MOSIER: Okay.

10 THE COURT: But he's got to come up here to the
11 stand.

12 Both of you, Mr. Bank.

13 MR. BANK: All right.

14 MS. MOSIER: The State calls --

15 MR. BANK: Would you like him up here, Your Honor?

16 THE COURT: Yeah. That's how we've been doing it
17 ever since I've been on the bench.

18 THE DEPUTY: Just stand right here. If you have to
19 hold onto this, you can hold onto that. Just stand.

20 THE COURT: Yes, ma'am.

21 MS. MOSIER: Thank you, Your Honor. Standing before
22 you is Mr. Terrell Knighter with his attorney, Bobby Bank,
23 of the Public Defender's Office.

24 The defendant was charged with criminal sexual
25 conduct in the third degree. He is pleading guilty today

1 to assault and battery in the first degree, and the State
2 is recommending sex offender counseling. And if he
3 successfully completes that counseling, he would not have
4 to register as a sex offender. There are no other
5 recommendations or negotiations whatsoever in the case.

6 THE COURT: What sort of counseling?

7 MS. MOSIER: This is the Sex Offender Counseling
8 Program that sex offenders typically have to complete.

9 THE COURT: How long does that program last?

10 MR. BANK: It's usually about 18 to 24 months.

11 THE COURT: All right. I believe I was informed a
12 couple of weeks ago that the victim now lives in
13 Massachusetts, something like that. She's been informed
14 of the details of this plea.

15 MS. MOSIER: Yes, sir, Your Honor. She's been
16 informed of the details of the plea. She lives in Maine
17 with her family.

18 THE COURT: Maine, I'm sorry.

19 I understand you represent Terrell Knighter.

20 MR. BANK: Yes, sir.

21 THE COURT: Have you explained to Mr. Knighter the
22 charge contained in this indictment, the possible
23 punishment and his rights, including his Constitutional
24 Right to a jury trial?

25 MR. BANK: Yes, sir.

1 THE COURT: In your opinion, does Mr. Knighter
2 understand the charge, the punishment and his rights?

3 MR. BANK: Yes, sir.

4 THE COURT: How does he indicate to you he wishes to
5 plead, guilty or not guilty?

6 MR. BANK: Guilty.

7 THE COURT: Do you agree with his decision to plead
8 guilty?

9 MR. BANK: I do.

10 THE COURT: From your investigation of the facts and
11 circumstances surrounding this case, do you feel that the
12 State could produce sufficient evidence to convince a jury
13 here in Richland County of Mr. Knighter's guilt beyond a
14 reasonable doubt if he were to stand trial on this charge
15 and that his conviction would be probable?

16 MR. BANK: Yes, sir.

17 THE COURT: Has Mr. Knighter been ordered to submit
18 to a mental examination to determine his competency to
19 stand trial?

20 MR. BANK: No, sir.

21 THE COURT: Any question in your mind, Mr. Bank, that
22 Mr. Knighter is, in fact, competent to enter this guilty
23 plea?

24 MR. BANK: I believe he is competent.

25 THE COURT: You are Terrell Knighter; is that

1 correct?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Knighter, you just heard your lawyer,
4 Mr. Bank, tell me that he has explained to you the charge
5 contained in this indictment, the possible punishment and
6 your rights, including your right to a jury trial and that
7 you understand these things; is that correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Knighter, you are before me on
10 indictment number 2016-2324, The State vs. Terrell
11 Knighter. This is an indictment for assault and battery
12 first degree. Do you understand this charge?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: This indictment, Mr. Knighter, alleges
15 that you did here in Richland County on or about
16 January 17th of 2013 engage in a sexual battery of [REDACTED]
17 [REDACTED] S.R. It says using force and coercion, but you're
18 pleading guilty to assault and battery first degree, which
19 means that technically you committed an assault and
20 battery that could have led to -- I think -- it's more
21 than moderate to severe, physical injury, language along
22 that line. Have you discussed this with your lawyer?
23 This is a lesser-included offense to CSC third.

24 Is it a lesser-included offense? He'd have to waive
25 presentment. To be on the safe side, I'm going to waive

1 it anyway. Is that fair enough?

2 MS. MOSIER: Yes.

3 THE COURT: Do you understand the allegation, Mr.
4 Knighter?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you want to plead guilty to -- the
7 specific language in this indictment, to assaulting
8 Ms. Robertson; is that correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you realize that by pleading guilty to
11 assault and battery first degree, Mr. Knighter, that you
12 could go to jail for ten years?

13 THE DEFENDANT: I understand.

14 THE COURT: Knowing then, sir, that you can go to
15 prison for ten years by pleading guilty to this charge, do
16 you still wish to plead guilty to it?

17 THE DEFENDANT: Repeat that again, sir.

18 THE COURT: Knowing then, sir, that you can go to
19 prison for ten years by pleading guilty to assault and
20 battery in the first degree, do you still wish to plead
21 guilty to this charge, sir?

22 THE DEFENDANT: (There was no response.)

23 THE COURT: Let me help you out, Mr. Knighter. I
24 have to explain to you the range of punishment, the
25 possible punishments, like I just asked you a minute ago

1 did your lawyer explain that to you. Now do you
2 understand my question?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I will repeat it again. Knowing then,
5 sir, that you could go to jail for ten years -- I'm not
6 saying you are going to jail for ten years -- but you have
7 to understand that you could. Do you understand that?

8 THE DEFENDANT: Oh, yes, sir.

9 THE COURT: Knowing then, sir, that you could go to
10 jail for ten years by pleading guilty to this charge, do
11 you still wish to plea guilty to it?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Now, Mr. Knighter, when you
14 plead guilty, you have to give up certain basic rights.
15 First of all, you have to give up your right to remain
16 silent. This is your right against self-incrimination,
17 Mr. Knighter, your right to say nothing at all. No one
18 can compel you to come into court to provide evidence or
19 testify against yourself. Do you understand this, sir?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Secondly, Mr. Knighter, when
22 you plead guilty, you have to give up your right to a jury
23 trial. That is your right for a jury here in Richland
24 County to decide whether or not you're guilty of this
25 offense beyond a reasonable doubt.

1 A jury would base its decision on whatever evidence
2 the State would introduce at trial against you and also on
3 whatever evidence you and your lawyer, Mr. Bank, may wish
4 to introduce.

5 Now, Mr. Knighter, I emphasize you may wish to
6 introduce, sir, because in a trial, you would be presumed
7 innocent, would not have to prove anything and you could
8 not be convicted unless the State convinced all 12 jurors
9 of your guilt beyond a reasonable doubt. The jury's
10 decision would have to be unanimous, all 12 would have to
11 agree that you're guilty of what you're charged with. Do
12 you understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Thirdly, Mr. Knighter, when
15 you plead guilty, you give up your right to confront and
16 to be confronted by the witnesses against you. That is
17 your right to see, hear and cross-examine any witnesses
18 the State may call to testify against you during a trial.

19 In addition, Mr. Knighter, by pleading guilty, you
20 give up your right to subpoena and call witnesses on your
21 own. That is someone may testify for you. Do you
22 understand that, sir?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand these rights I just
25 mentioned to you, Mr. Knighter? Do you understand what I

1 just went over with you?

2 THE DEFENDANT: I do.

3 THE COURT: Do you understand, sir, that when you
4 plead guilty, you have to give up these Constitutional
5 Rights? Do you understand that?

6 THE DEFENDANT: (There was no response.)

7 THE COURT: Mr. Knighter, let me make it easier for
8 you. I went way out of my way to sit and speak with you.
9 Now, if you have difficulty understanding what I'm asking
10 you -- I've asked these questions the same way for over 20
11 years. If you're having difficulty, I'll stop this plea
12 and let you talk to your lawyer. Do you need to talk to
13 your lawyer?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Go ahead.

16 (Pause.)

17 THE DEFENDANT: Okay. I understand.

18 THE COURT: Mr. Knighter, it's all right. I've done
19 this a long time. But this is the way I have to ask these
20 questions, you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Relax. Now, has anyone
23 promised you anything or has anyone threatened you in any
24 way in order to get you to plead guilty?

25 THE DEFENDANT: No, sir.

1 THE COURT: All right. Have there been any plea
2 negotiations, Solicitor? And what you just told me,
3 you're recommending probation, sex offender --

4 MS. MOSIER: Your Honor, the extent of the plea
5 negotiations are the reduction to assault and battery
6 first and that he complete Sex Offender Counseling.

7 THE COURT: And provided he successfully completes
8 that?

9 MS. MOSIER: Then he will not have to register as a
10 sex offender.

11 THE COURT: Not have to register. But there's no
12 specific recommendation as to sentencing?

13 MS. MOSIER: Correct.

14 THE COURT: I misunderstood the meeting we had a
15 couple weeks ago. I thought the State was recommending
16 probation. Let me see y'all back in chambers.

17 MS. MOSIER: Yes, Your Honor.

18 (There was a brief recess.)

19 THE COURT: Now, are we all ready?

20 MR. BANK: Yes, sir.

21 THE COURT: Now, Mr. Knighter, I realize you're a
22 little nervous. You're nervous, aren't you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: This is your mother?

25 THE MOTHER: Yes, Your Honor.

1 THE COURT: You're nervous, too?

2 THE MOTHER: Yes, sir.

3 THE COURT: I understand that. I'm nervous, too, if
4 that makes y'all feel any better.

5 Now, no specific recommendation as to sentencing, but
6 I mean, parenthetically, you can't go to Sex Offender
7 Counseling if you're in jail. Does that make sense to
8 you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. Now, do you still wish to continue
11 and plead guilty?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now, are you fully satisfied with the
14 manner in which your lawyer here, Mr. Bank, the way he has
15 advised and represented you on this charge?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you talked with him for as long and
18 for as often as you feel it necessary for him to properly
19 represent you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you need any more time to talk to him?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Go ahead. Do you need -- let me slow
24 down. Do you need any --

25 THE DEFENDANT: Oh, no, sir.

1 THE COURT: Do you need any more time to talk to your
2 lawyer?

3 THE DEFENDANT: Oh, no, sir.

4 THE COURT: Have you understood your discussions with
5 your lawyer, Mr. Bank?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Now, Mr. Knighter, has
8 Mr. Bank done everything for you you feel he should do or
9 could do on your behalf in advising and representing you
10 on this charge?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has he done anything you feel he should
13 not have done?

14 THE DEFENDANT: He did everything.

15 THE COURT: Are you completely satisfied with his
16 services?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have any complaints, Mr. Knighter,
19 against anyone at the Richland County Sheriff's
20 Department?

21 THE DEFENDANT: Hold that thought.

22 (Pause.)

23 MR. BANK: It's four years old. I'm sorry, Your
24 Honor.

25 THE COURT: Any complaints against the police agency

1 that arrested you, the Richland County Sheriff's
2 Department?

3 THE DEFENDANT: No, sir.

4 THE COURT: All right. Any complaints against anyone
5 working in the solicitor's office?

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you right now, Mr. Knighter, under
8 the influence of any intoxicating liquors or drugs?

