

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from the Circuit Court  
The Honorable Frank R. Addy, Jr.

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DEC 13 2022

Appellate Case No. 2021-001465

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**SC Court of Appeals**

STATE OF SOUTH CAROLINA .....APPELLANT

v.

Joey Reid, #1392728,.....RESPONDENT

---

***RECORD ON APPEAL***

---

**David Alexander, Appellate Defender  
S.C. Commission on Indigent Defense  
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## INDEX

	<b>Page</b>
October 28, 2021, Transcript .....	1
Judge Frank Addy's Order Dated December 31, 2021 .....	26
Judge Frank Addy's Order Dated November 29, 2021 .....	36
Judge Frank Addy's Order Dated November 9, 2021 .....	37
Email Exchanges.....	38
Sentence Sheet 2012-GS-24-1323 .....	52
Sentence Sheet 2012-GS-24-1325 .....	53
Probation Violation Warrant W-24-20-116 .....	54
Probation Violation Warrant W-24-20-153 .....	56

STATE OF SOUTH CAROLINA	)	
	)	IN THE FAMILY COURT
COUNTY OF GREENWOOD	)	2012GS2401325
State,	)	
	)	
PLAINTIFFS,	)	TRANSCRIPT OF RECORD
	)	
vs.	)	October 28, 2021
	)	
Joey Reid,	)	Greenwood, South Carolina
	)	
DEFENDANT.	)	
	)	
	)	
	)	

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., Judge

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

DAVID STUMBO, Esquire  
Attorney for the State

TRISTAN SHAFFER, Esquire  
Attorney for the Defendant

MS. WRIGHT,  
Department of Probation, Pardon & Parole

Recorded by: DCRP

Transcribed by: MISSY BROWN  
Court Reporter

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Motion hearing	4			
CERTIFICATE OF REPORTER	25			

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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No exhibits presented at hearing.

P R O C E E D I N G S

October 28, 2021

1  
2  
3 (Whereupon, Court was in session with all parties  
4 present when the following matters were had:)

5 THE COURT: I don't know what this is or how many  
6 times it's been, but we're here to try and finally figure  
7 out what's going on with Joey Reid. I've got a probation  
8 violation report in front of me wherein the Court back in  
9 2014, Judge Early, put him on probation apparently for  
10 attempted murder from an indictment from 2012. There has  
11 been a lot of discussion previously about the nature of the  
12 plea.

13 I know that the Solicitor had previously emailed  
14 me indicating that he was wanting to speak to the reasons  
15 behind the agreed-upon sentence back in 2014. And I know  
16 we have a representative here from triple P. And I think  
17 last time we met, Mr. Shaffer, I'd suggested that perhaps  
18 you order a transcript or maybe do some research or  
19 something like that. I don't know if -- what's been done  
20 or anything, if anything has been done from your end as it  
21 relates to all of this.

22 MR. SHAFFER: No, Your Honor, I haven't -- and I  
23 apologize. I was thinking that for some reason -- I know  
24 that there was some communication about that, but I didn't  
25 realize that you were relying on me to get it.

1           But basically our position is, is that the, you  
2 know, the -- I mean, clearly the statute is -- does not  
3 allow for a probationary sentence. There is -- that the  
4 probation basically -- the probation warrant should be  
5 dismissed based off of that, because it doesn't allow for  
6 him to be on probation. There is a little bit of dicta in  
7 a case called State v. Lee saying essentially that -- and I  
8 know that they're trying -- going to try to argue law of  
9 the case, but there is some dicta or there is some  
10 statement saying this. And I don't know if it's necessary  
11 for the holding of the actual case. But they do comment in  
12 State v. Lee, which I suspect they may cite to, that if we  
13 wanted to challenge it, he could have challenged it either  
14 at his sentencing or at the -- at the -- on appeal or  
15 during the probation revocation hearing. That's basically  
16 what it says.

17           I think that you have continuing jurisdiction  
18 over this, or the Court of General Sessions does, because  
19 of the fact that it is a probation matter. I don't think  
20 that they're necessarily going to contend that it's not. I  
21 think that the original sentence was an illegal sentence.

22           I mean, sometimes we say things in court that are  
23 not enforceable. I'll say that I have had several cases  
24 over the last couple of years working in the eighth circuit  
25 where dealing with Mr. Stumbo's office, where we've said,

1 We're going to agree to banishment. Now we all know that  
2 that's completely ridiculous and not enforceable at all. I  
3 tell the client that's not enforceable at all, but it makes  
4 everyone feel better. And sometimes we do that.

5           It does not mean that the Court actually has the  
6 authority to do so. I don't think the Court had the  
7 authority to actually issue that probationary sentence.  
8 The State wanted him to plea to a charge that does not  
9 allow for probation. They made that -- you know, they put  
10 themselves in the position of asking for that charge, where  
11 they could have asked for a different charge, say, ABHAN or  
12 something like that, as opposed to attempted murder.

13           But they asked for attempted murder. They wanted  
14 an attempted murder on his record, and they got an  
15 attempted murder on his record. And unfortunately, that  
16 also means that the sentence that was announced is not a  
17 valid sentence, Your Honor. And I don't think we have --  
18 we should enforce it, because it's contrary to public  
19 policy because it violates the statute. And I think it  
20 violates due process whenever you are actually enforcing a  
21 punishment on someone that there's no statute to actually  
22 back up.

23           THE COURT: All right. If I were to accept your  
24 argument -- and I realize that I haven't heard from them,  
25 but I'm trying to get ahead of everything here -- if I were

1 to accept your argument, what would be the Court's -- what  
2 would the Court do? Vacate the conviction? Set aside the  
3 conviction? Dismiss the case? I mean what -- what ---

4 MR. SHAFFER: Dismiss the probation warrant, and  
5 if they want to try to do something else, I honestly think  
6 that they -- him being under supervision is void because it  
7 violates the statute, Your Honor.

8 THE COURT: And that's what I'm trying to --  
9 assuming that I agree with you, that it was an illegal  
10 sentence and that enforcing it would be something improper  
11 for the Court to do, I understand dismiss the warrant, and  
12 I assume you would seek, obviously, termination of  
13 probation, but where does that leave the parties at the end  
14 of the day? If I simply vacate the plea that was entered  
15 in 2012 -- there's a big question mark on whether I can  
16 even do that -- but that would pretty much put both parties  
17 back in the same position that they were in when Judge  
18 Early accepted the plea in the first place.

19 MR. SHAFFER: Your Honor, I honestly don't know  
20 if you have the authority to vacate the plea as a whole. I  
21 do know that it would be improper for the Court to enforce  
22 a sentence that's prohibited directly, Black Letter Law  
23 prohibited, under the statute. I don't think that it's  
24 proper for you to enforce that. But, Your Honor, I don't  
25 know exactly where that would leave us. I don't know if

1 the State would want to get involved and bring these  
2 charges back or not. I have no idea. I doubt that they --  
3 I don't know if they could, you know. They -- they entered  
4 a bargain where they entered a bargain where it was --  
5 where they were asking for something that was not something  
6 that you could ask for. Contract law would say that would  
7 be ---

8 THE COURT: It would be a nullity.

9 MR. SHAFFER: Yeah.

10 THE COURT: If it's an illegal contract, it's a  
11 nullity.

12 MR. SHAFFER: A nullity, exactly.

13 MR. STUMBO: If I could -- and I know the  
14 probation department, Ms. Wright from probation is going to  
15 put the State's position as to the probation on the record.  
16 Really, my only position here, and I talked to Richie about  
17 this, is just so the Court has some clarity on what  
18 happened in 2014, just as an Officer of the Court ---

19 THE COURT: Please. Yeah, I was going to ask you  
20 for that background.

21 MR. STUMBO: Judge, I don't think we could get a  
22 transcript because this plea was not appealed and there was  
23 no PCR, so I don't think ---

24 THE COURT: Actually, the last time we had a  
25 hearing on this Tara Scott was the court reporter. She was

1 actually the one who took the transcript and she checked  
2 her records and said that she could obtain a transcript.

3 MR. STUMBO: Oh, she does? Okay.

4 THE COURT: She does still have that transcript  
5 of that. Through some miracle she didn't purge it. But  
6 she indicated that it was accessible and she did still have  
7 it in electronic form on her laptop.

8 MR. STUMBO: Well that's good news, Judge. I  
9 just assumed we would not have it because I know there was  
10 no appeal or collateral attack on the conviction.

11 Judge, Mr. Henderson, Carson Henderson,  
12 represented Mr. Reid at this -- on this case. I prepared  
13 it for trial. I actually inherited this case, because when  
14 the incident occurred, it was 2012. It was during the  
15 campaign. Mr. Hodges, Andrew Hodges, was the prosecutor on  
16 it initially. But I inherited the case when I took office.  
17 You know, it's one that I prepared for trial going towards  
18 the end of 2013. The only emails I could find yesterday  
19 with Mr. Henderson dealt with us exchanging discovery and  
20 discussing the trial date, essentially that we were in a  
21 trial posture for most of the time.

22 As we approached trial in January of 2014, Mr.  
23 Henderson approached me with the offer. The initial plea  
24 offer was he'll plead to three counts of assault and  
25 battery first, and run all three of those consecutive. So,

1 in other words, you would have a consecutive 10, 10, and  
2 10. But what he was looking for was he wanted it to be  
3 non-85% type time. I think what he was talking about was  
4 doing just a suspended on the last two, maybe.

5           Judge, my response to him consistently was -- and  
6 this was an incident where Mr. Reid walks into the S&S Club  
7 on Seaboard, opens fire with a pistol, and four human  
8 beings were struck with bullets, one of which was hit in  
9 the head. Fortunately, it was not a serious head injury.  
10 But I believe that was Ms. Tiffany Lane who was hit in the  
11 head. I remember talking to her preparing this case for  
12 trial, and we had her medical records and so forth.

13           Judge, with that type of incident, my consistent  
14 position was that this needed to be a strike. If there was  
15 a plea resolution, it needed to involve a strike. It  
16 needed to involve 85% time. The counteroffer to me saying  
17 -- I think my counteroffer to him was 20 years negotiated  
18 on the attempted murder, straight time.

19           What Mr. Henderson -- and I think if he were  
20 here, he would back me on all of this -- what he responded  
21 to me was that if we can do the non-85% time, negotiated on  
22 the front-end, and then suspend the conviction with 85%  
23 time hanging over his head, would you do that?

24           And I remember discussing that with law  
25 enforcement, Judge. And I believe -- I can't remember if

1 the victims were there that day. But I do remember we  
2 ultimately agreed not to try the case and come to an  
3 agreement to have 85% time hanging over his head.

