

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

MATTHEW STEPHEN TOTIN

AKA:

Race: White Non-Latino/Caucasian Sex: M

DOB: _____ SS# _____

Address: _____

City, State, Zip: _____

DL# _____ SID# SC02246485

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or

TO: Obtaining Goods Under False Pretenses, Third or Subsequent Property Crime

In violation of § 16-13-0240 of the S.C. Code of Laws, bearing CDR Code # 3613

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS

☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or Lewd Act)

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

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

ATTEST

Jennifer Newman 100720
Jennifer V. Newman, Assistant Solicitor SC Bar #

Matthew Stephen Totin
Defendant

W. Lee Smith 70744
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☒ County Detention Center,
for a determinate term of 90 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 Service 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. 90 days

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

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

Payment Terms: _____

☐ Ordered PTUP _____
_____ days/hours Public Service Employment

Obtain GED ☐

☐ Set by SCDPPPS _____

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: _____

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 61.6 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75

TOTAL \$ 128.75

☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/Deputy Clerk: Callie

Court Reporter: Phyllis Norton

Presiding Judge: R. Mark Jones

Judge Code: 2060

Sentence Date: 6-21-17

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

MATTHEW STEPHEN TOTIN

AKA:

Race: White-Non-Latino/Caucasian

Sex: M

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# SC02246485

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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☒ PLEADS

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☐ MOST SERIOUS

☐ Mandatory GPS

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☐ Recommendation by the State.

ATTEST:

Jenna Newman 100720
Jenna Newman, Assistant Solicitor SC Bar #

[Signature]
Defendant

W. Joel Smith 70744
Attorney for Defendant SC Bar #

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SPECIAL CONDITIONS:

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☐ Deferred

☐ Def. Waives Hearing

☐ Ordered

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

☐ Set by SCDPPPS

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

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*Fine: _____ \$ _____

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TOTAL \$ 128.75

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§47.12 requires \$500 be paid to Clerk

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Clerk of Court/Deputy Clerk: Callie

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Presiding Judge: R. Mark Jones

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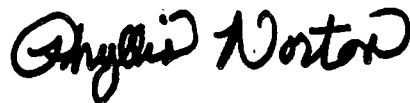
Sentence Date: 6-21-17

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on June 21, 2017.

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

A handwritten signature in black ink that reads "Phyllis Norton". The signature is written in a cursive, flowing style.

PHYLLIS NORTON, CVR

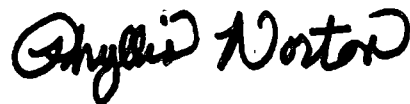
Date: February 21, 2018

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

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

A handwritten signature in cursive script that reads "Phyllis Norton".

PHYLLIS NORTON, CVR

Date: February 21, 2018

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	CASE NO. 2016-GS-10-06702
	)	2016-GS-10-06703
	)	2016-GS-10-06704
PLAINTIFF,	)	2016-GS-10-06705
	)	2016-GS-10-06706
	)	2016-GS-10-06228
	)	2016-GS-10-06229
	)	
VS.	)	TRANSCRIPT OF RECORD
	)	
	)	PLEA
Matthew Totin,	)	
	)	
DEFENDANT.	)	
	)	

June 21, 2017

Charleston, South Carolina

B E F O R E:

The Honorable R. Markley Dennis

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

Jenna P. Newman, Assistant Solicitor
For the State

W. Ted Smith, Esquire
For the Defendant

Phyllis Norton, CVR-Master, Nationally Certified Verbatim Court Reporter
636 Long Point Road, Unit G, #74, Mt. Pleasant, South Carolina 29464
PNorton@sccourts.org

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON
STATE VS.MATTHEW STEPHEN TOTIN

AKA:

Race: White Non-Latino/CaucasianSex: MDOB: 10/29/1981SS#: 279-78-2074Address: 2652 ForesmanCity, State, Zip: North Charleston, SC 29405DL# 101894651SID# SC02246485*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☐ CONVICTED OF or☒ PLEADSTO: Obtaining Goods Under False Pretenses, Third or Subsequent Property CrimeIn violation of § 16-13-0240 of the S.C. Code of Laws, bearing CDR Code # 3613☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Jenna F. Newman, Assistant Solicitor

100720
SC Bar #

Defendant

W. Ted Smith
Attorney for Defendant70744
SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☒ County Detention Center, for a determinate term of 90 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 Service standard conditions of probation, which are incorporated by reference.