9 THE DEFENDANT: No, sir.

10 THE COURT: Are you pleading guilty of your own free
11 will and accord?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you pleading guilty, once again, to
14 indictment 2016-4324, The State vs. Terrell Knighter,
15 assault and battery first degree, sir, because you did, in
16 fact, here in Richland County back on January 17th of 2013
17 commit an assault and battery upon one S. R.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You're pleading guilty because you
20 assaulted S. R. is that correct?

21 THE DEFENDANT: Oh, yes, sir.

22 THE COURT: Solicitor, I'll be happy to hear about
23 it.

24 MS. MOSIER: Thank you, Your Honor. The victim and
25 the defendant in this case, Your Honor, met on an internet

1 dating website named Tag back in 2012. Between December
2 of that year and January of 2013, so roughly about a
3 month, the two had a brief relationship during which they
4 had consensual sex.

5 At some point in early January, the victim decided
6 that she no longer wanted to be in that relationship, but
7 they did continue being friends after that point.

8 On January 17th, the defendant invited the victim
9 over to his residence. She did go over there. The two
10 watched TV and they talked. They hung out for a little
11 while. At some point, the victim decided that she wanted
12 to go home.

13 At that point, the defendant grabbed her by the arm
14 and asked her not to leave. She said she had to go, but
15 then he again told her, "No. I don't want you to leave,"
16 and he was able to turn her around and push her onto the
17 bed that was in the room.

18 At that point, the victim tried to get up. He pushed
19 her down. At some point, her pants came off. The victim
20 told him to stop, but he was able to keep her down. And
21 there was a sexual assault of some sort that occurred.

22 About a week after this accident, the victim
23 contacted Sexual Trauma Services of the Midlands and with
24 their help, she went and reported the incident to Richland
25 County.

1 Upon being confronted with this evidence against him,
2 the defendant did make some statements, although he did
3 deny any sort of sexual conduct with the victim. He did
4 admit to seeing her on that day and seeing her in the
5 bedroom.

6 Your Honor, there were some text messages that
7 occurred after this point between the victim and the
8 defendant in which the victim, essentially, confronted him
9 about what he had done and he did, in fact, apologize.

10 The victim in this case is a [REDACTED] S.R. She
11 has since moved up to Maine where she has a new job. She
12 has a family. She's married with a child, her first
13 child, and quite frankly, is not interested in coming back
14 to South Carolina to prosecute this case after four years.

15 THE COURT: I understand.

16 MS. MOSIER: And that has led us to this resolution
17 in the case.

18 THE COURT: Does Mr. Knighter have a prior record?

19 MS. MOSIER: He has no prior record.

20 THE COURT: Now, Mr. Bank, that's pretty much from
21 your investigation how this matter unfolded?

22 MR. BANK: Yes, Your Honor. I think there is a
23 dispute about how much physical force was used --

24 THE COURT: Let me ask that again.

25 MR. BANK: Yes, sir.

1 THE COURT: Is that pretty much substantially how
2 this matter unfolded?

3 MR. BANK: Yes, sir.

4 THE COURT: All right. I find that there's a
5 substantial factual basis for your plea, Mr. Knighter. I
6 further find your decision to plead guilty to be freely
7 and voluntarily, knowingly and intelligently made and that
8 you had the advice of competent counsel with whom you
9 indicated you're completely satisfied with. Therefore,
10 I'll accept your plea.

11 Mr. Bank, I'm happy to hear from you.

12 MR. BANK: Thank you, Your Honor. May it please the
13 Court. Terrell is 32 years old. As has been kind of
14 alluded to some, I think, he has had a lifelong and
15 ongoing medical condition where he has a shunt in his head
16 that was put into his head as a child that prevents some
17 fluid and swelling issues that he's had since that time.
18 It affects, as you can see, his balance. He has got other
19 medical issues.

20 His parents, specifically, his mother and father --
21 his mother is here today -- are, essentially, his
22 caretakers. He has his own apartment on the property, but
23 his parents also have a house on the property. So they're
24 able to help him with what he needs.

25 Your Honor, at the time of this incident, he didn't

1 have a tremendous amount of experience with mature
2 relationships, and this was obviously something that never
3 happened before and has never happened since. I'm not
4 concerned about it happening again.

5 But, Your Honor, given his medical condition, given
6 the fact that the State is requesting sex offender
7 classes, he's got no criminal record, he's fairly
8 constrained to his home as it is, and he is very dependent
9 with his parents on his healthcare, we're asking for a
10 probationary sentence so he can complete that Sex Offender
11 Counseling.

12 We would ask that -- the class, typically, lasts
13 about 18 to 24 months, depending on the patient. We would
14 ask not only for there to be no sex offender registry at
15 the end, but potentially, that probation can end upon the
16 successful completion of that class.

17 THE COURT: All right. Thank you, Mr. Bank.

18 Anything you'd like to tell me, Mr. Knighter?

19 THE DEFENDANT: Sir?

20 THE COURT: Anything you would like to tell me?

21 THE DEFENDANT: No, sir.

22 THE COURT: Very well. On indictment 2016-4324,
23 State vs. Terrell Knighter, assault and battery third
24 degree, sentence is three years, suspended to three years
25 probation, Sexual Offender Counseling --

1 MR. BANK: Your Honor, there's actually -- I don't
2 mean to interrupt.

3 THE COURT: Go ahead, though, anyway.

4 MR. BANK: Probation has asked me to have you
5 actually put a specific thing in the order --

6 THE COURT: Wait, slow down.

7 MR. BANK: Probation has requested that we word the
8 sex offender conditions in a specific way for certain
9 requirements.

10 THE COURT: Well, are you going to tell me what it is
11 or you want me to guess what it is?

12 MR. BANK: I'm --

13 THE COURT: Relax. Calm down. How do y'all need me
14 to word this for you?

15 MR. BANK: First, there has to be a condition that he
16 must abide by all sex offender conditions; second, that he
17 must be supervised by a sex offender agent during
18 probation; third, that there be no GPS monitoring.

19 THE COURT: All right. You prepare an order
20 specifically laying out those conditions. I'll happy to
21 sign it and attach it to the sentencing sheet.

22 MR. BANK: Your Honor, I've actually approached Agent
23 King about doing it that way, and she has been very
24 adamant that it actually needs to be written on the
25 sentencing sheet.

1 THE COURT: Where am I going to write it on the
2 sentencing sheet? There's not enough room to write it on
3 the sentencing sheet. "See attached order". All right?

4 MR. BANK: All right. I'll prepare an order, Your
5 Honor.

6 THE COURT: I'll help everybody out. Look, it's one
7 of those things. Obviously, my sentence reflects my
8 feelings about the whole thing, but in order to be on the
9 safe side, I would say whatever "PTUP after counseling
10 complete, see attached order."

11 MR. BANK: Yes, sir.

12 THE COURT: Okay. That way everybody can be covered
13 along the lines that you asked.

14 PROBATION AGENT: Your Honor, if I could ask, if you
15 specifically put PTUP on the order, they're going to
16 require him to pay his fines and fees. If we say that the
17 case may terminate upon completion of --

18 THE COURT: Counseling as well as all other
19 conditions.

20 PROBATION AGENT: Okay.

21 THE COURT: Does that cover everything?

22 MR. BANK: Yes, sir.

23 THE COURT: All right. Let him see it before I sign
24 it.

25 PROBATION AGENT: Okay. Thank you.

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MS. MOSIER: Thank you, Judge.

THE COURT: All right. All right. My pleasure.

Do you understand the sentence, Mr. Knighter?

THE DEFENDANT: Yes, sir.

(Whereupon, the proceedings were concluded.)

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS 25

COUNTY OF Richland)

STATE VS.)

Terrell Denard Knightner)

AKA:)

Race: BLACK Sex: M Age: 32)

DOB: 03-09-1984 SS#: 248-63-4717)

Address: 7817 Crestbrook Road)

City, State, Zip: Columbia, SC 29223)

DL#: 100068360 SID#:)

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Assault & Battery 1st degree

INDICTMENT/CASE#: 2016GS4004324

A/W#: 2013A4010600139

Date of Offense: 1/17/2013

S.C. Code § : 16-03-0654

CDR Code #: 0162

SENTENCE SHEET (0-10yrs)

CONVICTED OF or PLEADS

in violation of § 16-03-600(c)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

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

ATTEST: Sandra Vriesinga Moser, Sandra Vriesinga SC Bar# 80229 Terrell Knightner Defendant Robert Bank Attorney for Defendant 10112 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 _____ 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 the State Department of Corrections.

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP After Counseling Complete
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine:		\$
§ 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)		\$

TOTAL \$ _____

Clerk of Court/ Deputy Clerk

Court Reporter: Ambrosia

SCCA/217 (07/2016)

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: SEE ATTACHED

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 Phyllis Mann

Judge Code: 730

Sentence Date: 12-13-16

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Warrant Number: 2016GS4004324

The State of South Carolina,)

vs.)

SENTENCING ORDER

Terrell Denard Knightner,)
Defendant.)

This matter comes before me on motion of Robert L. Bank Jr., attorney for the above-captioned defendant. It appears that the Defendant pled guilty to the above listed indictment on December 13, 2016 before the Honorable Judge Manning. The Defendant was sentenced to three years incarceration suspended to three years probation. The Defendant's probation shall also include the following conditions:

1. That he must abide by all sex offender conditions;
2. That he be supervised by a sex offender agent;
3. That he not be required to be monitored by GPS;
4. That he is not to be placed on the sex offender registry unless there is a violation of these terms;
5. That probation may terminate upon completion of sex offender counseling.

RICHLAND COUNTY
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 CLERK OF COURT
 C.C.P. & G.S.

NOW THEREFORE IT IS ORDERED that the above stated conditions shall apply to the Defendant's sentence.

AND IT IS SO ORDERED.

[Handwritten Signature]

 Honorable Casey Manning
 Circuit Judge
 Fifth Judicial Circuit

Columbia, South Carolina

This 13 day of December, 2016

[Handwritten mark]

Probation

Form 16.1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

ARREST WARRANT

Indictment Number: 16-GS-40-04324

Warrant Number: W-40-18-0365

State Identification No. (SID) 02092995

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

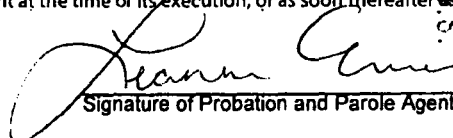
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF COLUMBIA, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that TERRELL DENARD KNIGHTNER, did on the 29 day of August, 2018 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Terrell Denard Knightner has violated conditions 1, 4, and 6 of his Computer and Internet Use Agreement, conditions 2, 4, 6, and 8 of his Standard Sex Offender Conditions, and conditions 1, 7, 9, and 10 of his Standard Conditions of Supervision as ordered in cause number 16-GS-40-04324 in the Richland County court of General Sessions by the Honorable Judge Manning on 12/13/2016 and continuation order dated 03/21/2017.

Now, therefore, you are empowered and directed to arrest the said defendant and bring TERRELL DENARD KNIGHTNER 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 practicable. Done at COLUMBIA, S. C. this 29 day of August, 2018.