4           Judge, I really don't recall whether ABHAN or  
5 attempted murder, whether we really dug our heels in on the  
6 attempted murder. My recollection was just that my request  
7 to him was if we're going to do time hanging over his head,  
8 it needs to be a strike and it needs to be 85% time  
9 hanging. We agreed to the 20 years. So this was a  
10 negotiated plea, Judge, that quite frankly the defense was  
11 driving the bargain, so to speak, instead of me. I  
12 essentially told him, here's what I'm looking for. But the  
13 numbers and so forth we ended up agreeing on. I think the  
14 characterization that somehow we demanded that, I was ready  
15 to go to trial, Judge, on the attempted murder charges.  
16 Quite honestly, I believed Mr. Reid, based on that  
17 incident, to be dangerous, and I still do.

18           So, Judge, that's -- that's the context of this.  
19 And, of course, I get notice and copied on all appeals and  
20 all PCRs, so we didn't see that in this case. This is the  
21 first time he's ever challenged this negotiation, which  
22 essentially the defense proposed.

23           I -- quite honestly, Judge, if it had been the 20  
24 years negotiated to ABHAN hanging over his head, which is  
25 suspendable under that statute, I wouldn't have had any

1 problem with that. Quite honestly, we just didn't really  
2 have that discussion that I can remember. So with it being  
3 20 years, it would have been six one way, half dozen  
4 another in terms of the result of the plea. It just wasn't  
5 -- you know, honestly, what was written on the sentencing  
6 sheet was attempted murder instead of ABHAN, but he  
7 essentially tendered a plea to facts that supported the  
8 lesser included ABHAN, and was sentenced to the maximum  
9 sentence for ABHAN.

10           So that -- that would be just the facts of the  
11 case, Judge. I think the transcript, if we're able to get  
12 that at some point, would probably bear that out. I don't  
13 always go into great detail, as Your Honor knows, during my  
14 plea presentations on what the negotiations were. But  
15 oftentimes I do inform the Court, you know, give a little  
16 bit of background on plea negotiations during a plea. So I  
17 can't remember how much detail I went into on that  
18 particular day with Judge Early.

19           But ultimately, Judge, the intent of the State  
20 was for there to be, you know, whether it was ABHAN or  
21 attempted murder, I don't remember making a big stink about  
22 that. I just wanted to make sure that there was a  
23 substantial amount of 85% time and a strike on the  
24 consecutive sentence.

25           THE COURT: Okay. Let me hear from Ms. Wright,

1 in just one second though.

2 (Pause.)

3 THE COURT: Before I hear from you; Ms. Wright,  
4 what's triple P's take on all this?

5 MS. WRIGHT: Well, Your Honor, triple P -- triple  
6 P's position is that we enforce whatever the Court -- that  
7 we adhere to whatever instructions that the Court provides  
8 in its sentence. And unfortunately, in this particular  
9 case, there were two sentences, as you know, the ABHAN and  
10 then there was a consecutive sentence of the attempted  
11 murder after the ABHAN. And so probation has to deal with  
12 the sentence as is, once given the sentence.

13 And as was mentioned earlier, State v. Lee, the  
14 2002 decision there -- just want to clarify some language  
15 there, actually reading from that opinion when it talks  
16 about the subject-matter jurisdiction, because there was a  
17 similar argument there as far as Lee being given an illegal  
18 sentence.

19 And the Court stated that, The statutory  
20 authority of the sentencing court to issue the underlying  
21 sentence could have been challenged in a motion to  
22 reconsider the sentence on direct appeal or as a defense to  
23 the probation revocation proceedings.

24 So what should have been done at that time when  
25 the sentence was -- both of these sentences were issued, I

1 think in 2014, there was a 10-day period that a motion to  
2 reconsider could have occurred. There was also the PCR  
3 process that was mentioned earlier or just a direct appeal  
4 of the sentence. And that was not done in a timely  
5 fashion. So, therefore, the sentence ran as it has. And  
6 Mr. Reid was released and on probation and he's violated  
7 his probation now, multiple times.

8           As I'm aware there was an LWOP previously that  
9 was dismissed by the Court or -- excuse me -- or an  
10 allegation of pointing that was dismissed previously. And  
11 now we're here again on a second violation warrant.

12           So probation essentially has been put in the  
13 middle of the situation, but we're here to enforce the  
14 sentence. And so because the offender here was given a  
15 probationary sentence, we're here to enforce that. And  
16 that is -- that's why we're here with this revocation  
17 proceeding, as indicated, based upon his violations.

18           I would also like to quickly mention a couple of  
19 other cases that are relevant beyond the State v. Lee case,  
20 and also a little bit more current. State v. Jacobs,  
21 that's a 2011 decision where you had some similar facts  
22 here as far as suspension of a sentence and putting someone  
23 on probation. And so I would encourage the Court to look  
24 at that case, as well as the even more recent State v.  
25 Blakney case, particularly because there was also concern

1 by Judge Few as to why a -- or how an illegal sentence was  
2 provided in this case to Anthony Blakney as well. This was  
3 a situation in his matter of being released on CSP due to  
4 the 85% sentence several times.

5 And Judge Few in his dissent really nails on the  
6 impact of the illegal sentence being given. And he  
7 actually cites back to State v. Lee in that decision or the  
8 Court -- the Court that reached the ultimate decision cited  
9 to State v. Lee in that decision as well.

10 So that's currently -- that is the position of  
11 the Department. The Department is just trying to enforce  
12 the sentence that was given by the Court.

13 THE COURT: Do you have the cites for those cases  
14 by any chance?

15 MS. WRIGHT: Yes. For the State v. Lee case that  
16 is 350 S.C. 125. Again, that's a 2002 case, also noted at  
17 564 SE2d 372. The State v. Jacobs case is also a Supreme  
18 Court case. It can be found at 393 S.C. 584. That was a  
19 2011 decision, also found at 713 SE2d 621. And then the  
20 State v. Blakney case a 2014 decision, 410 S.C. 244, also  
21 at 763 SE2d 622.

22 THE COURT: Okay. Thanks.

23 MS. WRIGHT: Okay.

24 THE COURT: Okay. Mr. Shaffer, your turn again.

25 MR. SHAFFER: Thank you, Your Honor. Related to

1 the Lee case, I mean, I think that the language that is  
2 cited is that you can raise this as a ---

3 THE COURT: Defense to the revocation.

4 MR. SHAFFER: The revocation, which is what I'm  
5 doing. Your Honor, related to that, the -- and in part,  
6 what I think happened in Lee is essentially the guy tried  
7 to change -- tried to argue subject-matter jurisdiction  
8 under the -- on direct appeal from, I think the probation  
9 revocation, if I remember the procedure correctly. This  
10 was a pre-Gentry case, obviously. There was a different  
11 concept of subject-matter jurisdiction at the time.

12 However, Your Honor, I mean, I think that Lee  
13 actually supports the position that we can actually raise  
14 this right now, which is what we're doing. You know, and I  
15 understand the Solicitor may not have known that the --  
16 that what he was doing is getting an illegal sentence. And  
17 maybe if he would have insisted on ABHAN instead, maybe it  
18 would have been a different argument to make, probably  
19 would have been a different argument to make. But the  
20 thing is, is that what was actually entered before the  
21 Court was a attempted murder. He didn't enter a ABHAN  
22 plea. I mean, you know, sometimes people enter things for  
23 different reasons. But, you know, the intentions of the  
24 parties really don't matter here. What we have here is a,  
25 you know, the State trying to enforce or revoke his

1 probation on a statute and an offense that you can't have  
2 probation for in the first place. So, I think it's a  
3 nullity, Your Honor, and I'll leave it at that.

4 (Pause.)

5 THE COURT: All right. As an initial matter,  
6 here's sort of where I am. I understand the probation  
7 department's position that, of course, this is the law of  
8 the case. And being an arm of the Court, being a statutory  
9 arm of the Court, even though they're under the executive  
10 branch of government, triple P basically still is, exactly  
11 that, an arm of the Court, and they have an obligation to  
12 presume that the sentences passed by this Court are valid  
13 and otherwise legal, of course, until maybe told otherwise.

14 The code section in this case is quite clear that  
15 you cannot receive a suspended sentence for attempted  
16 murder. The Solicitor's explanation of how we came to get  
17 here is, of course, very reasonable and I certainly  
18 understand it as well. The question in the case, though,  
19 is to what extent can the Court be involved in the  
20 execution of an illegal sentence. And I use the word  
21 illegal, of course, as a term of art.

22 The last time that I think we were together on  
23 this case this past summer, I likened it to a situation  
24 where the Court orders the death penalty for shoplifting  
25 and nobody appeals. Well, are we really going to be

1 putting someone to death for shoplifting? Of course not.  
2 I give 100 years for shoplifting. I give two years for  
3 assault and battery, third degree. Regardless, it's  
4 illegal. It can't be executed. It can't be given any  
5 effect by the Court because the underlying -- because of  
6 the underlying impropriety of the original sentence.

7           And I think that Lee does state clearly that an  
8 illegal sentence can be raised as a defense to a violation  
9 hearing. So I'm pretty confident and pretty comfortable  
10 with that decision.

11           The next question though is a little bit  
12 trickier. Where does that leave us? And knowing that it's  
13 an illegal sentence, knowing that I cannot enforce an  
14 illegal sentence by definition, where does that leave the  
15 parties? And that's kind of what I'm struggling with more  
16 than anything else. If I simply say, All right, the  
17 illegal nature of the sentence is merely a defense to this  
18 attempted probationary revocation, but the sentence  
19 otherwise stands, then, of course, he logically would  
20 remain on probation, but not subject to any potential  
21 penalty if he violates his probation.

22           If I say, Okay, it's an illegal sentence ergo I'm  
23 going to terminate his probation, then it's potentially res  
24 judicata on the question of whether the State -- and to get  
25 the benefit of the bargain, whether the defendant got the

1 benefit of the bargain, I mean, I can see situations where  
2 it would go both ways.

3           So is it fair to simply terminate the  
4 probationary case, saying it was an illegal sentence and,  
5 therefore, he's off probation and the State doesn't get the  
6 benefit of what they had bargained for, as the Solicitor  
7 indicated, at the request of the defense and counsel for  
8 the defense at the time the plea was entered? Do I simply  
9 vacate it and put it all -- put everyone back at square one  
10 where they can renegotiate this as an ABHAN or something  
11 else?

12           He's obviously, Mr. Reid has obviously, to use a  
13 contract term, he's performed his part of the bargain in  
14 the sense that he, I guess, did a good chunk of time in the  
15 department of corrections for this particular incident. So  
16 to what extent would it be fair and reasonable, seeing as  
17 how this was a package deal, to simply vacate it, and then  
18 put him in a position where he's looking at either  
19 attempted murder with active time or something else?

