

STATE OF SOUTH CAROLINA

COUNTY OF Dorchester

STATE

VS.

Kevarius Marquis Spark

AKA: \_\_\_\_\_  
Race: BLACK Sex: M Age: 22  
DOB: \_\_\_\_\_ SS# \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL# \_\_\_\_\_ SID# \_\_\_\_\_

*30-Life*  
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019 - GS - 18 - -2238

AW#: 2019A1021000855  
Date of Offense: 9/26/2019  
S.C. Code §: 16-3-10  
CDR Code #: 0116

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SENTENCE SHEET  
DEC 05 2022

SC Court of Appeals

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Murder

In violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

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

ATTEST:

[Signature] 102370 x Kevarius Spark [Signature] 101420  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 45 days/months/years Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

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 SCDOC.  
657 days/months

To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-85 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

**SPECIAL CONDITIONS:**

**PTUP** after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

**RESTITUTION:**     **Deferred**     **Def. Waives Hearing**     **Ordered**

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

**\*Fine:**

|   |          |              |       |                  |
|---|----------|--------------|-------|------------------|
| Fine may be pd. in equal consecutive weekly/monthly pmts. of  | \$ _____ | Beginning    | _____ | \$ _____         |
| §14-1-206 (Assessments 107.5%)  |          |              |       | \$ _____         |
| §14-1-211 (A)(1)(Conv. Surcharge)   |          |              |       | \$ _____         |
| §14-1-211 (A)(2)(DUI Surcharge)   |          | \$100        |       | \$ <u>100.00</u> |
| §56-5-2995 (DUI Assessment)   |          | \$100        |       | \$ _____         |
| §56-1-286 (DUI Breath Test)   |          | \$12         |       | \$ _____         |
| §14-1-212 (Law Enforce. Funding)  |          | \$25         |       | \$ _____         |
| §14-1-213 (Drug Court Surcharge)  |          | \$25         |       | \$ <u>25.00</u>  |
| §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)   |          | \$150        |       | \$ _____         |
| §50-21-114 (BUI Breath Test Fee)  |          | \$41         |       | \$ _____         |
| §56-5-2942(J) (Vehicle Assessment)  |          | \$50         |       | \$ _____         |
| 3% to County (if paid in installments)  |          | \$40/ea      |       | \$ _____         |
| <input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees |          | TBD          |       | \$ <u>3.75</u>   |
| <input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund   |          | \$500        |       | \$ _____         |
|   |          | TBD          |       | \$ _____         |
|   |          | <b>TOTAL</b> |       | \$ <u>128.75</u> |

Clerk of Court/Deputy Clerk: Cheryl Graham  
 Court Reporter: DCI/ Narvaez Victoria

Presiding Judge: [Signature]  
 Judge Code: 2139  
 Sentence Date: November 29, 2022

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF DORCHESTER ) THE FIRST JUDICIAL CIRCUIT  
)

STATE OF SOUTH CAROLINA ) **Warrant/Indictment Nos.:**  
Plaintiff, ) 2019a1021000855  
) Murder / Murder  
)

v. ) **RULE 203(B) EXPLANATION**  
)

**KEVARIUS MARQUIS SPARKS** )  
**SCDC # 389630,** )  
Defendant. )

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DEC 05 2022

**SC Court of Appeals**

Pursuant to Rule 203(B) (iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of 45 years upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred and the undersigned did not object to the sentence or file a Motion to Reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,

By: Pierce L. Wehman /r

Pierce L. Wehman  
Assistant Public Defender  
107 West 6th North Street  
Summerville, SC 29483  
Attorney for Defendant  
(843) 821-9800

Summerville, South Carolina  
This 2nd day of December, 2022