Signature of Probation and Parole Agent

County of RICHLAND

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Hillary Evers, who, first being duly sworn, deposes and says that TERRELL DENARD KNIGHTNER did within this County and State on the 29 day of August, 2018, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Terrell Denard Knightner has violated conditions 1, 4, and 6 of his Computer and Internet Use Agreement, conditions 2, 4, 6, and 8 of his Standard Sex Offender Conditions, and conditions 1, 7, 9, and 10 of his Standard Conditions of Supervision as ordered in cause number 16-GS-40-04324 in the Richland County court of General Sessions by the Honorable Judge Manning on 12/13/2016 and continuation order dated 03/21/2017.

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:

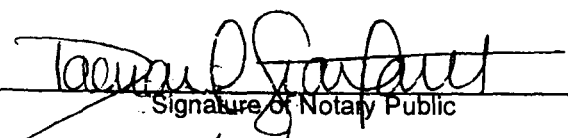
Terrell Knightner has failed to follow the advice and instructions of his agent in that he failed to refrain from accessing the social media site "Snapchat"; failed to refrain from accessing pornographic websites having admitted to watching porn and masturbating as a result; failed to refrain from deleting incriminating information from his phone having admitted to "erasing" things so his agent would not find it; failed to actively participate in Sex Offender Counseling having been terminated on 08/13/2018; failed to refrain from having contact with minors, having confessed on a polygraph examination to having contact with his two minor-aged nieces and nephew without prior permission from his supervising agent; failed to comply with the Computer/Internet Use Agreement for Sex Offenders by accessing pornography, using social media and deleting material from his phone; failed to make truthful reports to agents prior to his polygraph examination; failed to pay supervision fees being \$640 in arrears, failed to pay Court Ordered Fines being \$400 in arrears, and has failed to pay his DNA fee being \$230 in arrears.

Sworn to and Subscribed before me
this 29 day of August, 2018.


Affiant

Address: 1221 GREGG STREET
COLUMBIA, 29201

(803) 734-6320


Signature of Notary Public

(L.S.)

10/31/2027
My Commission Expires

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

THE STATE against

TERRELL DENARD KNIGHTNER

INFORMATION ON DEFENDANT

Name TERRELL DENARD KNIGHTNER
Address 7817 CRESTBROOK RD. COLUMBIA, SC 29223
Phone (803) 960-9053
Sex Male Race Black Height 508
Weight 115 Birth date 3/9/1984
Social Security Number 248634717

INFORMATION ON WITNESSES

Name
Address
Phone

Offense Section: 24-21-450

Date: 8/29/2018

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

Hillary Evers

Terrell Denard Knightner

on the 30 day of August, 2018.

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.

Signature of Judge (L.S.)

Disposition

Sentence

Co-Defendants

PRELIMINARY HEARING held by

Magistrate on with

Attorney for the Defendant.

Decision

Date Set

Magistrate

Amount

Surety

BAIL

RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND) 2019 JAN 24 PM 2:16
Indictment Number: 2016GS400324 4324

The State of South Carolina,) JEANETTE W. MCBRIDE) Probation Warrant No.: W-40-18-0365
) C.C.P. & G.S.)

2013A401000139

vs.)

MOTION TO ORDER EVALUATION TO
DETERMINE FITNESS FOR PROBATION

Terrell Denard Knightner,)
Defendant.)

COMES NOW, the Probationer, by and through undersigned counsel to move this court to Order the Probationer, Mr. Terrell Denard Knightner, to undergo an Evaluation to Determine Fitness for Probation. On December 13, 2016, Mr. Knightner plead guilty to Assault and Battery 1st Degree. He was sentenced to 3 years imprisonment, suspended upon 3 years of probation; probation to terminate after Sex Offender Counseling is complete. Mr. Knightner's probation is scheduled to terminate on or about December 12, 2019 and he has been in Sex Offender Counseling since the beginning of his Probation. A hearing on the matter was scheduled for January 25, 2019 before The Honorable L. Casey Manning.

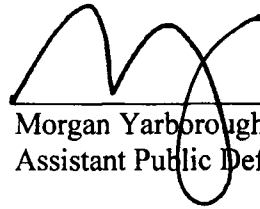
On or about August 30, 2018, Mr. Knightner was issued a warrant for a violating the terms and conditions of probation. On November 26, 2018, Mr. Knightner attended an Administrative Hearing conducted by the Office of Probation, Parole and Pardons. He requested and was appointed an attorney from the Richland County Public Defender's Office on November 30, 2018. Counsel met with Mr. Knightner on December 11, 2018 and January 17, 2019 at both meetings counsel was unable to effectively communicate with the client regarding his probation violation.

Counsel learned that Mr. Knightner suffers from Hydrocephalus. Hydrocephalus is a disease that causes damage to brain tissues and a range of impairments in brain function. In both meetings with Mr. Knightner family members had to answer questions for him and he frequently said that he did not understand what counsel was asking him. Mr. Knightner graduated from A.C. Flora High School, but not with a diploma, rather a Certificate of Participation. He always had an Individualized Education Plan (IEP) while attending school and was in Special Education Classes. Mr. Knightner's only ability to find employment is through the Babcock Center, a non-profit organization that helps individuals with supportive employment opportunities. Mr. Knightner has

to have a case manager and job coach for his employment. Mr. Knightner's Hydrocephalus has worsened as he's gotten older and greatly diminishes his capacity to understand the rules, regulations and repercussions of Probation.

For the foregoing reasons, Mr. Knightner respectfully requests this Court to issue an Order for Mr. Knightner to be Evaluated to Determine his Fitness for Probation. See Attached Order.

Respectfully Submitted,



Morgan Yarborough Drapeau
Assistant Public Defender

Columbia, South Carolina
This 14 day of January, 2019

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
2016-GS-40-04324

State of South Carolina,)
Plaintiff,)
vs.) TRANSCRIPT OF RECORD
Terrell Denard Knightner,)
Defendant.)

May 31, 2019
Columbia, South Carolina

B E F O R E:

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.

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

DEPARTMENT OF PROBATION PAROLE AND PARDON
Appearing for the Plaintiff

MORGAN Y. DRAPEAU, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

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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

Court 1 Mental Health Assessment Page 4

1 nieces and nephew, and he was not given permission
2 to do that.

3 And, like I said, he was deleting the
4 materials from his phone before he would come into
5 the office so his agent would not find it upon a
6 search.

7 He was also continued a few times because he
8 was ordered a mental health evaluation. And on the
9 sixth page of the evaluation, the evaluators, or
10 those that did the assessment, said that in their
11 opinion Mr. Knightner has the capacity to
12 understand the proceedings against him and to
13 assist his defense, so.

14 MS. DRAPEAU: Would you like a copy of the
15 order, Judge?

16 THE COURT: Sure. We probably need to make it
17 a part of the record.

18 THE PROBATION OFFICER: I attached a copy in
19 your packet.

20 THE COURT: Oh, I have a copy, so she just
21 needs a copy to mark it.

22 MS. DRAPEAU: Make it a Court Exhibit?

23 THE COURT: Yes.

24 (WHEREUPON, Court's Exhibit No. 1 was
25 marked for identification only.)

1 THE COURT: Anything else?

2 THE PROBATION OFFICER: I do want to make note
3 that he has paid all of his money. He is not in
4 arrears right now. I know that was attached to the
5 bottom, so.

6 THE COURT: And your recommendation?

7 THE PROBATION OFFICER: It is the State's
8 recommendation to revoke. That was the hearing
9 officer's recommendation. My recommendation was to
10 revoke 60 days and continue on supervision and to
11 PTUP after successful completion of the sex
12 offender counseling. He will have to reenroll, so
13 he will have to start over the process. And, of
14 course, it is your discretion if he is on the sex
15 offender registry or not.

16 THE COURT: Any objection to the
17 recommendation?

18 MS. DRAPEAU: Yes, Judge. We would ask you to
19 consider terminating. Your Honor, he has been on
20 probation for nearly a year and a half now. He has
21 been in the sex offender classes. These classes
22 are, my understanding when I added all the weeks
23 together, about six to eight months long generally
24 as to how long they would take. Because of his
25 intellectual disability, it has been more difficult

1 for him to be able to get through the classes. And
2 he actually only had four left at the time that he
3 was terminated from the classes due to the
4 polygraph examination.

5 Judge, the communication with his niece and
6 nephew, while we understand that is a violation,
7 his charge was not anything to do with criminal
8 sexual conduct with minors, and the communication
9 with the niece and nephew was with his mother, who
10 is in the courtroom. She was present during that,
11 and he was always supervised during those times.

12 He lives in the house behind them, which has
13 been approved by probation, from my understanding.
14 And so one day she was ill and needed him to cook
15 dinner, and that is when he was in the house, and
16 the kids came running down.

17 Judge, he understands absolutely that he
18 should not be looking at pornography. This is the
19 first time ever being in front of a General
20 Sessions judge is when he was revoked last time
21 with his paperwork. This has been a traumatic
22 experience for both him and his mother. The idea
23 of having to go to jail for any length of time has
24 been a big learning lesson for them. And they are
25 hoping that Your Honor would consider terminating

1 or continuing potentially with the ability for him
2 to be able to start the classes where he left off.
3 If he has to start back over again, it is going to
4 continue to be difficult for him to get through the
5 classes because of his intellectual disability.

6 If Your Honor is considering any kind of jail
7 time, we ask you to consider the weekend time. He
8 can get there on the weekends. He has got a
9 full-time job. He works at Palmetto Car Wash. He
10 has been working there for several years now. He
11 has held that down. It is a stable job for him.
12 It is a job for people with intellectual
13 disabilities. It has been incredibly beneficial to
14 him. And that is why he has been able to maintain
15 doing his best with keeping up with arrears with
16 probation because he is constantly working hard and
17 doing what he needs to do in that regard.

18 THE COURT: Yes, ma'am? Any response?

19 THE PROBATION OFFICER: No, Your Honor.

20 THE COURT: And what is your recommendation
21 again?

22 THE PROBATION OFFICER: Ma'am?

23 THE COURT: Your recommendation again?

24 THE PROBATION OFFICER: It is 60 days and
25 continue on supervision and complete the sex

1 offender counseling. He must reenroll. That is
2 not our rule, that is the actual counselor's rule.
3 And, of course, it is your discretion to put him on
4 the registry or not.

5 And I do want to add that he knows his
6 conditions. And he was deleting stuff out of his
7 phone and doing things before he came into the
8 office because he knew that it was wrong. He was
9 ordered to follow sex offender conditions, and sex
10 offender conditions includes not having contact
11 with minors. He had no order stating that he could
12 have contact with minors, whether his family or
13 not. So bottom line is, he broke the rules.