20           And I thought I asked my law clerk to grab the  
21 correct law book, but I asked for the wrong book, because I  
22 know the answer is somewhere back there on my bookshelf in  
23 a book I have not had to open for 30 years. So, I'll be  
24 taking the matter under advisement. And I'll be looking at  
25 these cases, and I'll be trying to think about what the

1 most equitable outcome would be. Along those lines, if  
2 anyone wants to offer any thoughts, the floor is open.

3 Mr. Shaffer?

4 MR. SHAFFER: Your Honor, I would probably -- if  
5 they wanted to continue him on probation at that point, I  
6 would probably make a supplemental motion to basically  
7 terminate the probation after this matter has been  
8 resolved. That's essentially what my point was.

9 THE COURT: Sure.

10 MR. SHAFFER: And, Your Honor, he has been locked  
11 up for a long time, for 10 months now, 11 months. And  
12 there is -- in my email, I had actually asked for -- and I  
13 understand you're taking it under advisement. I'm not  
14 asking you to make a decision on the probation case  
15 necessarily right now, but I would ask that the Court  
16 consider doing -- going ahead and doing the bond  
17 reinstatement hearing I asked for in the email, because he  
18 does have a pending general sessions charge that needs to  
19 get resolved as well.

20 And I'd ask that we go ahead and do that versus  
21 waiting and kicking it down the road for another month or  
22 more while -- because if you say that the probation's not  
23 holding him in anymore, you know, like if you issue an  
24 order next week, he's going to have to wait three more  
25 weeks at least for me to get to a -- to get him in front of

1 the Court on the general sessions matter. So I'd like to  
2 go ahead and do that today if we can.

3 THE COURT: I will tell you right now that if you  
4 were to -- if you have a resolution on whatever is pending  
5 in the general sessions matter is, the Court is not going  
6 to violate his probation as a result of that plea.

7 MR. SHAFFER: We're not in agreement with what  
8 it's going to be.

9 THE COURT: Oh.

10 MR. SHAFFER: I think we've had some discussion  
11 about it and David's made an offer to me. And I've said --  
12 I've made a counteroffer. I don't think we're quite there  
13 where we can actually resolve his pending case, unless I  
14 may be mistaken. Is that ---

15 MR. STUMBO: No, I don't think we're real close,  
16 but I think what's been offered by the defense essentially  
17 it would be a turnaround sentence that would put him out.

18 THE COURT: What's he charged with?

19 MR. STUMBO: Pointing and presenting and a  
20 domestic violence second degree. And they're both  
21 involving a firearm, I think. The one is definitely. But  
22 it's the same victim; it's his girlfriend and her child.  
23 And so the girlfriend and her child report that he's  
24 pointing a gun.

25 THE COURT: All right.

1 MS. SHAFFER: From my standpoint, I don't think  
2 it's a very easy triable case for the State because  
3 statements that the victim has since made concerning  
4 whether or not those -- the actions happened like they are  
5 reported to law enforcement, or like law enforcement has  
6 it. So I don't think that it's necessarily -- it's not  
7 some case that we really want to be trying and actually --  
8 I mean, maybe I'm wrong. I'm not speaking for the State.  
9 I'm just saying that there's a ---

10 MR. STUMBO: It's not a slam-dunk case.

11 MR. SHAFFER: Yeah.

12 MR. STUMBO: I'll acknowledge that.

13 THE COURT: Okay. Got you.

14 MR. STUMBO: It's triable though.

15 THE COURT: Well, yes.

16 MR. STUMBO: Judge, I think one of the things  
17 that I think complicates this is I don't know if there's  
18 jurisdiction today to vacate the conviction. Under Lee, I  
19 think certainly the sentence could be vacated. But just  
20 like if it were on appeal, I mean, if the court of appeals  
21 determined that the sentence did not comport with the  
22 statutory language and was, therefore, vacated, I think it  
23 would have gone back to the Court for re-sentencing, but  
24 not challenge or overturn the plea and the conviction.

25 THE COURT: Well, the problem with that is, of

1 course, he thought he was getting probation on this case  
2 and he can't. And so if we go back -- if I simply vacate  
3 the sentence, we go back to re-sentencing and I'm going to  
4 have to give him a straight time sentence, which definitely  
5 was not the benefit of the bargain at the time that he  
6 entered the plea in 2014. So that's the problem with that.  
7 However this plays out, I would recommend that perhaps the  
8 Solicitor's office or the defense may want to go ahead and  
9 contact Ms. Scott and ask for a copy of that transcript.  
10 It couldn't be that expensive. Because as everyone here is  
11 well aware, I have no problem with any appeal, especially  
12 when I can give a nice little challenging case to the nice  
13 people on the Supreme Court, something weird ---

14 MR. STUMBO: I think it would be very ---

15 THE COURT: --- that they have not dealt with  
16 yet.

17 MR. STUMBO: -- intellectually stimulating to  
18 have that argued on the appellate level.

19 THE COURT: My law clerk here, who actually  
20 worked with Judge Few, was reading his dissent. And, of  
21 course, he's from Greenwood and he's a great guy. And I  
22 don't know, maybe we'll give him another bite at the apple  
23 or something on this. We'll have to look at the dissent.  
24 I want to try and figure out what the end game is before I  
25 take the step off the cliff and just say, you know, yeah,

1 it's an illegal sentence and therefore, there's not going  
2 to be any violation. I've got to figure out how this plays  
3 out. And I haven't thought yet three moves or four moves  
4 into the future. And I have not -- I don't have my right  
5 book. I'll find it. And I think the answer may be in  
6 there. So it's under advisement.

7           The bad news, Mr. Reid, is you're going to be in  
8 jail a little bit longer. The good news is that you're not  
9 going to prison for 10 or 20 years, okay? So try and  
10 approach this as the glass half-full kind of a thing, all  
11 right?

12           I'll take this under advisement and either direct  
13 one of y'all to prepare an order or more likely do it  
14 myself with my clerk's help.

15           And I would go ahead and ask Ms. Scott for a copy  
16 of that transcript before she purges her old stuff, because  
17 I'm sure whatever I do is going to end up having to be  
18 perhaps considered by somebody else on appeal. And I'm  
19 good with that. Thank you.

20           \*\*\*END OF TRANSCRIPT OF RECORD\*\*\*

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STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

STATE of SOUTH  
CAROLINA,

IN THE COURT OF GENERAL SESSIONS  
WARRANT NO. W-24-20-0153  
INDICTMENT NO. 2012-GS-24-1325

-v-

JOEY CORVELL  
REID,<sup>1</sup>  
*Defendant.*

ORDER CONCERNING PROBATION  
VIOLATION

Addy, J.

THIS MATTER CAME BEFORE THE COURT on October 28, 2021 on a probation violation.<sup>2</sup> Mr. Reid was represented by Tristan Shaffer, Esq., the Department of Probation, Pardon, and Parole (hereinafter "PPP") was represented by Octavia Wright, Esq., and the 8<sup>th</sup> Circuit Solicitor's Office was represented by Solicitor David Stumbo. Having considered the applicable law, the argument of counsel, and the particular facts of this case, the Court finds as follows:

On January 27, 2014, Mr. Reid pled guilty to one (1) count of Assault and Battery, 1<sup>st</sup> degree, and one (1) count of Attempted Murder. At the plea, he was represented by Carson Henderson, Esq., Solicitor Stumbo represented the State, and Judge Doyet Early presided.<sup>3</sup> Per the sentencing sheets and the recollection of the Solicitor, the plea was negotiated and agreed to by all concerned. The negotiations contemplated Mr. Reid serving a ten (10) year sentence on the assault charge. On the

<sup>1</sup> A.K.A. Joey Corvell Sanders. "Sanders" is how Mr. Reid's name is indexed on the Greenwood public index.

<sup>2</sup> This matter was first scheduled before this jurist on May 24, 2021 and again on July 29, 2021. At those hearings, the Court continued the matter so that Mr. Shaffer could conduct additional research on the effect and nature of an illegal sentence as it relates to a subsequent probation violation. The hearing of May 24, 2021 was very brief because my notes reflect only that I continued the case and retained jurisdiction; in fact, that may have even been handled by way of a bench conference.

<sup>3</sup> Tara Scott was the court reporter for the plea, and coincidentally, she was the court reporter assigned to this judge when the matter came before the Court on both May 24, 2021 and July 29, 2021. Ms. Scott indicated at the July hearing that she may still have record of this plea and could potentially furnish a transcript. The Court suggested that the parties make a request and obtain a transcript in the hopes that it might shed some light on the events surrounding the plea. For whatever reason, no one has done so; therefore, the Court authors this order without the benefit of the January 27, 2014 plea transcript.



attempted murder charge which is the subject of the violation hearing, it was agreed that Mr. Reid would receive a sentence of twenty (20) years consecutive to the ten (10) years active, but the twenty (20) years would be suspended to probation for five (5) years.<sup>4</sup> The Court accepted Mr. Reid's plea, followed the negotiation, and imposed the agreed upon sentence.

Mr. Reid subsequently served his active sentence and was released from SCDC on probation on or about June 29, 2018. Mr. Reid was arrested for attempted murder on July 11, 2019. A subsequent probable cause violation before Judge Hocker resulted in the probation case being ordered continued. Mr. Reid was subsequently acquitted by the trial jury on the attempted murder charge on April 21, 2021.<sup>5</sup> The violation report detailed that Mr. Reid was in violation for changing his address without notifying his agent, failure to pay monetary obligations, and failing to follow the advice and instructions of his agent. The agent recommended a ten (10) year revocation.<sup>6</sup>


No appeal was taken from the plea, no action for post-conviction relief was pursued, and apparently no objection to the suspended nature of the attempted murder sentence was ever made. At the hearing of October 28, 2021, the Solicitor indicated that, at the time of the initial plea, the defense was driving this bargain and that the Solicitor wanted active time of some sort, a strike against Mr. Reid, and the potential for 85% time should a violation subsequently occur, hence the plea to attempted

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<sup>4</sup> At the October 28, 2021 hearing, Solicitor Stumbo indicated that Mr. Reid actually pled to three consecutive assault and battery 1<sup>st</sup> degree charges and received a thirty (30) year sentence on those charges. The Solicitor's recollection must be in error since no record of a plea to the other two A&B 1<sup>st</sup> charges can be located although two (2) additional counts of attempted murder were *not* proessed by the State. Again, a transcript of the proceedings from January 27, 2014 would have been quite helpful.