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PTUP

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

Payment Terms: _____

_____ days/hours Public Service Employment

Obtain GED ☐☐ Set by SCDPPPS _____

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.

Presiding Judge: _____

Judge Code: 2060Sentence Date: 6-21-17

Clerk of Court/Deputy Clerk: _____

Court Reporter: _____

done and could be deemed unnecessarily severe and unduly harsh under the circumstances.

Mr. Totin is by his own admission, an addict. After being shot, Mr. Totin became hooked on pain pills. As his supply ran out, he turned to the street for drugs. He has been battling a heroin addiction for some time. As the court knows, this is one of the most difficult addictions to cope with from a treatment perspective and one of the hardest addictions to conquer by the addict.

Mr. Totin used his time wisely in jail. First, he spent two hundred and ninety eight (298) days in the county detention center. He did this to be away from the influences of the street and to jumpstart his clean living to deal with this addiction. It was his decision to remain in jail even though family help existed to assist him with bond. Secondly, he worked with Taneal Behrens, a social worker in the Public Defender's Office to lay the groundwork for tackling his addiction in the future. During his work with Ms. Behrens, Matthew was accepted into the Turning Point Program in Greenville. Thirdly, he worked closely with his family to identify rehabilitation programs in Michigan where he could be closer to family and a much needed support system. Lastly, Matthew worked toward securing disability benefits and hired an attorney in his home state to assist with that process. Matthew's hope is to stabilize himself by having a source of income and benefits to keep him off of the street and concentrating fully on recovery.

The crimes that Mr. Totin is charged with are serious and the Defense does not seek to minimize this fact. The Defense does contend that these crimes were fueled by the desire to feed an addiction rather than simply a desire to steal or to wreak havoc on the lives of the victims. The Defense believes it was the addiction at work when these crimes were committed and but for that addiction, Mr. Totin would not have found himself in front of this Court.

2. **Victim's statement at the plea hearing may have influenced the Court.** Detective Thompson who is a victim in a burglary case in which Mr. Totin is charged (Dorchester County) told the Court about the effect Mr. Totin's burglary had on he and his wife. He also indicated that he knew Mr. Totin had singled out his house to look for firearms. Mr. Totin has not pled to the Dorchester County charges nor was there any indication in Rule 5 materials provided by the state that Detective Thompson's house was specifically targeted. The Detective by mentioning the Dorchester County cases informed the Court of pending cases which would not normally have been part of the plea recitation because those charges have not been disposed of. We respectfully ask the Court to reconsider the weight given to the Detective's statements at the plea hearing.
3. **Treatment should be the preferred in Mr. Totin's case.** The Court imposed a significant sentence on Mr. Totin despite the fact that he had not spent any appreciable time in jail in the past. As mentioned above, Mr. Totin has two potential treatment options available. Mr. Totin has drug treatment options in South Carolina as well as in Michigan. The Public Defender's Office stands ready to assist the Court in insuring that

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Indictment No(s): 2016-GS-10-06228;
2016-GS-10-06702

Warrant No(s): 2016A1021000780;
2016A1010204053

Charge(s): Burglary 2d Degree (Non-Violent);
Receiving Stolen Goods Third or Subsequent
Property Crime Enhancement

STATE OF SOUTH CAROLINA

vs.

MATTHEW STEPHEN TOTIN,

Defendant

MOTION TO
RECONSIDER SENTENCE

2017 JUN 30 PM 2:40

TO: Jenna Newman, Assistant Solicitor for the Ninth Judicial Circuit:

PLEASE TAKE NOTICE that the above-captioned defendant, by and through the undersigned attorney, moves this Honorable Court for a reconsideration of the sentence imposed upon the Defendant on June 21, 2017 by the Honorable R. Markley Dennis, Jr.