14 THE COURT: All right. I am going to follow
15 the recommendation of the State. You know, I don't
16 know -- y'all are asking me -- I know what Judge
17 Manning put in his order. I'm reading the order,
18 but I don't know anything about the underlying case
19 for me to decide whether or not he needs to be on
20 the registry or not on the registry, other than
21 Ms. Drapeau said it had nothing to do with
22 children. So, frankly, y'all can take it back to
23 Judge Manning. I mean, the way the order is
24 written is that if he violates, he goes on the
25 registry. But that is not my order.

1 MS. DRAPEAU: Yes, Judge.

2 THE COURT: I don't know anything about the
3 case.

4 THE PROBATION OFFICER: I could possibly give
5 you a copy of the incident report if that would
6 clarify a few things or --

7 MS. DRAPEAU: I think, Judge, it might be
8 something better for me to talk about with Judge
9 Manning. This is a complex case, which is why part
10 of the reduction was there and why Judge Manning
11 made the ruling that he made.

12 THE COURT: But his order says, If he
13 violates. I mean, it almost is like an automatic
14 that he goes on the registry. It doesn't say, The
15 violating judge has the discretion, it says, If he
16 violates.

17 MS. DRAPEAU: Yes, Judge.

18 THE COURT: I mean, so from reading, He is not
19 to be placed on the sex offender registry unless
20 there is a violation of these terms, which the
21 terms are that he must abide by all sex offender
22 conditions, which he has not.

23 THE PROBATION OFFICER: Would you like to see
24 a copy of the incident report?

25 THE COURT: I am just saying I think the way

1 the sentencing judge sentenced him, that if he gets
2 violated, he goes on the registry.

3 MS. DRAPEAU: So I think if -- I understand
4 the way that it reads and what Your Honor is
5 saying, and I know that you have made an order, but
6 if we are going to put him on the registry, that is
7 going to be something that affects his entire life.
8 He is going to be watched by Richland County
9 supervision. I would ask that we consider
10 potentially not going along with the 60 day
11 revocation so that he can keep his job, keep
12 working, and then he will be dealing with Richland
13 County Sheriff's Department, which is going to be a
14 huge impact on his life.

15 THE COURT: I know, but I'm assuming whenever
16 whoever made the -- whenever the plea was done in
17 front of Judge Manning, it was done because he was
18 trying to give him a chance not to be on the
19 registry and put him on probation. But the way the
20 order reads, I mean, it says if he has a violation,
21 then it triggers the registry.

22 MS. DRAPEAU: If I may, Your Honor -- and you
23 may genuinely -- I think that it was expected that
24 he was going to be done with probation within about
25 six to eight months and not be continuously on

1 these classes for a year and a half. He is a
2 35-year-old adult male that hasn't had a
3 relationship with a woman since this incident has
4 occurred. And I know, we understand that there are
5 violations, but he is engaging in natural
6 behaviors. And this is something that I believe
7 Judge Manning thought was going to be a quick
8 probation, and we didn't consider the intellectual
9 disability and how difficult it would be to get
10 through the classes. He has been in these classes
11 over double the amount of time that was expected
12 for someone to be in the classes.

13 THE COURT: Well, Judge Manning put him on
14 probation until the end of '19, so he didn't --

15 MS. DRAPEAU: Well, to PTUP on the classes.

16 THE PROBATION OFFICER: Your Honor, it usually
17 takes everyone, depending on -- I mean, no matter
18 what their mental capacities are, it usually takes
19 them at least a year and a half to complete the
20 counseling that he was enrolled in. And the
21 counseling -- the other -- our other counseling
22 options, they are pretty much in there until the
23 end of their supervision. So that was the best
24 option. And it is pretty much self-paced. As long
25 as you do everything you are supposed to do the

1 correct way the first time, it gets approved and
2 you move on to the next lesson.

3 And he -- I believe he was on or around less
4 than 11 in the first book, so he had a few in that
5 book, and he has to complete the next book.

6 MS. DRAPEAU: Judge, he has completed the
7 second book and he is on 11 of the second book,
8 with 13 in that book.

9 And because it is self-paced and because this
10 is so difficult, when you look through his books,
11 you see all these x's, and stuff like that, because
12 he is giving it a good faith effort. It is not
13 like he is ignoring his obligations and not trying
14 to do it, he is doing the best that he can with
15 these books to get them done and completed.

16 THE COURT: All right. So he can do -- I'm
17 going to revoke -- follow the recommendation of the
18 State. I think the way the order is written that
19 he automatically is going to have to -- I mean, the
20 way Judge Manning's order is written, he is going
21 to have to go on the registry. I don't even think
22 that is a decision for me to make today.

23 He can -- if he is working and y'all can
24 verify that he is working and where he is working,
25 he can do the 60 days on the weekend. But he has

1 got to go register.

2 MS. DRAPEAU: Yes, Your Honor.

3 THE COURT: With the Sheriff's Department.

4 THE PROBATION OFFICER: So we are going to do
5 the 60 day weekend time?

6 THE COURT: Yes. What did you recommend, 60
7 days?

8 THE PROBATION OFFICER: Yes, ma'am.

9 THE COURT: I'm assuming -- he works at a car
10 wash. I'm assuming he works on the weekend.

11 MS. DRAPEAU: Judge, I believe that he works
12 Monday through Friday. That's from my
13 understanding.

14 THE DEFENDANT: I work Monday through Friday.

15 MS. DRAPEAU: Monday through Friday, Judge.
16 And we can get that documentation for you today. I
17 might already have it in the file.

18 THE COURT: For probation?

19 MS. DRAPEAU: Yes, Judge.

20 THE COURT: If he has any missed -- because it
21 is going to be difficult to do 60 days going every
22 weekend, I guess starting today. It is going to be
23 difficult. If he misses any weekends, then y'all
24 go ahead and pick him up and let him do the
25 straight 60 days.

1 THE PROBATION OFFICER: Okay.

2 THE COURT: So we will give him a chance not
3 to lose his job.

4 MS. DRAPEAU: Thank you, Judge.

5 THE COURT: All right. But he has got to go
6 today, though. So does he have -- what time do
7 y'all want him to report?

8 MS. KING: They have got to report by
9 6:00 p.m. at Alvin S. Glenn.

10 THE COURT: Do you understand that, sir?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Is his mom still here?

13 MS. DRAPEAU: Yes, Judge, she is here. Let me
14 ask Your Honor to consider, as probation -- some of
15 the things can be a little confusing to him because
16 of his intellectual disability. If there are
17 certain things that they are going over, if his
18 mother could be apprised of it as well to help
19 ensure that he truly knows exactly what is
20 happening.

21 THE COURT: They don't have a problem with
22 that.

23 MS. DRAPEAU: Well, she has asked sometimes to
24 go in and has been told that she can't.

25 THE PROBATION OFFICER: When it comes to

1 office visits, no. He always reports to me. I
2 have never -- you know, I talk to his mom about
3 some things if she asks me questions out front, but
4 usually we don't let people back. I mean, he
5 was -- Judge Manning saw fit to put him on
6 supervision with us, and I feel like he is -- he
7 has enough mental capacity to understand. And if
8 he doesn't, I explain it thoroughly and make sure
9 he understands, and he repeats it to me, so.

10 THE COURT: All right. Well, ma'am, he has to
11 go to Alvin S. Glenn Detention Center every weekend
12 until he has done 60 days, Friday at 6:00 until
13 Sunday at 6:00. So today you will have to take him
14 to the -- do you drive, sir?

15 THE DEFENDANT: Not right now.

16 THE COURT: You will have to take him to Alvin
17 S. Glenn Detention Center. He cannot be around any
18 minors. He is going to have to go to the Sheriff's
19 Department because there is a violation -- the way
20 the order was written, he is going to have to go to
21 the Sheriff's Department and register under the sex
22 offender registry. Do you understand? Ma'am?

23 DEFENDANT'S MOTHER: (Nods affirmatively.)

24 MS. DRAPEAU: Ma'am, do you understand? She
25 is talking to you.

1 DEFENDANT'S MOTHER: Yes.

2 THE COURT: And Ms. Drapeau can explain some
3 of the --

4 MS. DRAPEAU: Absolutely, Judge.

5 THE COURT: -- registry stuff, because if he
6 violates that, then they are going to bring him
7 back in here on a violation of the failing to
8 register. So please explain all of that.

9 MS. DRAPEAU: I will, Judge.

10 THE COURT: All right, thank you.

11 MS. DRAPEAU: Thank you.

12 THE PROBATION OFFICER: Thank you, Your Honor.

13 THE COURT: All right, thank you.

14 (WHEREUPON, the hearing adjourned at
15 11:05 a.m.)

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(END OF TRANSCRIPT)

Mary Poole
State Director
Patrick Maley
Deputy Director
Rufus Britt
Associate State Director
Operations
Susan Kreh Beck
Associate State Director
Policy

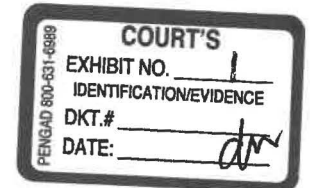


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3440 Harden Street Ext (29203)
 PO Box 4706, Columbia, South Carolina 29240
 803/898-9600
 Toll Free: 888/DSN-INFO
 Home Page: www.ddsn.sc.gov

JOINT DDSN/DMH EVALUATION OF COMPETENCY TO STAND TRIAL

Name	Terrell Knightner	Gender	Male
County	Richland	Race	African-American
Date of Evaluation	5/7/2019	Date of Birth	3/9/1984
Place of Evaluation	SCDMH Forensic Evaluation Service	Age	35 years
Examiners	Colbi J. Sutton, PsyD (DDSN) Jeffrey M. Washelesky, PsyD (DMH)		
Charge(s)	Assault and Battery First Degree and Violation of Probation		



Purpose of Evaluation

This evaluation was conducted pursuant to an order dated 3/22/2019 (received by DDSN on 4/11/2019) and signed by the Honorable L. Casey Manning; Presiding Circuit Court Judge of the Richland County Court of General Sessions. The order required that Mr. Knightner be evaluated by the Department of Disabilities and Special Needs, and if needed the Department of Mental Health, to determine his competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and Section 44-23-410, Code of Laws of South Carolina (Supp. 2012). Mr. Knightner's charges stemmed from the incident(s) on or around 8/29/2018. Mr. Knightner is currently on bond.

Limits of Confidentiality

At the outset of this evaluation, Mr. Knightner was notified of these examiners' role, the purpose of this evaluation, and the limits of confidentiality. The evaluation information form was read to him; he agreed to proceed and signed the form. Upon inquiry, he noted this evaluation to be ordered by "the judge" to evaluate his knowledge of "my offense and the court." He identified "the solicitor, the judge, and the lawyer" as recipients of the resulting report.

Summary of Evaluation Results

Presence of Intellectual Disability/Related Disability	Yes
Presence of Mental Illness	No
Competent to Stand Trial	Yes

Evaluation Procedures

Mr. Knightner was evaluated by the undersigned and Dr. Washelesky, who concurs with opinions in this report.