<sup>5</sup> Ivan Toney, Esq. represented Mr. Reid at trial, and this jurist was the trial judge. On December 14, 2021, Mr. Reid pled guilty after jury selection to a negotiated plea of five (5) years active to Obstruction of Justice, DV 2<sup>nd</sup> Degree, and Unlawful Neglect of Child. This jurist was also the sentencing judge on these cases. Between the time of the October 28, 2021 hearing and the trial, the Court issued an interim order dismissing the warrant and indicating that this formal order would be forthcoming. As a result, Mr. Reid was released from confinement at the Greenwood Detention Center since he had already made bond on the pending charges to which he pled on December 14, 2021.

<sup>6</sup> The Court notes that a recommended revocation of this magnitude is unusual for the violations alleged. The Court is inclined to believe and does find that the impetus for the initial ten (10) year partial revocation recommendation stems from the attempted murder charges for which Mr. Reid was acquitted on April 21, 2021.

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murder.<sup>7</sup>

Counsel for PPP took the position that it is not appropriate for PPP to pass upon the legality or validity of a sentence imposed and further stated that PPP will accept a sentence imposed by the circuit court as valid. The Court agrees with Ms. Wright that PPP does not have an independent duty to verify the propriety of a particular sentence; as an extension of the court, probation agents are tasked with merely supervising an offender pursuant to the court's direction and PPP's internal guidelines.

Counsel for Mr. Reid argued that the sentence is illegal, and pursuant to language in State v. Lee,<sup>8</sup> the fact that a particular sentence was illegal may be used as a defense to a probation violation. Although Mr. Shaffer essentially conceded that Mr. Reid certainly benefitted from the suspended sentence, he argued that the illegal nature of the sentence should still result in a dismissal of the probation violation per *Lee*.

### ISSUES PRESENTED

To what extent may or should a trial court enforce a negotiated sentence, which was illegal at its inception but which inured to the defendant's benefit, by way of a probation violation? And, to the extent that a court should not enforce an illegal sentence as a matter of public policy, what is the remedy?

### LEGAL ANALYSIS

Section 16-3-29 defines the offense of Attempted Murder; it clearly and unambiguously states "A sentence imposed pursuant to this section may not be suspended nor may probation be granted." Ergo, the sentence which the parties agreed to and which the court imposed is contrary to statute, but it clearly benefits Mr. Reid in that he served no active, 85% time on this charge as a result of the plea.

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<sup>7</sup> The same result could have been achieved had the parties agreed to a guilty plea to ABHAN, an offense which can be suspended under the law; however, attempted murder and ABHAN are obviously treated differently under the recidivist provisions of Section 17-25-45. The Court also notes that Carson Henderson, Mr. Reid's attorney for the plea, was not present at the hearing of October 28, 2021 to offer his recollection of the events surrounding the plea.

<sup>8</sup> 350 S.C. 125, 564 S.E. 2d 372 (S.C. App. 2002).

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Plea bargains and enforcement of any negotiated pleas are governed by contract law. See Reed v. Becka, 333 S.C. 676, 686, 511 S.E.2d 396, 401 (Ct. App. 1999); United States v. Ringling, 988 F.2d 504, 505 (4th Cir. 1993). That a court is without power to enforce an illegal contract is axiomatic, as such contracts are void as against public policy. See Beach Co. v. Twillman, Ltd., 351 S.C. 56, 64, 566 S.E.2d 863, 866-67 (Ct. App. 2002); Jackson v. Bi-Lo Stores, Inc., 313 S.C. 272, 277, 437 S.E.2d 168, 170 (Ct. App. 1993). The power of a court to impose a particular sentence is wholly controlled by the statutory penalty provisions as enacted by the South Carolina General Assembly, and the trial court has broad discretion to sentence within the statutory limits enacted. In re M.B.H., 387 S.C. 323, 692 S.E.2d 541 (2010). It is not the providence of a court to question the wisdom of the General Assembly when it has spoken unequivocally. See State v. Jacobs, 393 S.C. 584, 713 S.E.2d 621 (2011). The Circuit Court may be a court of general jurisdiction, but its authority is limited by the South Carolina Constitution and the powers granted to it by the General Assembly. State v. De La Cruz, 302 S.C. 13, 15-16, 393 S.E.2d 184, 186 (1990).

South Carolina case law offers some degree of guidance on this issue. In State v. Lee, 350 S.C. 125, 132-33, 564 S.E.2d 372, 376 (S.C. App. 2002), Lee maintained that the legality of his sentence implicated the court's subject matter jurisdiction. In rejecting his assertion, the Court held "[T]he statutory authority of the sentencing court to issue the underlying sentence could have been challenged in a motion to reconsider the sentence, on direct appeal, or as a defense to the probation revocation proceedings." (emphasis supplied) *Id.* The Court in *Lee* further held that, because no motion to reconsider was filed by any party and no appeal was taken, the underlying sentence was the law of the case. *Id.*

Justice Few's dissent in State v. Blakney, 410 S.C. 244, 254, 763 S.E.2d 622, 628 (Ct. App. 2014) is also instructive. In discussing Justice Pleicones' dissent in Talley v. State, 371 S.C. 535, 640

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S.E.2d 878 (2007), Justice Few states "[T]he suspension of a sentence is not effective when the law forbids the suspension." In footnote 11, Justice Few correctly states "Our supreme court has not held that a trial court's partial suspension of a sentence is effective even when the court has no power to suspend the sentence." Of course, the majority in *Blakney* held that, "because the State never sought to correct [the] error," the suspension of Blakney's sentence was the law of the case. 410 S.C. at 251, 763 S.E.2d at 626.

Although instructive, *Lee* and *Blakney* are not particularly helpful. *Lee* concerned the issue of whether the sentencing judge could legally order that probationary supervision coincide with supervision while on parole. *Blakney* concerned the extent to which community supervision violations are chargeable against the original unsuspended portion of his sentence.<sup>9</sup> Other cases decided by our court offer similarly limited guidance. In *State v. Plumer*, 433 S.C. 300, 857 S.E.2d 796 (2021), the Supreme Court vacated the "erroneous" sentence imposed on the firearm charge because the defendant received a life sentence on the attempted murder charge. 433 S.C. at 351, 857 S.E.2d at 803. However, the Court's basis for doing so centered upon judicial economy and had no ultimate effect on Plumer's actual sentence. Similarly, in *State v. Jones*,<sup>10</sup> the Court of Appeals found that the trial court lacked authority to suspend the mandatory minimum period of incarceration for trafficking and remanded the matter back to the trial court for resentencing. Again, however, none of these cases address the precise issue of the extent to which a trial court may, or should, activate a suspended sentence for an offense, the penalty for which cannot be suspended.

Furthermore, to the extent that *Lee* stands for the proposition that the underlying illegality of a sentence may be argued as a defense to a probation revocation, it leaves unanswered the obvious question: What next? If such a defense is successful in preventing a probation violation, should the

<sup>9</sup> Unlike the dissent, the majority in *Blakney* never truly addressed the impropriety of the sentencing court's suspension of the mandatory minimum fifteen (15) year sentence for Burglary, 1<sup>st</sup> degree.

<sup>10</sup> 2018 WL 2979790, 2018-UP-264 (S.C. App., June 13, 2018)

defendant remain on probation despite the fact that he would suffer no penalty for any subsequent violations? If an illegal sentence benefits a defendant and becomes the law of the case absent direct appeal, to what extent would our courts be parties to a direct contravention of the law?<sup>10</sup> If the Court merely accepts Mr. Reid's sentence as the law of the case, to what extent is this Court encouraging similar, improper negotiations to take place in the future? Because South Carolina law is silent on these questions, the Court has looked to our sister states for guidance.

Alabama treats such an error as jurisdictional, and a sentence which is unauthorized by statute is void. Ex parte McGowan, 2021 WL 1805703 (Ala. 2021). At first blush, the facts in McGowan closely track the present case. McGowan received a split sentence which was not authorized by statute. The State subsequently sought to revoke the probationary portion of the sentence due to his being charged with new felonies. Following precedent holding that a trial court lacked subject matter jurisdiction to revoke probation where the underlying sentence benefiting the defendant was contrary to law, the Alabama Supreme Court found that the proper procedure was for the trial court to conduct another sentencing hearing. Although the facts in *McGowan* are similar to Mr. Reid's situation, Alabama law differs in that an illegal sentence implicates subject matter jurisdiction. Per South Carolina jurisprudence, an illegally excessive sentence does not implicate subject matter jurisdiction, and such cases are properly addressed through PCR. State v. Johnson, 333 S.C. 459, 510 S.E.2d 423 (1999).<sup>11</sup>

The courts of Texas would likely apply estoppel by judgment to the present case. In Deen v. State, 509 S.W.3d 345 (Tex. 2019), Deen received a sentence which was more lenient than permitted by statute. After serving that sentence, he was subsequently convicted of a new charge which was enhanced due to his prior conviction. In dismissing his challenge to the legality of the prior conviction

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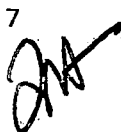
<sup>10</sup> Obviously, direct appeal is the only avenue by which such an error could be corrected. PCR would not present an option since a court is unlikely to find that a defendant was prejudiced by his attorney obtaining a suspended sentence for a crime which called for mandatory incarceration. See e.g. State v. Graves, 822 So.2d 1089 (Miss. 2002)

<sup>11</sup> Again, as discussed in the previous footnote, PCR would not constitute a means by which to remedy an illegally permissive sentence.

for enhancement purposes, the Texas court found that Deen was equitably estopped from accepting the benefits of the prior illegally lenient sentence and then arguing that the underlying offense could not be used to enhance a subsequent crime. From a review of Justice Few's dissent in *Blakney*, perhaps judicial estoppel should be applied in Mr. Reid's case. Clearly, Mr. Reid enjoyed the benefits of an illegal probationary sentence on the Attempted Murder charge. However, Mr. Reid only accepted that benefit after also agreeing to serve ten (10) years active as part of a quintessential, negotiated (and illegal) "package deal." More to the point, to say that Mr. Reid benefited from probation and is judicially estopped from arguing application of *Lee* would constitute the Court enforcing a contract which violates South Carolina law. Put bluntly, to apply judicial estoppel, or a "law of the case" analysis for that matter, would condone and encourage wholesale disregard for what statutory law plainly mandates; essentially and as a practical matter, the Court would be saying, "Meh...so the justice system ignored the law...big, hairy deal."

