

The State of South Carolina
In the Court of Appeals

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SC Court of Appeals

Appeal from Lexington County
Court of General Sessions

Warrant Nos.: 2020A3210700307, 2020A3210200507
2020A3220500514, 2020A3220500532

Appellate Case No.: 2022-000868

The State,

Respondent,

v.

Michael B. Erickson,

Appellant.

Statement of Issues Pursuant to Rule 203(d)(1)(B)(iv), SCACR

On June 15, 2022, Appellant entered a guilty plea to the above-noted charges and was sentenced by the Honorable Judge Walton J. McLeod, IV. Prior to this hearing Appellant filed a motion requesting the Court sentence him pursuant to S.C. Code Ann. § 24-19-5 (the Judge William R. Byars Youthful Offender Act). Appellant was twenty-three (23) years old at the time these offenses were committed and at the time of his arrest. Due to no fault of Appellant, these cases remained pending until June 15, 2022. At this point Appellant was twenty-five (25) years old.

In his written motion Appellant argued the following:

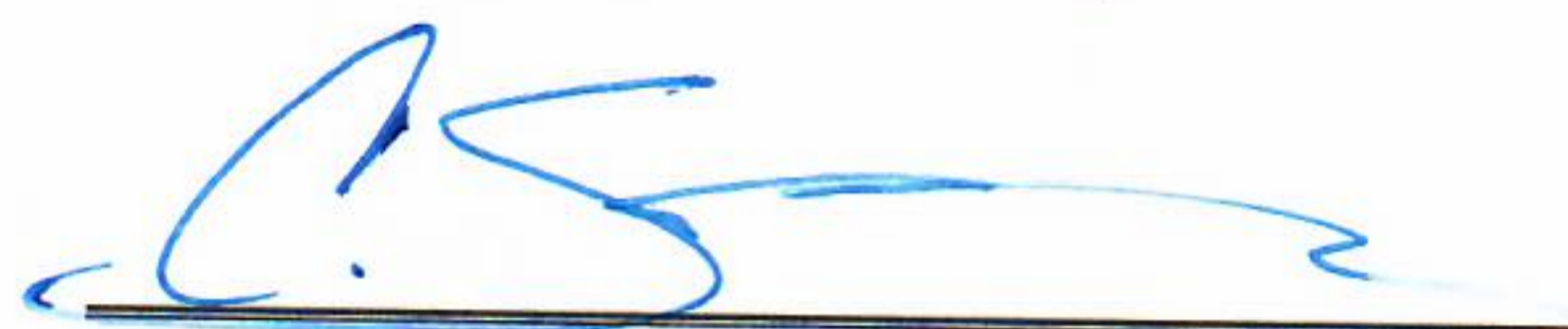
Defendant submits the current YOA which relies solely on the conviction date, is invalid on its face, and violates Defendant's right to due process and equal protection under the law, as guaranteed by the § 3 of the South Carolina State Constitution and the 14th Amendment to the United States Constitution, when the statute vests control of a Defendant's eligibility for YOA on conviction date, which is controlled solely by the State and the Court.

This argument was reraised by Appellant at the plea hearing. The Court, noting Defendant was over the age limit set forth in § 24-19-5, denied Appellant's Motion on-the-record, accepted Appellant's guilty plea and sentenced Appellant to a total of ten (10) years, suspended to time served and placed Appellant on probation for three (3) years.

The denial of this motion to be sentenced under YOA forms the basis for this appeal.

This 7th Day of July, 2022

Floyd & Spangler, Attorneys at Law



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