Sources of Information

1. Interview of the defendant on 5/6/2019, in the presence of Rozanna Tross, PsyD, for approximately 2 hours;
2. Social Work Assessment conducted by Marsha DeRosier LISW-CP, with Mr. Knightner's mother, Sandra Knightner on 4/4/2019;
3. Court order for competency to stand trial evaluation dated 3/22/2019;
4. Richland School District One records dated 1991 to 2004;
5. Richland Memorial hospital records dated 1/6/1992 to 8/12/1997;
6. Psychoeducational evaluation reports by William O. Sullivan, PhD, NCSP, evaluation date of 3/7/1997;
7. A fax cover sheet from WellPath, dated 4/4/2019;¹
8. Alvin S. Glenn Detention Center records, dated 8/30/2018;
9. SCDDSN case management assessment and support plan, started 8/16/2018
10. Information from Richland County pertaining to his current charges including:
 - a. SC Department of Probation, Parole and Pardon Services Violation Report (16-GS-40-0424);
 - b. Arrest Warrant (W-40-18-0365).

Background Information

History in this section is as provided by the defendant and supplemented by information available in other records. Mr. Knightner appeared to be an adequate historian.

Social History:

Mr. Knightner's mother, Sandra Knightner, said Mr. Knightner met his developmental milestones (e.g., sitting up, talking, walking, etc.) later than expected. Mr. Knightner described being raised by his parents with his younger sister (age 26). He said he has lived in an apartment behind his parent's home in Richland County, SC for less than one year. He reported his niece and nephew live with his parents and he knew he is not allowed to be around them because they are minors, which is a condition of his probation. He indicated he obtained a driver's license around the age of 17 or 18 but now often uses the driving service, Lyft because he does not have a car. He described being independent in cooking simple meals and running errands.

Educational History:

Mr. Knightner reported he completed the 12th grade and received a certificate. He explained that he was in self-contained classes but was not sure why he received special education resources. Records indicate he was served in a self-contained class for the educable mentally disabled (now referred to as intellectually disabled) and also received speech therapy, occupational therapy, and physical therapy. These records indicate he made significant progress in all areas including walking, talking, and motor control. Consistent with Ms. Knightner's report, Mr. Knightner denied having significant behavioral problems while in school.

¹ His case was open from 2/28 to 3/6/2013, but his chart was unavailable for review because it was placed in storage.

Employment History:

Mr. Knightner reported that after high school, he completed a job training program at Vocational Rehabilitation and then worked at Career Home Care. He indicated that his job was to clean offices, but he was "let go." He appeared somewhat unsure why the position ended but indicated that his commute to work was longer than what his parents were comfortable with. He said he is working at Palmetto Carwash, a mobile car wash, where he travels to various places to wash cars. He described working full-time and being employed there for almost one year. He indicated that one day he would like to own his own yard service business. He said his mother is his payee, but he manages his own spending money and has a bank account. He reported he also receives Social Security disability benefits.

Medical History:

Ms. Knightner reported that Mr. Knightner was born with hydrocephalus (a build-up of fluid in the brain) and has a shunt from his brain to his stomach. Mr. Knightner explained that the shunt was most recently replaced when he was a teenager. He denied a history of head injuries with loss of consciousness or other serious medical conditions. He indicated he sometimes has headaches, for which he takes aspirin.

Substance Use History:

Mr. Knightner said he has consumed alcohol infrequently since the age of 18 years old and denied having alcohol-related problems. He explained that he does not currently consume alcohol because "I'm on probation; I can't do it." He denied using illicit substances or abusing prescription medications.

Mental Health History:

Ms. Knightner indicated that Mr. Knightner's family history is not significant for mental illness. Consistent with her report, Mr. Knightner said he does not have a history of psychiatric treatment, medications, or hospitalizations. He also denied a history of suicidal or homicidal thoughts. Additionally, Ms. Knightner denied observing Mr. Knightner exhibit symptoms indicative of depression, mania, anxiety, or psychosis.

DDSN History:

According to the SCDDSN Consumer Data Support System, Mr. Knightner is a DDSN consumer. He was determined eligible for services under the intellectually disabled category by the Richland-Lexington DDSN Board on 3/7/1997.

Psychological Test Results:

Richland School District One psychoeducational evaluation report by William O. Sullivan, PhD, NCSP:

4/14/1994 (age 10)

Wechsler Intelligence Scale for Children-Revised	
Verbal Intelligence	48
Performance Intelligence	47
Full Scale	44

3/7/1997 (age 12)

Wechsler Intelligence Scale for Children-Third edition	
Verbal Intelligence	59
Performance Intelligence	50 ²

² His performance on these tasks was significantly impacted by his physical limitations indicating this score is an underestimate of his genuine abilities.

Full Scale	51
Vineland Adaptive Behavioral Scales	
Communication:	41
Daily Living Skills:	24
Socialization:	50
Adaptive Composite:	35

Behavioral Observations and Mental Status

Mr. Knightner is a 35-year-old, African-American man who presented with adequate hygiene. He had an irregular gait and held on to the wall for support when he walked. He was cooperative and exhibited appropriate eye contact. His speech was coherent, and he presented with goal-directed, linear thinking. He did not exhibit difficulties with attention, concentration, or memory. Mr. Knightner reported his typical mood as "fine" and demonstrated appropriate affect (i.e., observed expression of emotion). He said he is not currently prescribed medication. He denied recent problems or changes in his sleep or appetite. He also denied symptoms indicative of depression, mania, anxiety, paranoia, or psychosis (i.e., hallucinations). He did not appear to be responding to internal stimuli or voice overt delusions. He also denied current thoughts of wanting to hurt himself or others.

Evaluation for Competency to Stand Trial

Mr. Knightner was educated on most legal topics utilizing a diagram of a courtroom. Some of the following information was obtained after he was provided with education, and when asked later during the interview.

Mr. Knightner knew that his initial charge was "Assault and Battery," for which he pled guilty and received a period of probation. He explained that he is currently being charged with violating that probation and was able to describe some of the specific violations he is accused of. Additionally, when asked about the other violations he allegedly committed, he was able to explain the circumstances that led to those accusations. He was able to discuss many terms of his probation, including not being around minors, not drinking alcohol or using illicit substances, not possession pornographic materials, adhering to court dates and appointments, and adhering to a curfew. He explained that he is required to meet with his probation officer at least once per month and knew the date of his next appointment. He said that if he violates any of the conditions of probation, he could be incarcerated. He learned and later recalled that the maximum punishment for his charge is "3 years" of incarceration or incarceration for the remaining time of his probation sentence.

Mr. Knightner was aware of the pleas of "guilty" and "not guilty." He said if he pleads guilty, "I might go to jail," and if he pleads not guilty, he will have a "trial." When asked who is in charge of the court, Mr. Knightner said, "The judge," who is "in the middle" of his case. He said the job of the defense attorney is to "help me," and a trial, prove he is "not guilty," and the job of the solicitor is to prove he is "guilty." He stated he would not discuss his case with the solicitor without his lawyer present. He described a witness as someone who "saw what happened," and identified potential witnesses in his case as his parents. He also indicated he would tell his attorney if a witness said something untrue during a trial. He stated the role of a jury is "to see if you are guilty or not guilty" and "all of them" must agree on the verdict. He said if he decides not to have a jury trial, "The judge" will determine the verdict. Mr. Knightner gave examples of a "camera" and "handprints on the gun" and was able to discuss some evidence in his case. He said if

he is found not guilty, "they drop everything," and he will "go home." He stated that if he is found guilty, he will be given a "sentence."

Mr. Knightner defined a plea bargain as being offered "less time" by "the probation [officer]" in exchange for pleading "guilty." He acknowledged he does not have to accept a plea bargain and appeared to understand his rights to appeal and to go trial would be waived if he does. To further assess his understanding, he was provided with different scenarios of plea bargains. He offered rational reasons for accepting and rejecting plea offers. He also acknowledged the importance of consulting with his attorney when making decisions related to his case.

Mr. Knightner identified his attorney as "Morgan" and denied having complaints or concerns about her. He knew that it is important for him to tell his lawyer about the circumstances that led to the charge and to explain his recent progress and accomplishments. He said he tells her the truth and appeared to understand that what he tells his attorney is confidential. He indicated that if he becomes confused, he will ask his lawyer for clarification. He was able to provide an account of the circumstances that led to his arrest. He also said he thought he could testify on his behalf but acknowledged he cannot be made to do so.

Conclusion

Mr. Knightner meets the criteria for a diagnosis of Intellectual Disability, which requires concurrent deficits in intellectual and adaptive functioning, present during the developmental period. He was determined eligible for services under the intellectually disabled category in 1997, and he is a DDSN consumer.

Mr. Knightner does not have a history of mental health treatment and consistent with Ms. Knightner's report, he denied significant past or current mood-related or psychotic symptoms. As such, a mental health diagnosis is not warranted at this time.

In our opinion, Mr. Knightner has the capacity to understand the proceedings against him and to assist in his defense.

In regard to his capacity to understand the legal proceedings, Mr. Knightner was aware of the charges against him and of the possible consequences. Also, with limited legal education, he demonstrated a sufficient understanding of the roles of court personnel, court procedure, and plea bargaining. Furthermore, he appeared to be able to apply legal knowledge to his case in a rational and beneficial manner.

About Mr. Knightner's capacity to assist in his defense, his thought processes and speech were logical, coherent, and organized, indicating he should have no difficulties communicating rationally with his attorney. He was also able to identify potential witnesses in his case and would likely be able to listen to witnesses and communicate his views. Given his understanding of his situation and his ability to relate to us, it appears he has the ability to testify on his behalf if he so chooses. Also, given his acknowledgment of appropriate courtroom behavior and his demeanor during this exam, it is likely he will be able to exhibit appropriate behavior in the courtroom and attend adequately to related proceedings.

We therefore respectfully offer the following opinions:

Presence of Intellectual Disability/Related Disability	Yes
Presence of Mental Illness	No
Competent to Stand Trial	Yes



Colbi J. Sutton, PsyD
State-Level Psychological Examiner
SC License # 1393
SCDDSN Central Office

Date signed: 5/15/2019

STATE OF SOUTH CAROLINA

County of Richland

STATE VS.

AKA: Terrell Knightner

Race: B Sex: M

DOB: 03/09/1984

SSN: 248-63-4717

SID# 02092995

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

2016 - GS - 40 - 04324
Probation #/W#: W-40-18-0305

Name of Original Offense: A+B 1st Degree

Original A/W#: 2013A4D10600139

Date of Original Offense: 01/17/2013

Conviction S.C. Code §: 16-03-0654

Conviction CDR Code #: 0 / 1 / 6 / 2

Original Sentence: 3 years SS 3 years probation
PTUP upon completion of
Counseling.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 12 / 13 / 16 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 3/21/17, as set forth in the attached warrant(s) or citation(s) dated 08/29/18.

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)

1, 4, + 6 (Computer/Internet) 2, 4, 6 + 8 (Sex offender cond) 1, 7, 9 + 10 (standard 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 60 days weekends 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: Must complete weekend time (60 days) consecutively.
Any missed weekends results in serving remaining days straight time.
Must report + today (5/31/19) by 6pm to ASGDC. Must register as a sex offender.