Finally, Florida appears to take a slightly different approach. Although they follow the rule that a person may not contest their conviction if they benefit from an illegal sentence, they may challenge an illegal sentence that exceeds the statutory maximum, essentially applying a theory of estoppel. White v. State, 828 So.2d 491 (2002). In situations where the plea was negotiated and the illegal sentence was to the defendant's detriment, the case is remanded, and the State may either agree to resentencing or withdraw from the negotiated agreement and proceed to trial.<sup>12</sup> *Id.* at 492. Because Mr. Reid's negotiated sentence represented a "package deal" whereby he was incarcerated for a period of time on a legal sentence prior to beginning his illegal probationary sentence, if Florida's rule were applied and the State agreed to resentencing, PCR would then become an available remedy. If the State opted for trial, then any prejudice to Reid would be lessened since he would still have the option of

<sup>12</sup> *White* does not explain exactly why the State gets to control the relief afforded in an illegally negotiated plea situation, especially when the State is a party to the initial, improper sentence. As explained below, the better rule would be to permit a defendant to move to withdraw his plea.

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presenting a defense or attempting further negotiations.<sup>14</sup>

### SO, WHAT NEXT?

That probation constitutes a matter of grace by the sentencing court is axiomatic. State v. White, 218 S.C. 130, 136, 61 S.E.2d 754, 756 (1950). Similarly, revocation of a probationary sentence is left to the sound discretion of the judge. State v. Allen, 370 S.C. 88, 94, 634 S.E.2d 653, 655 (2006); S.C. Code Ann. § 24-21-460 (1989). This Court is faced with a situation where the active part of Mr. Reid's negotiated deal was legal, but the suspended portion was illegal. Again, the Court does not have the benefit of the transcript of the initial plea; however, the sentencing court was simply without power to do what it did regardless of the reason for doing it.<sup>15</sup>

Therefore, as it relates to Mr. Reid's probation violation, the Court finds that, pursuant to *Lee* and because the sentence was illegal, Mr. Reid's probation should not be revoked.<sup>16</sup>

Having elected not to revoke his probation, this Court still has the obligation to clarify where Mr. Reid's probationary status stands. At present, Mr. Reid remains convicted of attempted murder. However, if this Court is correct in its analysis that *Lee* constitutes a means by which Mr. Reid may avoid any ramifications for future probation violations, his sentence is illusory and of no practical effect.

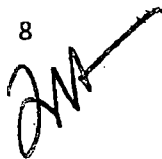
The Court is also genuinely concerned with the fact that the court of general sessions, implicitly or mistakenly, endorsed and imposed a sentence which violates the law. As Justice Few correctly observed, a court is without power to do that which the law prohibits it from doing. More troubling,

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<sup>14</sup> Presuming that a defendant in Mr. Reid's situation was ultimately convicted, the sentencing court could, of course, take into account the fact that he had previously served a ten (10) year sentence as part of the initial package deal.

<sup>15</sup> Nothing in this Order should be read as suggesting anything nefarious on behalf of any party to the plea or the sentencing judge. Regardless, the fact remains that the sentence was not permitted under the law.

<sup>16</sup> As an additional sustaining ground for this ruling, even if this Court were to apply an estoppel or law of the case analysis, the Court would still not revoke Mr. Reid's probation. Again, he was acquitted on the underlying charges which precipitated issuance of the probable cause warrant. At most, the Court would allow for, and does so find, the substantial time Mr. Reid served in jail satisfies the stated violations of moving without notifying his agent and being behind on his monetary obligations.



per the analysis of the South Carolina cases above, only in those situations where the state undertakes to appeal an illegal sentence could such an impermissibly lenient sentence be corrected. To entrust the state with sole responsibility to *enforce* the law vigorously and correctly is to ignore the court's inherent obligation to *apply* the law decorously and properly. Put simply, to afford the state sole power, by rule of procedure or preservation, to correct an illegal sentence under a law of the case theory is to invite the very mischief which threatens the integrity of the bench and erodes public trust in our judiciary.<sup>17</sup>

Similarly, under the facts as presented here, applying an estoppel theory is improper and invites the same mischief regardless of whether the sentence was of benefit to a defendant. Rather than estoppel, the Court is inclined to borrow from another equitable maxim: *In pari delicto potior est conditio defendentis*. South Carolina jurisprudence certainly supports this maxim's public policy rationales in the civil context, and this Court sees every reason the same rule should apply in the criminal context especially because society's protection and citizens' liberty interests are both implicated by a court doing what it simply may not. See Jackson v. Bi-Lo Stores, Inc., 313 S.C. 272, 437 S.E.2d 168 (Ct. App. 1993); Bateman Eichler, Hill Richards, Inc. v. Berner, 472 U.S. 299, 306 (1985).

Accordingly, the Court finds and orders as follows.<sup>18</sup> Because the sentencing court was within its jurisdiction and authority to accept Mr. Reid's plea, Mr. Reid's underlying plea to and conviction for attempted murder stands. However, Mr. Reid's sentence is vacated, and it is ordered that he be resentenced. At the resentencing, Mr. Reid may move to withdraw his plea if he so desires. Should he elect to withdraw his plea and the Court permits him to do so, the State and Mr. Reid are free to renew

<sup>17</sup> This constitutes both a real and a practical concern. This jurist has been asked on numerous occasions to accept a plea to the offense of false imprisonment. Of course, such an offense no longer exists. State v. Bernsten, 295 S.C. 52, 367 S.E.2d 152 (1988). However, that has not stopped the parties from judge shopping in the hopes of finding someone who will accept such a plea. Just as a court may not accept a plea for conduct which does not violate the law, a court may not impose a sentence which is in contravention of the law.

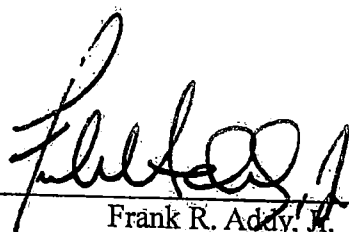
<sup>18</sup> The Court is well aware that none of the parties involved in this matter requested the relief which the Court is ordering. Additionally, this jurist is not attempting to overrule another judge. Rather, the Court is simply doing what this Court feels must be done due to the above concerns and trusts that the appellate courts will provide further guidance on these issues.



their negotiations or take the matter to trial.<sup>19</sup> Clearly, any future sentencing judge may take into account the fact that the prior negotiations involved Mr. Reid serving an active period of incarceration on an otherwise legally imposed sentence.

**WHEREFORE**, it is ordered that Mr. Reid's underlying conviction for attempted murder remains valid and a new sentencing hearing shall take place pursuant to the terms and conditions of this Order.

**IT IS SO ORDERED.**



Frank R. Addy, Jr.  
Resident Judge

December 31, 2021  
Greenwood, South Carolina

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<sup>19</sup> The Court is also aware that PPP intends to appeal the Court's order, and as explained previously, Mr. Reid is currently serving an active five (5) year sentence. Should Mr. Reid be released prior to any appeal being decided, the Court orders that he shall remain under the supervision of PPP and abide by all the terms and conditions of his prior probation case. Any violation of the terms of his probation may be addressed by a citation, and the Court may find him in contempt for any willful failure to abide by said provisions. The remainder of Mr. Reid's probationary period is ordered tolled while he serves his five (5) year sentence.





## Matthew Buchanan

---

**From:** Matthew Buchanan  
**Sent:** Friday, November 12, 2021 12:28 PM  
**To:** Addy, Frank R.; Stumbo, David M.; Addy, Frank R. Secretary (Freda Sartin); Tristan Shaffer; Addy, Frank R. Law Clerk (Sydney Case)  
**Cc:** Richard Williams; Octavia Wright  
**Subject:** RE: State v. Joey Carvell Reid

Judge Addy,

Thank you for including Octavia and I on the email chain. In light of the Court's decision in the placeholder order, I anticipate PPP will be filing a motion to reconsider. Because the order as issued indicates the Court will supplement the order at a later time, I am happy to wait until you file the final order but I want to make sure the State's rights are protected regarding the timing we have to file a notice of appeal or motion to reconsider of the final order. I appreciate your acknowledgment that PPP will be included on any future final order.

Sincerely,  
Matt

**Matthew C. Buchanan**

General Counsel

SC Department of Probation, Parole and Pardon Services  
(803) 734-9012  
(803) 734-9324 (fax)

**From:** Addy, Frank R. <faddyj@sccourts.org>  
**Sent:** Wednesday, November 10, 2021 10:06 AM  
**To:** Stumbo, David M. <dstumbo@greenwoodsc.gov>; Addy, Frank R. Secretary (Freda Sartin) <faddysc@sccourts.org>; Tristan Shaffer <tshaffer@8thcircuitpublicdefender.org>; Addy, Frank R. Law Clerk (Sydney Case) <faddyjc@sccourts.org>  
**Cc:** Richard Williams <Richard.Williams@ppp.sc.gov>; Octavia Wright <Octavia.Wright@ppp.sc.gov>; Matthew Buchanan <Matthew.Buchanan@ppp.sc.gov>  
**Subject:** RE: State v. Joey Carvell Reid

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thanks. Very valid point.

That order is essentially a "place holder" order – not a final order; I intend to do something more detailed once I have the time to figure out what the end result of all this has to be.  
We'll be sure to cc PPP on any future orders.

Frank R. Addy, Jr.  
Resident Judge, 8<sup>th</sup> Judicial Circuit  
Greenwood County Courthouse

528 Monument Street, Ste. 210  
Greenwood, South Carolina 29646  
Office: (864) 943-8020  
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Email: [faddyj@sccourts.org](mailto:faddyj@sccourts.org)  
Secretary: Freda Sartin ([faddyjc@sccourts.org](mailto:faddyjc@sccourts.org))  
Law Clerk: Sydney Case ([faddyjc@sccourts.org](mailto:faddyjc@sccourts.org))  
(**\*\*\*Please note that I do not receive email on my cell phone.\*\*\***)

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**From:** Stumbo, David M.  
**Sent:** Wednesday, November 10, 2021 10:03 AM  
**To:** Addy, Frank R. Secretary (Freda Sartin) <[faddyjc@sccourts.org](mailto:faddyjc@sccourts.org)>; Addy, Frank R. <[faddyj@sccourts.org](mailto:faddyj@sccourts.org)>; Tristan Shaffer <[tshaffer@8thcircuitpublicdefender.org](mailto:tshaffer@8thcircuitpublicdefender.org)>; Addy, Frank R. Law Clerk (Sydney Case) <[faddyjc@sccourts.org](mailto:faddyjc@sccourts.org)>  
**Cc:** Richard Williams <[richard.williams@ppp.sc.gov](mailto:richard.williams@ppp.sc.gov)>; Octavia Wright <[Octavia.Wright@ppp.sc.gov](mailto:Octavia.Wright@ppp.sc.gov)>; Matthew Buchanan <[Matthew.Buchanan@ppp.sc.gov](mailto:Matthew.Buchanan@ppp.sc.gov)>  
**Subject:** Re: State v. Joey Carvell Reid

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Judge,

Not trying to be nit-picky, but technically the State was represented by DPPPS at the Reid probation revocation hearing. I have no problem being noted in your Order "as making an appearance on behalf of the State along with the DPPPS representatives, Agent-in-Charge Richie Williams and Assistant General Counsel Octavia Wright," or something to that effect. But the record needs to be clear on the roles of everyone involved if the Department chooses to appeal your decision to dismiss their revocation motion.

