

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

STATE of SOUTH
CAROLINA,

IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO. 02-GS-23-00935, 9233,
9234, 9239

-v-

PATRICK LEE
BOOKER,
Defendant.

ORDER CONCERNING COMMUNITY
SUPERVISION FEES

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SC Court of Appeals

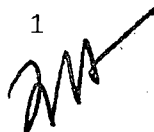
Addy, J.

THIS MATTER CAME BEFORE THE COURT on April 18, 2022 on a probation violation.

Mr. Booker appeared *pro se* and Agent Richard K. Williams was present on behalf of the Department of Probation, Pardon, and Parole (hereinafter "PPP"). Having considered the applicable law, the argument of both parties, and the particular facts of this case, the Court finds as follows.

On November 5, 2003, Mr. Booker pled guilty to three (3) counts of Armed Robbery and one (1) count of Taking or Attempting to Take a Vehicle from a Person by Force Without Great Bodily Harm. Judge Edward Miller presided over the plea and sentenced Mr. Booker to the South Carolina Department of Corrections (SCDC) for a term of twenty (20) years imprisonment. Mr. Booker subsequently served his active sentence, was released from SCDC on August 10, 2020, and was placed on Community Supervision by PPP pursuant to Section 24-21-560 of the South Carolina Code of Laws 1976 as amended.

At the violation hearing, Mr. Williams informed the Court that Mr. Booker's only failure under Community Supervision related to payment of supervision fees. At the time of the violation report, Mr. Booker was in arrears \$970.00 despite his gainful employment at Sterilite and, by Mr. Booker's own admission, was fully able to pay the monetary obligation. Mr. Booker argued that, at the time of his guilty plea in 2003, the trial court did not inform him of the mandatory supervision requirement before



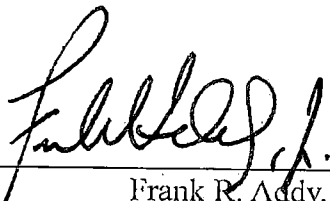
accepting the plea which rendered his placement on Community Supervision null and void for lack of due process.

The Court finds that the imposition of Community Supervision, and the accompanying fees to pay for Mr. Booker's supervision under that program, is a collateral consequence of sentencing and, therefore, the ex post facto provision of the Federal and South Carolina Constitutions is not implicated. *See Jackson v. State*, 349 S.C. 62, 562 S.E.2d 475 (2002). Therefore, the Court finds the plea was not taken in violation of Mr. Booker's due process rights, and he shall be required to pay the supervision fees associated with his supervision under the Community Supervision Program.

Mr. Booker's community supervision is scheduled to end on June 6, 2022. Should Mr. Booker take this issue up on appeal, he shall be required to deposit his outstanding supervision fee balance as of the date he completes supervision with the Clerk of Court pending the resolution of an appeal. In this way, his case may be closed, and he may be discharged from supervision without affecting the justiciability of his appeal.

IT IS SO ORDERED.

April 28, 2022
Greenwood, South Carolina



Frank R. Addy, Jr.
Resident Judge

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S.C. SUPREME COURT