- 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 31 day of May, 2019,
Columbia, SC

NHJ
Presiding Judge S Benjamin
5th 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
Terrell Knightner
Signed this 31 day of 05 2019
Day Month Year

Witnessed by
Leanne Ewend
Columbia SC
City

10-4324 55

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

Probation Warrant No.: W-40-18-0365
Indictment No.: 2016-GS-40-04324

State of South Carolina,

v.

Terrell Knightner,
Defendant.

MOTION TO RECONSIDER

2013A4010600139

RICHLAND COUNTY
FILED
2019 JUN 7 1:56
JENNIFER W. BRIDGE
C.C.P. & F.C.

COMES NOW, the Defendant, Mr. Terrell Knightner, by and through undersigned counsel respectfully requesting this court to reconsider the sentence imposed on May 1, 2019.

PROCEDURAL HISTORY

On or about February 28, 2013, Terrell Knightner was arrested for Criminal Sexual Conduct Third Degree. He plead guilty on December 13, 2016 to Assault and Battery 1st Degree in front of the Honorable L. Casey Manning. Judge Manning signed a Sentencing Order (See Attachment A) that listed special conditions of Mr. Knightner's probation. Condition Four stated that Mr. Knightner is not to be placed on the sex offender registry unless there is a violation of the terms set forth by probation as provided in the sentencing order.

On May 31st, 2019, Mr. Knightner appeared in front of the Honorable DeAndrea Benjamin charged with a Probation Violation. Judge Benjamin found that Mr. Knightner did violate the terms and conditions of probation by viewing pornography, being around his niece and nephew who are minor children and accessing social media websites. During the hearing, Judge Benjamin first contemplated the idea that the determination to place Mr. Knightner on the registry needed to be decided by the presiding judge at the sentencing hearing. Defense counsel agreed that this issue should go back before the original sentencing judge. After some deliberation, Judge Benjamin felt

that the terminology in the Sentencing Order forced her to place Mr. Knightner on the sex offender registry.

Pursuant to the South Carolina Code of Laws and *State v. Davis*, 375 S.C. 12, 649 S.E.2d 178 (Ct. App. 2007) the Probation Judge does not have the statutory authority to add placement on the sex offender registry. Probation may argue that the sentencing order signed by Judge Manning enables the probation judge to add Mr. Knightner on the registry, however, the sentencing order was ambiguous, thus leaving room for discretion when deciding whether to order placement. While judges have full discretion with sentencing, a person may only be placed on the registry when good cause is shown. See S.C. Code of Laws § 23-3-430(D). However, good cause was not shown by the probation agent, therefore, the statutory elements for placement were not met. See *Id.* Moreover, the sentencing order signed on December 13, 2016 by the Honorable L. Casey Manning is in violation of *State v. Best*, 257 S.C. 361, 373-74, 186 S.E.2d 272, 277-78 (1972), and, therefore, cannot be used to place Mr. Knightner on the registry.

ARGUMENT

(A) The Probation Judge does not have statutory authority to place Mr. Knightner on the sex offender registry.

The Probation Judge at Mr. Knightner's probation violation hearing did not have the statutory authority to place Mr. Knightner on the sex offender registry. In *State v. Davis*, the defendant was indicted for first degree criminal sexual conduct but plead no contest to a lesser included of assault and battery of a high and aggravated nature and was placed on probation. At the probation revocation the Probation Judge placed the defendant on the sex offender registry. Section 23-3-430 of the South Carolina Code of Laws, states the "*presiding judge* may order as a condition of sentencing that the person be included in the sex offender registry." (emphasis added). See also,

Davis at 17. The South Carolina Supreme Court held that because the Probation Judge did not preside at the sentencing hearing they were not the presiding judge and, therefore, did not have the statutory authority to place the defendant on the registry.

Similarly, Mr. Knightner was indicted for Criminal Sexual Conduct Third Degree but plead to a lesser included offense of Assault and Battery First Degree. The Honorable L. Casey Manning was the sentencing judge. As the presiding judge at the sentencing hearing only Judge Manning has the statutory authority to place Mr. Knightner on the sex offender registry.

(B) The probation agent did not show "good cause" for placement on the sex offender registry, therefore, Mr. Knightner may not be placed on the registry.

During the probation hearing on May 31, 2019, the probation agent addressed the reasons for violating Mr. Knightner. The violations were that Mr. Knightner admitted in a polygraph examination to looking at adult pornography, being in the same house with his niece and nephew (supervised by his mother) and violating the Computer/Internet Use Agreement for Sex Offenders by using social media. None of the alleged violations addressed by the probation agent demonstrated or suggested that Mr. Knightner was at risk for reoffending.

The South Carolina Code of Laws specifically states that "good cause" must be shown in order to place a defendant on the registry. The Supreme Court of South Carolina addressed sufficient "good cause" in *In the Interest of M.B.H, A Minor Under the Age of Seventeen*, 387 S.C. 323, 692 S.E.2d 541 (2010). In this case the minor was convicted of two counts of Assault and Battery of a High and Aggravated Nature. The decision to place the minor on the private sex offender registry was held off until the minor could undergo an inpatient evaluation. See *Id* at 542. Following the evaluation, the sentencing judge ordered the minor be placed on the private sex offender registry and enumerated specific issues that constituted good cause for requiring the

minor to register. Those issues included the minors multiple offenses, multiple younger, same-sex victims; a sense of victimization; denial of harm to others. . . . See Id.

The Supreme Court held that trial judges have broad discretion in sentencing within its statutory limits and absent abuse of the discretion the sentence will not be overturned. See Id. The Supreme Court also stated that “finding of good cause in this context means only that the judge must consider the facts and circumstances of the case to make the determination of whether or not the evidence indicates a risk to reoffend sexually.” Id. Moreover, the probation agent did not place any evidence on the record to indicate that he was at risk to reoffend sexually and the Probation Judge did not state any reasons on the record that demonstrated Mr. Knightner was at risk for reoffending sexually, therefore, good cause was not shown and Mr. Knightner cannot be placed on the sex offender registry.

The legislature found it necessary to add the good cause element to ensure defendants are not mindlessly placed on a lifetime registry. At Mr. Knightner’s original sentencing hearing, the sentencing judge used his discretion and decided that there was not good cause shown to add Mr. Knightner to the registry. At the time of sentencing, the state did not produce enough facts to demonstrate that Mr. Knightner was likely to reoffend sexually. However, out of an abundance of caution, Judge Manning agreed to sign the attached sentencing order. See Attachment A. Judge Manning’s order does not include any mandatory language in regards to placement on the registry. This demonstrates that Judge Manning likely intended for the judge to exercise discretion if a violation occurred. Such discretion was not used at Mr. Knightner’s hearing.

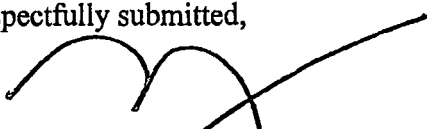
(C) The sentencing order signed on December 13, 2016 by the Honorable L. Casey Manning is invalid pursuant to S.C. Code of Laws § 23-3-430 (D).

The Sentencing Order is not valid because the sentencing judge must determine whether a person is to be placed on the registry *upon conviction* if good cause is shown by the solicitor. See S.C. Code of Laws § 23-3-430(D) (emphasis added). The statute clearly expresses that the determination to place a person on the registry must be decided upon conviction. Because the sentencing judge chose not to place Mr. Knightner on the registry at the time of sentencing he cannot now be placed on the registry.

CONCLUSION

For the reasons set forth above the order to place Mr. Knightner on the registry is in violation of South Carolina Law. Mr. Knightner respectfully requests the probation court to reconsider the decision to place Mr. Knightner on the registry.

Respectfully submitted,



Morgan Yarborough Drapeau
Assistant Public Defender
Richland County Public Defender's Office
1701 Main Street
Columbia, SC 29201

1 STATE OF SOUTH CAROLINA)
 2) IN THE COURT OF
 3 COUNTY OF RICHLAND) GENERAL SESSIONS
 4
 5 THE STATE,)
 6 Plaintiff,)
 7 Vs) CASE NO. 2016-GS-40-04324
 8 TERRELL D. KNIGHTNER,))
 9 Defendant)

10

11 JUNE 27, 2019

12 RICHLAND, SOUTH CAROLINA

13

14 HONORABLE L. CASEY MANNING, JUDGE

15

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

17 BY: ANNA R. BROWDER, ESQUIRE

18 Attorney for the Plaintiff

19 BY: MORGAN Y. DRAPEAU, ESQUIRE

20 Attorney for the Defendant

21

22

23 KATHERINE A. SPIRES

24 REGISTERED PROFESSIONAL REPORTER

25

1 THE COURT: What number is this?

2 MS. DRAPEAU: Four, I believe.

3 THE COURT: All right. I've been around a long
4 time, so. This is one we talked about yesterday and
5 Judge Benjamin placed him under the sexual registry, but
6 she wasn't the sentencing judge. Is this the one?

7 MS. DRAPEAU: Yes, sir.

8 MS. BROWDER: Yes, Judge.

9 THE COURT: I understand now. Go ahead.

10 MS. DRAPEAU: Yes, sir. So we're here to ask that
11 Mr. Knightner be removed from the sex offender registry.
12 Pursuant to the statute, they have to place good cause
13 on the record to put someone on the sex offender
14 registry.

15 THE COURT: Your motion is granted without
16 prejudice. This matter can be brought back up by the
17 State. Because of the technicality that you raised
18 about Judge Benjamin placing him on the registry and not
19 being the sentencing judge. Okay.

20 MS. DRAPEAU: All right.

21 THE COURT: So, your motion is granted, but it's
22 granted without prejudice that if some other judge feels
23 or thinks that he should be placed, that's me, more than
24 likely, then the matter can be brought back up again.
25 Does that make sense? I think that's about as fair as I

1 can be. Good luck to you Mr. --

2 MR. KNIGHTNER: Thank you.

3 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 27th of June, 2019.

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

October 21, 2020

Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter

16 / 4324

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina,)

Indictment Number: W-40-18-0365

Warrant Number: 2016-GS-40-04324

vs.)

ORDER

Terrell Knightner)
Defendant)

CHARGE(S): Probation Violation

THIS MATTER COMES BEFORE THE COURT on June 27 2019 Present
at the hearing were Morgan Y. Drapeau, representing the Defendant; and
Agent Adrian Tucker, representing the State.

The following motions were presented: Motion to Reconsider
placement on the sex offender registry.

Attached pertinent documents were submitted by the State/Defendant and were made a part of
the record.

The Court determined: Defendant's motion to remove
Mr. Knightner from the Sex Offender Registry
is granted without prejudice.

IT IS SO ORDERED

J. Ashley Martin
Presiding Judge
Fifth Judicial Circuit

2019 JUN 27 PM 4:56
JEANNETTE W. MCBRIDE
P. & G.S.

RICHLAND COUNTY
FILED

Columbia, South Carolina

This 27 day of June 2019

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

The State of South Carolina,)

vs.)