I will also forward the DPPPS folks your Order, it does not look like they were copied on the initial email.

David M. Stumbo  
Solicitor

On Tue, Nov 9, 2021 at 1:41 PM Addy, Frank R. Secretary (Freda Sartin) <[faddyjc@sccourts.org](mailto:faddyjc@sccourts.org)> wrote:

Good afternoon,

I have attached a copy of an Order that has been signed by Judge Addy and the original will be taken to the Clerk of Court's office.

Please contact me if you have any problems viewing the attachment.

Have a great day!

*Freda E. Sartin*

*Administrative Assistant*

*Honorable Frank R. Addy, Jr.*

*Resident Judge, Eighth Judicial Circuit Greenwood County Courthouse*

528 Monument Street, Suite 210

Greenwood, South Carolina 29646

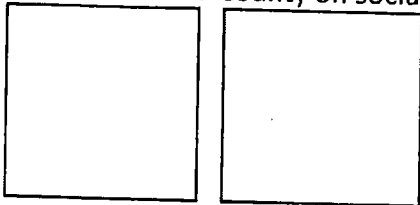
Phone : (864) 943-8020

Fax : (864) 942-8581

Email : [faddysc@sccourts.org](mailto:faddysc@sccourts.org)

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## Matthew Buchanan

---

**From:** Addy, Frank R. <faddyj@sccourts.org>  
**Sent:** Friday, November 12, 2021 3:42 PM  
**To:** Matthew Buchanan; Stumbo, David M.; Addy, Frank R. Secretary (Freda Sartin); Tristan Shaffer; Addy, Frank R. Law Clerk (Sydney Case)  
**Cc:** Richard Williams; Octavia Wright  
**Subject:** RE: State v. Joey Carvell Reid

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Resident Judge, 8<sup>th</sup> Judicial Circuit  
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Law Clerk: Sydney Case ([faddyjc@sccourts.org](mailto:faddyjc@sccourts.org))  
(**\*\*\*Please note that I do not receive email on my cell phone.\*\*\***)

---

**From:** Matthew Buchanan [<mailto:Matthew.Buchanan@ppp.sc.gov>]  
**Sent:** Friday, November 12, 2021 12:28 PM  
**To:** Addy, Frank R. <faddyj@sccourts.org>; Stumbo, David M. <dstumbo@greenwoodsc.gov>; Addy, Frank R. Secretary (Freda Sartin) <faddyjc@sccourts.org>; Tristan Shaffer <tshaffer@8thcircuitpublicdefender.org>; Addy, Frank R. Law Clerk (Sydney Case) <faddyjc@sccourts.org>  
**Cc:** Richard Williams <Richard.Williams@ppp.sc.gov>; Octavia Wright <Octavia.Wright@ppp.sc.gov>  
**Subject:** RE: State v. Joey Carvell Reid

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Judge Addy,

Thank you for including Octavia and I on the email chain. In light of the Court's decision in the placeholder order, I anticipate PPP will be filing a motion to reconsider. Because the order as issued indicates the Court will supplement the order at a later time, I am happy to wait until you file the final order but I want to make sure the State's rights are protected regarding the timing we have to file a notice of appeal or motion to reconsider of the final order. I appreciate your acknowledgment that PPP will be included on any future final order.

Sincerely,  
Matt

**Matthew C. Buchanan**

General Counsel

SC Department of Probation, Parole and Pardon Services

(803) 734-9012

(803) 734-9324 (fax)

**From:** Addy, Frank R. <[faddyj@sccourts.org](mailto:faddyj@sccourts.org)>

**Sent:** Wednesday, November 10, 2021 10:06 AM

**To:** Stumbo, David M. <[dstumbo@greenwoodsc.gov](mailto:dstumbo@greenwoodsc.gov)>; Addy, Frank R. Secretary (Freda Sartin) <[faddyjc@sccourts.org](mailto:faddyjc@sccourts.org)>; Tristan Shaffer <[tshaffer@8thcircuitpublicdefender.org](mailto:tshaffer@8thcircuitpublicdefender.org)>; Addy, Frank R. Law Clerk (Sydney Case) <[faddyjc@sccourts.org](mailto:faddyjc@sccourts.org)>

**Cc:** Richard Williams <[Richard.Williams@ppp.sc.gov](mailto:Richard.Williams@ppp.sc.gov)>; Octavia Wright <[Octavia.Wright@ppp.sc.gov](mailto:Octavia.Wright@ppp.sc.gov)>; Matthew Buchanan <[Matthew.Buchanan@ppp.sc.gov](mailto:Matthew.Buchanan@ppp.sc.gov)>

**Subject:** RE: State v. Joey Carvell Reid

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Thanks. Very valid point.

That order is essentially a "place holder" order – not a final order; I intend to do something more detailed once I have the time to figure out what the end result of all this has to be.

We'll be sure to cc PPP on any future orders.

Frank R. Addy, Jr.

Resident Judge, 8<sup>th</sup> Judicial Circuit

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Email: [faddyj@sccourts.org](mailto:faddyj@sccourts.org)

Secretary: Freda Sartin ([faddyjc@sccourts.org](mailto:faddyjc@sccourts.org))

Law Clerk: Sydney Case ([faddyjc@sccourts.org](mailto:faddyjc@sccourts.org))

(\*\*\*Please note that I do not receive email on my cell phone.\*\*\*)

---

**From:** Stumbo, David M.

**Sent:** Wednesday, November 10, 2021 10:03 AM

**To:** Addy, Frank R. Secretary (Freda Sartin) <[faddyjc@sccourts.org](mailto:faddyjc@sccourts.org)>; Addy, Frank R. <[faddyj@sccourts.org](mailto:faddyj@sccourts.org)>; Tristan Shaffer <[tshaffer@8thcircuitpublicdefender.org](mailto:tshaffer@8thcircuitpublicdefender.org)>; Addy, Frank R. Law Clerk (Sydney Case) <[faddyjc@sccourts.org](mailto:faddyjc@sccourts.org)>

**Cc:** Richard Williams <[richard.williams@ppp.sc.gov](mailto:richard.williams@ppp.sc.gov)>; Octavia Wright <[Octavia.Wright@ppp.sc.gov](mailto:Octavia.Wright@ppp.sc.gov)>; Matthew Buchanan <[Matthew.Buchanan@ppp.sc.gov](mailto:Matthew.Buchanan@ppp.sc.gov)>

**Subject:** Re: State v. Joey Carvell Reid

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Judge,

Not trying to be nit-picky, but technically the State was represented by DPPPS at the Reid probation revocation hearing. I have no problem being noted in your Order "as making an appearance on behalf of the State along with the DPPPS representatives, Agent-in-Charge Richie Williams and Assistant General Counsel Octavia Wright," or something to that effect. But the record needs to be clear on the roles of everyone involved if the Department chooses to appeal your decision to dismiss their revocation motion.

I will also forward the DPPPS folks your Order, it does not look like they were copied on the initial email.

David M. Stumbo  
Solicitor

On Tue, Nov 9, 2021 at 1:41 PM Addy, Frank R. Secretary (Freda Sartin) <[faddysc@sccourts.org](mailto:faddysc@sccourts.org)> wrote:

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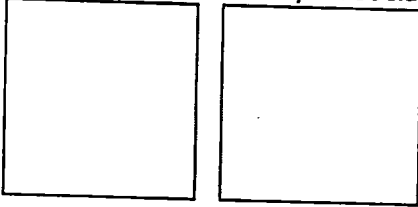
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*Culture: That which has been planted has been allowed to grow!*

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## Matthew Buchanan

---

**From:** Addy, Frank R. <faddyj@sccourts.org>  
**Sent:** Tuesday, November 30, 2021 5:18 PM  
**To:** Tristan Shaffer; Matthew Buchanan  
**Cc:** Stumbo, David M.; Addy, Frank R. Secretary (Freda Sartin); Addy, Frank R. Law Clerk (Sydney Case); Richard Williams; Octavia Wright  
**Subject:** RE: State v. Joey Carvell Reid

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Because I previously issued an order on November 9<sup>th</sup> dismissing the probation warrant, I'm a little surprised by the sudden interest in all this since dismissal of the warrant results in him getting out of jail. I only became aware yesterday that the probation warrant was the only thing keeping him in jail. Regardless, the order I issued yesterday is identical except that it included an additional probation warrant.

The temporary order only dismissed the warrant. The final order will have him still being on probation, so he does need to report.

Essentially, the final order I'm working on will address the validity of two things: the plea and the sentence. The plea remains valid. The sentence, however, is not legal. All, please understand that asking the court to enforce a sentence which was illegal at its inception is a big ask – one that I am not inclined to do. Regardless of which side benefits from an illegal sentence, it still does not change the underlying impropriety and unenforceability of a sentence. Simply put, just as a judge may not impose an illegal sentence, the parties may not agree to an illegal sentence. (See generally as to the first point State v. Jones, 2018-UP-264 (2018))

I was not the architect of the current situation, and I'm a little surprised that no one has ordered the transcript from the initial plea which Tara Scott still (luckily) has. It may shed more light on how we came to be here.

Tristan, he needs to report to probation and he should be on notice for trial on the 13<sup>th</sup>. If he's that dangerous to the public, I'm sure the Solicitor will call his case that week. The order I'm drafting will also reflect that he could be held in contempt for failing to abide by his probationary terms. Much less of a penalty than the 20 he was looking at, but still a means of enforcement.

That's all for now. If Mr. Reid does not appear for trial on the 13<sup>th</sup>, we can do a TIA.

Thanks for your patience concerning the final order, but the court is not going to leave someone in jail on a violation warrant which will not be enforced by this court under State v. Lee, 350 SC 125, 132 (App. 2002). To the extent Judge Griffith's order should have referenced other pending charges, again, I don't know what to say other than I neither drafted nor signed that order, and apparently that matter is not before me at this point.

Frank R. Addy, Jr.  
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Secretary: Freda Sartin ([faddysc@sccourts.org](mailto:faddysc@sccourts.org))  
Law Clerk: Sydney Case ([faddyjc@sccourts.org](mailto:faddyjc@sccourts.org))

(\*\*\*Please note that I do not receive email on my cell phone.\*\*\*)

**From:** Tristan Shaffer [mailto:tshaffer@8thcircuitpublicdefender.org]  
**Sent:** Tuesday, November 30, 2021 2:02 PM  
**To:** Matthew Buchanan <Matthew.Buchanan@ppp.sc.gov>  
**Cc:** Stumbo, David M. <dstumbo@greenwoodsc.gov>; Addy, Frank R. <faddyj@sccourts.org>; Addy, Frank R. Secretary (Freda Sartin) <faddysc@sccourts.org>; Addy, Frank R. Law Clerk (Sydney Case) <faddylc@sccourts.org>; Richard Williams <Richard.Williams@ppp.sc.gov>; Octavia Wright <Octavia.Wright@ppp.sc.gov>  
**Subject:** Re: State v. Joey Carvell Reid

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Actually, I may be wrong in that rule involving stays.