Terrell Denard Knightner,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
 Indictment Number: 2016-GS-40-04324
 Probation Warrant Number: W-40-18-0365

MOTION TO RECONSIDER

RECEIVED

Jul 21 2020

SC Court of Appeals

COMES NOW, the State of South Carolina, by and through undersigned counsel, respectfully requests this court to reconsider the sentence ruling by this Court on June 27, 2019 regarding the Defendant's status on the sex offender registry.

PROCEDURAL HISTORY

On or about February 28, 2013, Terrell Knightner was arrested for Criminal Sexual Conduct Third Degree. He pled guilty on December 13, 2016 to Assault and Battery 1st Degree in front of the Honorable L. Casey Manning. Judge Manning signed a Sentencing Order (see Attachment A) that listed special conditions of Mr. Knightner's probation. Condition Four stated that Mr. Knightner is not to be placed on the sex offender registry unless there is a violation of the terms set forth by probation as provided in the sentencing order.

On May 31, 2019, Mr. Knightner appeared in front of the Honorable DeAndrea Benjamin charged with a Probation Violation based on violating the sex offender terms of probation. (See Attachment B) Judge Benjamin found Mr. Knightner did violate the terms and conditions of probation by viewing pornography, being around his niece and nephew who are minor children and accessing social media websites.

On June 7, 2019, defense counsel filed a Motion to Reconsider arguing Judge Benjamin did not have the authority to put Mr. Knightner on the sex offender registry because she was not the original sentencing judge. The Motion to Reconsider was heard on June 27, 2019 in front of Judge L. Casey Manning, at which time Judge Manning removed Mr. Knightner from the sex

offender registry without prejudice, indicating that Judge Benjamin did not have jurisdiction to place the defendant on the sex offender registry, but only the sentencing judge could. (See Attachment C) The Solicitor's Office was not notified of this hearing to argue the relative portion as to whether or not Judge Manning should place the defendant on the registry.

WHEREFORE, the State of South Carolina is requesting this Court to reconsider its June 27, 2019 decision and allow for a proper hearing for all parties to be present regarding the requirement of sex offender registry.

Respectfully submitted,



Anna R. Browder
Assistant Solicitor
Richland County Solicitor's Office
1701 Main Street
Columbia, SC 29201

This 3rd day of July, 2019

State of South Carolina) In the Court of General Sessions
) Fifth Judicial Circuit
 County of Richland) 2016-GS-40-4324

The State of South Carolina,)
)
 Plaintiff,)
)
 vs.) Transcript of Record
)
 Terell Knightner,)
)
 Defendant.)
)
 _____)

January 14, 2020
 Columbia, South Carolina

B E F O R E:

The Honorable L. Casey Manning, Judge

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

Anna R. Browder, Esquire, Assistant Solicitor
 Attorney for the State

Morgan Y. Drapeau, Esquire
 Attorney for the Defendant

Lee Ann Evers, Agent
 South Carolina Department of Probation, Parole, &
 Pardon Services

Elizabeth B. Harris, CVR-M-CM
 Circuit Court Reporter

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E X H I B I T S

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No Exhibits Introduced.

1 THE COURT: Let me start out by saying this. I have
2 no paperwork on this, but I specifically recall Ms. Drapeau
3 and one of the probation agents walked into my office one
4 day and said Judge Benjamin put this guy or kicked him out
5 of -- he was supposed to go to sex offender classes or
6 something. He didn't go, and so Judge Benjamin put him on
7 the sexual registry, as I understand it, and I didn't feel
8 totally comfortable it was okay to hear.

9 I thought I had both represented: the probation
10 office, and it was you, Ms. Drapeau. I didn't have the
11 file, and what upsets me and concerns me, there was an
12 order in the file specifically detailing what should have
13 been done. If he successfully completes it, he didn't have
14 to go on it; if he didn't, he went on it. That wasn't my
15 order. I think that was Judge Benjamin's order. Is that
16 correct?

17 MS. BROWDER: No, Your Honor. If I can hand up the
18 sentencing sheet and the sentencing order? It was Your
19 Honor that heard the original plea.

20 THE COURT: Okay.

21 MS. BROWDER: This was Ms. Moser's case. He pled to
22 assault and battery first degree.

23 THE COURT: All right. Yeah, yeah.

24 MS. BROWDER: And then ---

25 MS. DRAPEAU: And this was ---

1 MS. BROWDER: There was a separate sentencing order
2 regarding the sex offender registry. If he completed the
3 registry, he wouldn't ---

4 THE COURT: It was my order or Judge Benjamin?

5 MS. BROWDER: Yours.

6 MS. DRAPEAU: Yours.

7 MS. BROWDER: It was yours.

8 MS. DRAPEAU: And I filed a motion to reconsider.
9 That was filed with your office. When Agent Tucker and I
10 came in, sat down, and discussed the motion ---

11 THE COURT: Why didn't you invite her in? She
12 should've been party to this, too, the victim.

13 MS. DRAPEAU: Well, Your Honor.

14 THE COURT: Help me out.

15 MS. DRAPEAU: That would have been on the probation
16 office. It's the state. So, it wouldn't have been my
17 responsibility.

18 THE COURT: Well, I have a feeling I was misled is
19 what I'm telling you.

20 MS. DRAPEAU: I don't ---

21 THE COURT: Wait. Now let me finish first because it
22 upset me. I didn't see the order you had in your file.
23 You didn't show it to me.

24 I got it from you. That specified if he doesn't
25 complete, he goes on. That's what Judge Benjamin relied

1 on. Is that correct?

2 MS. BROWDER: Correct, Your Honor.

3 THE COURT: I think.

4 MS. DRAPEAU: Your Honor.

5 MS. BROWDER: And a probation violation.

6 THE COURT: Let me finish, please, ma'am.

7 So, y'all come to me. I don't have the complete file.

8 You didn't show me the order that I got from her filing. I

9 never got it from you; it didn't get it from probation.

10 MS. DRAPEAU: I filed it with my motion.

11 THE COURT: Ma'am, I did not -- okay.

12 MS. DRAPEAU: I, I put it on there. I filed it with

13 the motion to reconsider.

14 THE COURT: That's fine. That's fine. Now, what are
15 you here today for? What are you asking me for today?

16 MS. DRAPEAU: The state has requested to be able to
17 come in and be a ---

18 THE COURT: Make your motion now.

19 MS. DRAPEAU: --- part of the motion to reconsider.

20 THE COURT: Ms. Browder.

21 MS. BROWDER: Your Honor, basically this was up for a
22 probation violation regarding the sex offender registry.

23 Judge Benjamin had put him on the registry as part of the
24 probation ---

25 THE COURT: Judge Benjamin had?

1 MS. BROWDER: As part of the probation violation.

2 THE COURT: All right.

3 MS. BROWDER: Based on your order from the sentencing
4 hearing. Ms. Drapeau ---

5 THE COURT: Because he failed to complete the classes.
6 Is that correct?

7 MS. BROWDER: Correct.

8 THE COURT: Something along those lines?

9 MS. BROWDER: Something along those lines. I can let
10 the probation agent address that, Your Honor.

11 THE COURT: That's all right.

12 MS. BROWDER: And then, Judge, Ms. Drapeau filed a
13 motion for that to be overturned because she believed that
14 you have the jurisdiction to put him on ---

15 THE COURT: Did she talk to you about it?

16 MS. BROWDER: Not beforehand, no. No, sir.

17 THE COURT: She ---

18 MS. BROWDER: I think it might have been afterwards.

19 THE COURT: Drapeau, Ms. Drapeau had a conversation
20 with the probation agent but not with you. The probation
21 agent, did she had the benefit of the order?

22 MS. BROWDER: I'm not sure, Your Honor.

23 THE COURT: Okay.

24 MS. BROWDER: I came, I think, afterwards. I don't
25 know if Ms. Drapeau or probation ---

1 THE COURT: We're here trying to correct something.

2 MS. BROWDER: Right.

3 THE COURT: I'm not upset, but we need to do it the
4 right way.

5 MS. BROWDER: Right. So, when I found out about the
6 motion to reconsider, I said, well -- because I think then
7 she said -- came to you and said it was supposed to be, so,
8 you took him off the registry until another hearing could
9 be held, and that's when I got involved because they gave
10 me a copy of that saying you would need to be involved.

11 THE COURT: Yes. That's right.

12 MS. BROWDER: And so that's when I filed my motion to
13 reconsider him coming off so we could contact the victim.

14 THE COURT: Okay.

15 MS. BROWDER: And we have contacted the victim. She
16 is not present; she lives in Maine now, Your Honor. She
17 indicated ---

18 THE COURT: Where?

19 MS. BROWDER: Maine. She indicated she was going to
20 send a letter regarding her position. She has not done so.
21 So, that's where we are at this point.

22 THE COURT: All right.

23 MS. BROWDER: And I can let probation indicate kind of
24 what the violations for the probation ---

25 THE COURT: Yes, ma'am.

1 MS. BROWDER: What the violations were.

2 AGENT EVERS: So, he was actually enrolled in ---

3 THE COURT: You need to speak up.

4 AGENT EVERS: Yeah. He was enrolled in the classes,
5 but he had several other violations. I have a copy of the
6 warrant if you would like to see it.

7 THE COURT: It would be helpful if I could take a look
8 at it.

9 AGENT EVERS: Okay.

10 THE COURT: And Ms. Drapeau has seen this?

11 You have it, Ms. Drapeau?

12 MS. DRAPEAU: Yeah, I've seen it.

13 THE COURT: Do you have the order?

14 MS. DRAPEAU: Yes, Your Honor.

15 MS. BROWDER: And, Your Honor, for the record, for the
16 court reporter, this is Lee Ann Evers with the probation
17 department.

18 (A PAUSE.)

19 THE COURT: This is dated 29th of August of 2018.

20 This is when they violated him. Is that correct?

21 AGENT EVERS: That's correct.

22 THE COURT: And this is the one that I heard?

23 AGENT EVERS: This is in the one that Judge Benjamin
24 heard.

25 THE COURT: This is one Judge Benjamin heard. These

1 are Judge Benjamin's findings? I mean ---

2 MS. BROWDER: That's the probation office's report
3 regarding the violations, Your Honor.

4 THE COURT: Okay, and based on this, Judge Benjamin
5 placed him on the registry?

6 MS. BROWDER: Correct.

7 THE COURT: Okay. All right.

8 AGENT EVERS: I have the disposition as well, if you
9 would like to see it.

10 THE COURT: Ma'am?

11 AGENT EVERS: I have the disposition from Judge
12 Benjamin.

13 THE COURT: Yeah, yeah, let me see it. Let me see it.
14 I know it's aggravating for everybody, but it's work trying
15 to get it straight.

16 (A PAUSE.)

17 THE COURT: Now let me back up. I originally put him
18 on probation. Is that correct?

19 MS. BROWDER: Yes, sir.

20 THE COURT: All right, and Judge Benjamin violated him
21 for these reasons. She made specific findings. Y'all came
22 back to me and asked me to take him off, Ms. Drapeau and
23 one of the agents, saying that Judge Benjamin didn't have
24 the authority to place him on the registry. I think that
25 was your position. Help me out.