If you want my guy to report I'm fine with it. However, If the state decides to appeal I would ask for an appeal bond to stay the probationary sentence.

On Tue, Nov 30, 2021, 1:58 PM Tristan Shaffer <tshaffer@8thcircuitpublicdefender.org> wrote:

Also it is my understanding that the states notice of appeal would not stay the execution of order from the court of general sessions.

Otherwise I would have a whole bunch of people not in prison awaiting their sentence to become final after an appeal.

On Tue, Nov 30, 2021, 1:56 PM Tristan Shaffer <tshaffer@8thcircuitpublicdefender.org> wrote:

It is our position that Mr Reid is not on probation.

However, if you guys want him to report until such a time as we get a final order I don't think that'll be an issue.

On Tue, Nov 30, 2021, 1:54 PM Matthew Buchanan <Matthew.Buchanan@ppp.sc.gov> wrote:

Thank you, Solicitor Stumbo.

Judge, I echo and agree with all of the concerns laid out by the solicitor. I have every intention to file a motion for reconsideration, or based on your final order a notice of appeal. At this stage with Mr. Reid out of jail and ostensibly still on probation I would greatly appreciate clarification regarding the status of your final order. Thank you in advance.

Matt

-----Original Message-----

**From:** Solicitor David M. Stumbo <dstumbo@greenwoodsc.gov>  
**Sent:** Tuesday, November 30, 2021 12:45 PM  
**To:** Addy, Frank R. <faddyj@sccourts.org>  
**Cc:** Matthew Buchanan <Matthew.Buchanan@ppp.sc.gov>; Addy, Frank R. Secretary (Freda Sartin) <faddysc@sccourts.org>; Tristan Shaffer <tshaffer@8thcircuitpublicdefender.org>; Addy, Frank R. Law Clerk (Sydney Case) <faddylc@sccourts.org>; Richard Williams <Richard.Williams@ppp.sc.gov>; Octavia Wright <Octavia.Wright@ppp.sc.gov>  
**Subject:** Re: State v. Joey Carvell Reid

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Judge- Just to keep the DPPPS attorneys in the loop, my understanding from what I was told this morning is that the jail released Joey Reid from the detention center yesterday on your request based on the non-final order that you issued a couple weeks ago.

I assumed your clarification via this email thread that this was not your final order would have stayed Richie's probation revocation action until a final order was issued. Furthermore, DPPPS made clear in this thread that they intend to move for reconsideration and potentially file a notice of appeal of your order if and when there is a final order issued which dismisses the revocation warrant. Again, I would assume that their intent to appeal and should stay the execution of your order and keep the revocation warrant pending until the matter reaches final resolution as well.

When Josh Thomas of our office moved for the bond revocation last year, he clearly included as part of his revocation motion all of Reid's pending bonds, which included the newer 2020 Pointing and presenting and DV incidents that are still pending trial today. Unfortunately, it appears that Judge Griffith's order only included the attempted murder charges that he was tried and acquitted on in April, as well as Richie's probation revocation warrant numbers, in the caption of his order. I believe this omission of the newer charges in the revocation order caption to be unintentional, but cannot represent that with any certainty without talking to Josh and Judge Griffith.

We also have Reid on the Greenwood GS trial docket for the week of December 13 term for the Pointing and presenting and DV 2nd incidents, primarily at the informal request of Mr. Shaffer for a speedy trial. The Detention Center told me a few minutes ago that they told Reid yesterday afternoon when he was released to be at the probation office at 9:00 AM this morning for further instruction, and according to Richie he has yet to show up at their office today. Which does not surprise me in the least, if Reid's understanding is that probation has no enforceable authority over him.

Based on all of the above, I believe the release of Reid from the detention center to be premature and I object to it - for whatever that is worth at this point. I would have moved (again) for the revocation Reid's bond of his pending charges until trial if I had known this was to be the Court's position on Reid's custody status this week. If he shows up for his trial(s) on December 13, I will be shocked. I'll be asking to try Reid in absentia if that is the case, assuming my reluctant/scared victims show up.

Also, DPPPS may need some guidance from the court as to their motion to reconsider if your first order dismissing the revocation action is now being enforced as a final order.

Thanks and let us know if there is any further guidance or clarification that the court would like to give on this.

DMS

> On Nov 12, 2021, at 3:42 PM, Addy, Frank R. <[faddyj@sccourts.org](mailto:faddyj@sccourts.org)> wrote:

>

> You can treat the placeholder order the same way you would a form 4 order with a pending formal order. The matter is not final until the formal order is issued, so you should be fine in terms of timing.

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> Sincerely,  
> Matt  
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> Matthew C. Buchanan  
> General Counsel  
> SC Department of Probation, Parole and Pardon Services  
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> Not trying to be nit-picky, but technically the State was represented by DPPPS at the Reid probation  
> revocation hearing. I have no problem being noted in your Order "as making an appearance on behalf of the  
> State along with the DPPPS representatives, Agent-in-Charge Richie Williams and Assistant General  
> Counsel Octavia Wright," or something to that effect. But the record needs to be clear on the roles of  
> everyone involved if the Department chooses to appeal your decision to dismiss their revocation motion.  
>  
> I will also forward the DPPPS folks your Order, it does not look like they were copied on the initial email.  
>  
> David M. Stumbo  
> Solicitor  
>  
> On Tue, Nov 9, 2021 at 1:41 PM Addy, Frank R. Secretary (Freda Sartin)  
> <[faddysc@sccourts.org](mailto:faddysc@sccourts.org)<mailto:[faddysc@sccourts.org](mailto:faddysc@sccourts.org)>> wrote:  
> Good afternoon,  
>  
> I have attached a copy of an Order that has been signed by Judge Addy and the original will be taken to the  
> Clerk of Court's office.  
> Please contact me if you have any problems viewing the attachment.  
>  
> Have a great day!  
>  
> Freda E. Sartin  
> Administrative Assistant  
> Honorable Frank R. Addy, Jr.  
> Resident Judge, Eighth Judicial Circuit Greenwood County Courthouse  
> 528 Monument Street, Suite 210  
> Greenwood, South Carolina 29646  
> Phone : (864) 943-8020  
> Fax : (864) 942-8581  
> Email : [faddysc@sccourts.org](mailto:faddysc@sccourts.org)<mailto:[faddysc@sccourts.org](mailto:faddysc@sccourts.org)>  
>  
> ~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain  
> information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate  
> this message or any attachment. If you have received this message in error, please contact the sender  
> immediately and delete all copies of the message and any attachments.  
>  
>  
> Find Greenwood County on social media:  
> [Image removed by sender.]<[https://secure-web.cisco.com/1Bnj5TTIMBBQ-qSiGT1VT9VgHVG\\_KGM896VcG\\_QH5IhyqUzAEqYNbbysLp\\_DjvUx7X0Pg1u\\_aeRnr4HdcIMp\\_PmdnGirF-gZRV7O9R1I\\_RbjhkQny77pwNAp3rkOLd65r5pLxvsrdNbgpmoghuhdTXnfinRLIE9TFQ1D92EbB8V2D8xgiP26kvi56so5r-8vZz5\\_JjSCpqc7dFjIMCNfj-ZXT22beZTW3yRULGoerOAlwxES7f6D1cEF2TCCBdf6eN\\_K2753fYLkBpxJPHoRAq0ZpwBsdwqOm6l5hbi5ZdNj\\_gudkbL9p7q-6Pa6eA6pl0M6kRdXAe0nzbj5pwrdsnmgqMIopzNqJfUVAUMBQGNZtq\\_nJgWR9r0TjJNPHqz1PpY\\_t89](https://secure-web.cisco.com/1Bnj5TTIMBBQ-qSiGT1VT9VgHVG_KGM896VcG_QH5IhyqUzAEqYNbbysLp_DjvUx7X0Pg1u_aeRnr4HdcIMp_PmdnGirF-gZRV7O9R1I_RbjhkQny77pwNAp3rkOLd65r5pLxvsrdNbgpmoghuhdTXnfinRLIE9TFQ1D92EbB8V2D8xgiP26kvi56so5r-8vZz5_JjSCpqc7dFjIMCNfj-ZXT22beZTW3yRULGoerOAlwxES7f6D1cEF2TCCBdf6eN_K2753fYLkBpxJPHoRAq0ZpwBsdwqOm6l5hbi5ZdNj_gudkbL9p7q-6Pa6eA6pl0M6kRdXAe0nzbj5pwrdsnmgqMIopzNqJfUVAUMBQGNZtq_nJgWR9r0TjJNPHqz1PpY_t89)>  
>

MrH5w9FIzmIZy0xqUBUDjiIUYTHx9-XrLATVrwbGirTau7EMPrf2aVMPXjdNuFjIj\_g-AJEZlcg/https%3A%2F%2Fwww.facebook.com%2Fpages%2FGREENWOOD-COUNTY-SOUTH-CAROLINA%2F296656564326> [Image removed by sender.] <https://secure-web.cisco.com/1QVfu89R7o2x71q7OrPcyzJd7vW39gCnRD1ElWm-10vfBbODnAUuvSPyXdroXSfQdF6Av5VcY0HM4sAx\_4Zf-pBMblC1jJtNu3fQgFGJJq-j-kGYedNExRi-5MKMiPH5COyRxc\_BGDYZi7cei2VMHQtwrdCPydp\_DoQSEV1EZeRjW-IhVdOzYuA4OrL20iKUFfDraQLonw4vqkpf5b7xgeVEqrgvpJgv2McHp27w01xC8G7XG4AASSt3itQOrSbWE0gG4kCtXha64ooKnOREjytYK\_o9rrlftVIWCru1VpcHUGUJDvucXOMiLLMxgdVenGfZ2hDTVZCrAkHnwzmrZGG2WXPkGvad53mUTZm9\_VXDaZUHsqF7BFC0qOcNUv6rNjBbNnE4oTfkME3HMC3RSWFnlTtd\_Jk6Bmc9t7YWZx5gffcfa9AlYXpaR1Sq7fr5XLBaiaC5QB81oL9lt14JBA/https%3A%2F%2Ftwitter.com%2FScGwd>

>  
> NOTE: This e-mail is a public record which may be subject to disclosure pursuant to the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 et seq., to a person or party requesting the same.

>  
> Culture: That which has been planted has been allowed to grow!

>  
> The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

> <winmail.dat>

--  
  
Find Greenwood County on social media:

<<https://www.facebook.com/pages/GREENWOOD-COUNTY-SOUTH-CAROLINA/296656564326>>  
<<https://twitter.com/ScGwd>>

NOTE:

This e-mail is a public record which may be subject to disclosure pursuant to the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 \*et seq\*., to a person or party requesting the same.

Culture: That which has been planted has been allowed to grow!

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

STATE OF SOUTH CAROLINA

COUNTY OF Greenwood  
STATE VS.

AKA: Joey Corvell (Joey Sanders) Reid Jr.

Race: BLK Sex: M Age: 30

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]  
City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: 01392728

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: Assault / Assault & Battery, 1st degree (0-10 yrs.)

in violation of § 16-03-0600

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS of the S.C. Code of Laws, bearing CDR Code # 3412

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury,  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. (defendant's initials)

ATTEST: [Signature] 72105 [Signature] CARSON M. HENDERSON 15348  
Stumbo, David M. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 10 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 \_\_\_\_\_

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. 687 days

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 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:  
 RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP

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

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

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

\*Fine: \_\_\_\_\_

|  |         |           |
|--|---------|-----------|
| § 14-1-206 (Assessments 107.5 %)       | \$      |           |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ 100.00 |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$        |
| § 56-5-2995 (DUI Assessment)           | \$12    | \$        |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$        |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$        |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$        |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$ 2500   |
| § 50-21-114(BUI Breath Test Fee)       | \$50    | \$        |
| § 56-5-2942(I) (Vehicle Assessment)    | \$40/ea | \$        |
| Proviso 90.5 (SCJA Surcharge)          | \$5     | \$ 500    |
| 3% to County (if paid in installments) | \$      | \$ 390    |
| TOTAL                                  | \$      | \$ 133.90 |

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS24-1323

A/W#: M890213

Date of Offense: 12/4/2011

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

*10 years negotiated - Dms*

CONVICTED OF or  PLEADS

*[No contest]*

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

Defendant Waives Presentment to Grand Jury,  Recommendation by the State. (defendant's initials)

CARSON M. HENDERSON 15348  
Attorney for Defendant SC Bar#

State Department of Corrections,  County Detention Center,

for a determinate term of 10 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 \_\_\_\_\_

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. 687 days

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 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:  
 RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP

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

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

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

\*Fine: \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

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: \_\_\_\_\_

Appointed PD or appointed other counsel,  
47.12 requires \$500 be paid to Clerk  
during probation.

Clerk of Court/ Deputy Clerk [Signature]  
Court Reporter: [Signature]  
SCCA/217 (03/2011)

Presiding Judge [Signature]  
Judge Code: 0136  
Sentence Date: Jan 27, 2014

STATE OF SOUTH CAROLINA

COUNTY OF STATE

Greenwood

VS.

Joey Corvell (Joey Sanders) Reid Jr.

AKA:

Race: BLK Sex: M Age: 30

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: 01392729

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

In disposition of the said indictment comes now the Defendant who was TO: Murder / Attempted Murder (6-30 yrs.)

IN THE COURT OF GENERAL SESSIONS

OEID-3 CS-103

INDICTMENT/CASE#: 12GS24-1325

A/W#: M890215

Date of Offense: 12/4/2011

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

20 suspended - consecutive Dms

[ ] CONVICTED OF or [X] PLEADS

[NO CONTEST]

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

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

The charge is: [X] As Indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury, [ ] Without Negotiations or Recommendation, [X] Negotiated Sentence, [ ] Recommendation by the State.

ATTEST: Stumbo, David M. 72105 Defendant Joey Reid Attorney for Defendant CARSON M. HENDERSON 15348 SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [ ] County Detention Center,

for a determinate term of 20 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 5

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 [X] CONSECUTIVE to sentence on: 12-65-24-1323 [ ] 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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered Total: \$ [ ] plus 20% fee: \$ [ ] Payment Terms: [ ] Set by SCDPPPS

PTUP [ ] days/hours Public Service Employment

Obtain GED [ ] Attend Voc. Rehab. or Job Corp. [ ] May serve W/E beginning [ ] Substance Abuse Counseling [X] Random Drug/Alcohol testing [X] Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ [ ] beginning [ ] \$ [ ] paid to Public Defender Fund Other: [ ]

Recipient: [ ] \*Fine: [ ]

Table with 3 columns: Description, Amount, Total. Includes items like § 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 47.9 (Public Def/Prob) \$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/ca, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$18.90, TOTAL \$648.90

[X] Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Lynn R. Wells Court Reporter: [REDACTED] SCCA/217 (03/2011)

Presiding Judge: [REDACTED] Judge Code: 0156 Sentence Date: Jan 27, 2014

**STATE OF SOUTH CAROLINA**  
COUNTY OF GREENWOOD

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JOEY CORVELL REID, did on the 11 day of August, 2020 violate the criminal laws of the State of South Carolina as set forth below:

**DESCRIPTION OF OFFENSE:**

The offender has violated conditions 1, 2, 7, 9, 10 of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated January 27, 2014. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JOEY CORVELL REID 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 is practicable. Done at GREENWOOD, S. C. this 11 day of August, 2020.



(L.S.)

Signature of Probation and Parole Agent

County of **GREENWOOD**

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one Tyler Patrick, who, first being duly sworn, deposes and says that JOEY CORVELL REID did within this County and State on the 11 day of August, 2020, violate the criminal laws of the State of South Carolina in the following particulars:

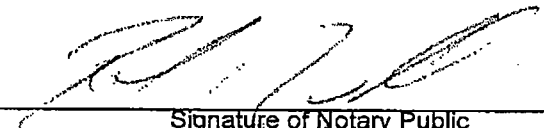
**DESCRIPTION OF OFFENSE:**

The offender has violated conditions 1, 2, 7, 9, 10 of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated January 27, 2014. This warrant or citation is issued pursuant to section 24-21-450 or 300.

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:

Subject changed his address without the consent of his agent as evident by a home visit conducted on 6/29/20 finding the subject had moved to a new address. Therefore, subject has absconded supervision. Subject failed to pay monetary obligations by being in arrears \$923.00 (SF) and \$250.00 (PDF). Subject failed to follow the advise and instructions of his agent by failing to contact his supervising agent within a reasonable amount of time to provide a new address. Such actions constitute violation of conditions 1, 2, 7; 9, 10.

Sworn to and Subscribed before me  
this 11 day of August, 2020.

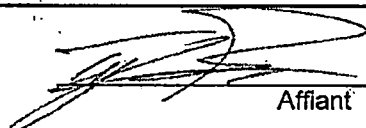


(L.S.)

Signature of Notary Public

10/17/20

My Commission Expires



Affiant

Address: 600 MONUMENT STREET  
BOX P-111  
GREENWOOD, SC 29646

(864) 942-8652

RETURN

STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

THE STATE  
against

JOEY CORVELL REID

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 8/11/2020

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

Tyler Patrick

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT  
Name: JOEY CORVELL REID  
Address: Unknown, SC  
Phone: (000) 000-0000  
Sex: Male Race: Black Height: 510  
Weight: 152 Birth date: [REDACTED]  
Social Security Number: [REDACTED]

INFORMATION ON WITNESSES  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

PRELIMINARY HEARING held by

Magistrate on \_\_\_\_\_  
with \_\_\_\_\_  
Attorney for the Defendant.

Decision: BAIL  
Date Set: \_\_\_\_\_  
Magistrate: \_\_\_\_\_  
Amount: \_\_\_\_\_  
Surety: \_\_\_\_\_

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

Joey C. Reid

on the 5<sup>th</sup> day of Sept, 2020

[Signature]  
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.)

**STATE OF SOUTH CAROLINA**  
COUNTY OF GREENWOOD

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

It appearing from the attached affidavit that there are reasonable grounds to believe that JOEY CORVELL REID, did on the 3 day of December, 2020 violate the criminal laws of the State of South Carolina as set forth below:

**DESCRIPTION OF OFFENSE:**

The offender has violated conditions 4, 10 of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated January 27, 2014. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring JOEY CORVELL REID 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 is practicable. Done at GREENWOOD, S. C. this 3 day of December, 2020.

  
\_\_\_\_\_  
Signature of Probation and Parole Agent (L.S.)

County of **GREENWOOD**

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one Tyler Patrick, who, first being duly sworn, deposes and says that JOEY CORVELL REID did within this County and State on the 3 day of December, 2020, violate the criminal laws of the State of South Carolina in the following particulars:

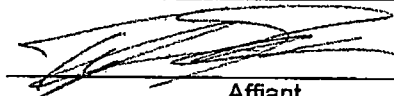
**DESCRIPTION OF OFFENSE:**

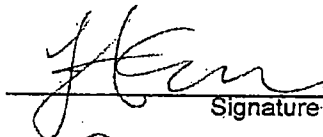
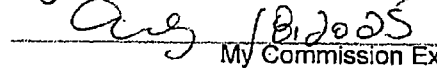
The offender has violated conditions 4, 10 of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated January 27, 2014. This warrant or citation is issued pursuant to section 24-21-450 or 300.

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:

Subject failed to refrain from possessing a firearm as evident from Greenwood County Sheriffs Incident report number: 2000034180 dated 11/25/20, placing the subject at a scene where a gun was unlawfully pointed and presented.  
Such actions constitute violation of conditions 4, 10.

Sworn to and Subscribed before me  
this 3 day of December, 2020.

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Signature of Notary Public (L.S.)  
  
\_\_\_\_\_  
My Commission Expires

Address: 600 MONUMENT STREET  
BOX P-111  
GREENWOOD, SC 29646  
(864) 942-8652

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

GREENWOOD

THE STATE

against

JOEY CORVELL REID

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

Joey Corvell Reid

on the 14<sup>th</sup> day of December, 2020.

[Signature]

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 be dealt with according to law.

Signature of Judge

(L.S.)

Disposition

Sentence

Co-Defendants

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 12/3/2020

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

Tyler Patrick

INFORMATION ON DEFENDANT

Name: JOEY CORVELL REID

Address

Phone

Sex: Male Race: Black Height: 510

Weight: 152

Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

57

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
DEC 13 2022  
SC Court of Appeals

Appeal from the Circuit Court  
The Honorable Frank R. Addy, Jr.

Appellate Case No. 2021-001465

STATE OF SOUTH CAROLINA .....APPELLANT

v.

Joey Corvell Reid, .....RESPONDENT

***CERTIFICATE OF COUNSEL***

The undersigned 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 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."



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