1 MS. DRAPEAU: Yes, Your Honor. So, I filed the motion
2 to reconsider with several reasons why he shouldn't be
3 placed on the sex offender registry.

4 THE COURT: Did you file the motion with me?

5 MS. DRAPEAU: Yes, Your Honor.

6 THE COURT: Did I get it?

7 MS. DRAPEAU: Yes, Your Honor.

8 THE COURT: Okay.

9 MS. DRAPEAU: And attached to the motion was the
10 original order that the probation office had. And the
11 reason I didn't invite the state -- involved in this is
12 because probation has the ability and the authority to
13 contact witnesses or victims, and the solicitor's office
14 wasn't a part of the original hearing. I had no reason to
15 think they would now want to be a part of it.

16 Judge, one of my first arguments was case law that I
17 found that says that it's only the sentencing judge who has
18 the authority to be able to place a person on the sex
19 offender registry because good cause must be shown to be
20 able to place them there. So, even in the hearing, Judge
21 Benjamin was back and forth on whether she should place him
22 on the registry and whether she should hear it because you
23 were the original sentencing judge.

24 When I filed the motion to reconsider, she scheduled
25 it on a day in which you, Your Honor, was in the court, and

1 so I assumed that Judge Benjamin agreed with that logic and
2 went ahead and assigned you the case, and that's what we
3 came in to ---

4 THE COURT: I knew nothing about that. Y'all showed
5 up in my office unannounced. Nobody sent me an email. I
6 had no information before you showed up.

7 MS. DRAPEAU: And I ---

8 THE COURT: I would not have remembered the case off
9 the top of my head.

10 MS. DRAPEAU: I am incredibly sorry about that. I
11 have not -- I do not want you to think by any means ---

12 THE COURT: All I know is this. You and the probation
13 agent came into my office and said I have a statute here.
14 That's why you have to double check everything. I thought
15 both sides agreed, you and the probation agent agreed, so I
16 said sure. I'll take him off. He's not supposed to be on.
17 That was my tidbit of understanding about the whole
18 situation.

19 MS. DRAPEAU: And that's what I understood, too. It
20 wasn't until later Agent Tucker went to Agent King, and
21 Agent King is the one who contacted Anna Browder. So, I
22 had no reason to think that that conversation we were
23 having in your office wasn't an accurate conversation.

24 THE COURT: What I'm saying, in the office I did not
25 see the order that I got from her. It wasn't in the packet

1 that you showed me, ma'am. I would have read it.

2 MS. DRAPEAU: Okay. Well, I ---

3 THE COURT: I read everything you gave me. The first
4 time I saw that order that brings us all back here is when
5 I got it from the solicitor's office.

6 MS. DRAPEAU: Well, and I apologize about that, Judge.
7 I know that the solicitor's office got the order from my
8 motion to reconsider. I did not intend to manipulate you
9 or ---

10 THE COURT: No, no. I'm just saying, you know.

11 MS. DRAPEAU: My other reasons are that what was
12 stated by the probation agent, while they do rise to the
13 level of a probation violation, I don't believe they rise
14 to the level to be able to show good cause he's likely to
15 reoffend as a sex offender. He admitted honestly and
16 truthfully to his probation agent ---

17 THE COURT: Well, he didn't go to his classes. Wasn't
18 he supposed to do that?

19 MS. DRAPEAU: No, no, no, Your Honor.

20 THE COURT: He did? He went to all his classes?

21 MS. DRAPEAU: He was at all of his classes. He was
22 removed from ---

23 THE COURT: Wait. Stop. The report doesn't say that,
24 does it?

25 AGENT EVERS: He was attending classes, and he got

1 terminated from the classes based on the violations in that
2 report.

3 THE COURT: Okay.

4 MS. DRAPEAU: He admitted honestly to having looked at
5 pornography. It was adult pornography. It would be
6 pornography that's completely legal outside of the course,
7 being on probation. His mother fell at their house. He
8 lives behind them; probation is aware that he lives behind
9 them. He went inside, and that's when he admitted that he
10 went inside and he was around his niece and nephew, and he
11 also used Snapchat.

12 So, while we do admit that there were probation
13 violations that warranted the sixty day revocation that
14 he's already done and completed, we don't believe that
15 those rise to a good cause to show that he is likely to
16 reoffend sexually. There's been no allegation of him doing
17 anything violent or predatory; Snapchat wasn't used for
18 sexual purposes. So, that is why we're having the motion
19 to reconsider by Your Honor because, based on the way the
20 order is written, it could be read ---

21 THE COURT: So, am I technically reconsidering Judge
22 Benjamin's placing him on the sexual registry? I didn't
23 place him on the sexual registry, did I?

24 MS. DRAPEAU: No, Your Honor.

25 THE COURT: Judge Benjamin did so, did she not?

1 MS. DRAPEAU: Yes.

2 THE COURT: Go ahead.

3 MS. BROWDER: And then you took him off, so I think
4 we're here ---

5 THE COURT: Because they said, well, Judge Benjamin
6 didn't ---

7 MS. BROWDER: Right.

8 THE COURT: --- have authority.

9 MS. BROWDER: So, I think ---

10 THE COURT: I should not have taken them at their word
11 is what I should have done.

12 MS. BROWDER: I think what we're here to determine is
13 whether, based on your order and based on the probation
14 violation, should he go on the registry now.

15 THE COURT: Okay.

16 MS. BROWDER: I think that's where we are today.

17 THE COURT: That's fine, and I'll let you do, both do
18 proposed orders. I'm not going to make a decision now.
19 I'll think about it. It's been sort of aggravating because
20 it looked like something got missed. It shouldn't have,
21 and I'm not blaming anybody, but it's everybody's
22 obligation to try and do the right thing.

23 I'm going to give you a chance to submit a proposed
24 order as to why he shouldn't go on it.

25 You can submit a proposed order as to why he should go

1 on, and I'll consider it.

2 MS. DRAPEAU: Yes, Your Honor, and I would just
3 like to apologize one more time. I didn't intend for that
4 to ---

5 THE COURT: Ms. Drapeau.

6 MS. DRAPEAU: --- feel like I manipulated you.

7 THE COURT: Ms. Drapeau, there's a lot of people I
8 know that I wouldn't necessarily trust. You're not one of
9 them. I trust you.

10 MS. DRAPEAU: Yes, Judge.

11 THE COURT: Besides, we all make mistakes. It's not a
12 matter like did you make a mistake? Can you correct it?
13 Was it in bad faith? No, no, no. No qualms about
14 anything. The only thing we need to do is straighten it
15 out. I'll give you a chance to think about. I'll think
16 about it, and I'll talk to y'all off the record about the
17 whole thing.

18 Give me proposed orders so I can have something
19 concrete, and give me a timeline -- this is what happened -
20 - and we'll try to do the right thing.

21 MS. DRAPEAU: Yes, Your Honor.

22 (A PAUSE.)

23 THE COURT: So, give me a chance to absorb everything.
24 Put it in writing. I can look at everything, and I'll make
25 a decision.

1 And want your input, too.

2 MS. DRAPEAU: Yes, Your Honor.

3 THE COURT: Thank you both.

4 **--- END OF TRANSCRIPT OF RECORD ---**

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH 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 CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE FOURTEENTH DAY OF JANUARY, 2020.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/Elizabeth B. Harris, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

NOVEMBER 10TH, 2020

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 The State of South Carolina,)
)
 vs.)
)
)
)
 Terrell Denard Knightner,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
 Indictment Number: 2016-GS-40-04324
 Probation Warrant Number: W-40-18-0365
 2013A4010600139
 ORDER GRANTING THE
 MOTION TO RECONSIDER

This matter comes before the court on January 14, 2020, upon the motion of Assistant Solicitor Anna Browder, attorney for the State, in response to a Motion to Reconsider filed on July 3, 2019. Present at the hearing was Anna Browder for the State of South Carolina, Leanne Evers with South Carolina Probation, Pardon and Parole, and Terrell Knightner, represented by his attorney, Assistant Public Defender Morgan Drapeau.

FILED
 JAN 14 2020
 11:01
 CLERK OF COURT
 JUDICIAL BRANCH
 RICHLAND COUNTY
 SOUTH CAROLINA

PROCEDURAL HISTORY

On or about February 28, 2013, Terrell Knightner was arrested for Criminal Sexual Conduct Third Degree. He pled guilty on December 13, 2016 to Assault and Battery 1st Degree in front of the Honorable L. Casey Manning. Judge Manning signed a Sentencing Order dated December 13, 2016 that listed special conditions of Mr. Knightner’s probation. Condition Four stated that Mr. Knightner is not to be placed on the sex offender registry unless there is a violation of the terms set forth by probation as provided in the sentencing order.

On May 31, 2019, Mr. Knightner appeared in front of the Honorable DeAndrea Benjamin charged with a Probation Violation based on violating the sex offender terms of probation. Judge Benjamin found Mr. Knightner did violate the terms and conditions of probation by viewing pornography, being around his niece and nephew who are minor children, and accessing social media websites.

On June 7, 2019, defense counsel filed a Motion to Reconsider arguing Judge Benjamin did not have the authority to put Mr. Knightner on the sex offender registry because she was not

the original sentencing judge. The Motion to Reconsider was heard on June 27, 2019 in front of Judge L. Casey Manning, at which time Judge Manning removed Mr. Knighter from the sex offender registry without prejudice, indicating that Judge Benjamin did not have jurisdiction to place the defendant on the sex offender registry, but only the sentencing judge could.

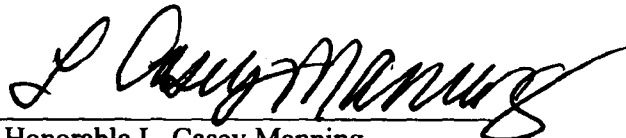
The Solicitor's Office was not notified of this hearing to argue the relative portion as to whether or not Judge Manning should place the defendant on the registry. Upon learning of this hearing, the State filed a Motion to Reconsider on July 3, 2019, which is the substance of the hearing in front of the Court on January 14, 2020.

RULING

Upon hearing arguments from all parties, the Court finds the following:

1. The Court was unaware upon signing the order June 27, 2019 overturning Judge Benjamin's order to place the Defendant on the sex offender registry that the State had not been present at the hearing or been able to argue their position in front of Judge Benjamin.
2. The Court was also unaware that the State had not been notified prior to being presented with the proposed order, ultimately signed June 27, 2019, before he signed it removing the Defendant from the sex offender registry.
3. The order signed on June 27, 2019 by this Court shall hereby be rescinded and Judge Benjamin's order of May 31, 2019 placing the Defendant Terrell Knightner onto the sex offender registry due to a violation of his bond conditions shall be reinstated.

AND IT IS SO ORDERED.



The Honorable L. Casey Manning
Presiding Judge

This 7 day of February 2020

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.”

RECEIVED
Dec 06 2021
SC Court of Appeals

Respectfully Submitted,

s/ Taylor D. Gilliam
Taylor D. Gilliam
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 6th day of December, 2021.