The motion will be made upon the grounds that:

1. **The sentence imposed seems unnecessarily severe and unduly harsh.** Mr. Totin pled to a total of five charges. For three of those charges, Mr. Totin received a sentence of ninety days to be served at the county detention center. With regard to the above captioned charges, Mr. Totin received an eight year active sentence followed by a consecutive ten year sentence which was suspended upon five years of probation (Sentencing Sheets attached).

Mr. Totin's criminal record amounts to magistrate and lower level crimes. The active eight year sentence represents significantly more active time than Mr. Totin has ever

ATTEST A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
Jenna Newman
DEPUTY CLERK

record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also asserts his plea was involuntary. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's

Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the

Mr. Totin is transported to and participates in whatever treatment program that the Court deems most appropriate. Mr. Totin of his own volition has indicated a desire to get treatment. The Defense believes that society, the victims, and Mr. Totin would be far better served by his enrollment in treatment rather than by an extended period of incarceration.

4. **Any other grounds argued by the Defense if a hearing is granted.**

The Defendant prays for fair and adequate reconsideration of the sentence imposed and requests a hearing in front of the Court. Specifically, the Defense requests that the Court modify the active portion of Mr. Totin's sentence by suspending it in its entirety and placing Mr. Totin on probation. Alternatively, the Defense requests that the active portion of the sentence be reduced so that treatment may begin more quickly with a greater chance of success.

Respectfully Submitted,

W. Ted Smith

W. Ted Smith
Assistant Public Defender
Attorney for Matthew Totin

Charleston, South Carolina

Dated: 6/29/2017

2017 JUN 30 PM 2:40

JUN 30 2017

av

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
BY *Angela Lindsey*
DEPUTY CLERK

I N D E X

HEARING - Plea

-- 03

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT

-- 17

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

387018371 7/21

appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

VI.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VII.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

counsel, or both.” Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant’s plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCF. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been

INMATE SEARCH DETAIL REPORT

TOTIN, MATTHEW STEPHEN (00372932)

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
LITTER CONTROL PROGRAM	11/29/2017	03/07/2018	LATERAL TRANSFER	2F5
LITTER CONTROL PROGRAM	08/25/2017	11/28/2017	LATERAL TRANSFER	2F5

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION

INMATE SEARCH DETAIL REPORT

TOTIN, MATTHEW STEPHEN (00372932)



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	MALE	SCDC ID:	00372932
RACE:	WHITE	SID:	SC02246485
HEIGHT:	6' 02"	OFFENDER TYPE:	ADULT-STRAIGHT SENTENCE
WEIGHT:	211 lbs.	ADMISSION DATE:	06/22/2017
AGE:	36	LOCATION:	MANNING
CITIZENSHIP:	CITIZEN - NATIVE BORN	DORM-ROOM-BUNK:	W7B-0016-B
BUILD:	MEDIUM	EWC LEVEL:	2F7
COMPLEXION:	FAIR	EEC LEVEL:	
HAIR COLOR:	BROWN	PROJECTED RELEASE DATE:	05/26/2024
EYE COLOR:	BLUE	PROJECTED PAROLE ELIGIBILITY:	02/06/2020
PICTURE DATE:	06/22/2017	SUP. FURLOUGH ELIGIBILITY:	NOT ELIGIBLE

★ FIRST PAROLE
★ HEARING WAS
GIVEN IN SEPTEMBER
OF 2020

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOS	DYS	COUNTY	START DATE	VNV	CAT	INDICT	STATUS
BURGLARY-2ND DEG/NON-VIO	ADULT-STRAIGHT SENTENCE	8	0	0	DORCHESTER	08/09/2017	N	3	16GS181772	ACTIVE
GRAND LARC \$10,000+	ADULT-STRAIGHT SENTENCE	8	0	0	DORCHESTER	08/09/2017	N	2	16GS181773	ACTIVE
RSG \$2,000 OR LESS	ADULT-STRAIGHT SENTENCE	0	0	0	CHARLESTON	06/21/2017	N	1	16GS1006228	ACTIVE
BURGLARY-2ND DEG/NON-VIO	ADULT-STRAIGHT SENTENCE	8	0	0	CHARLESTON	08/27/2016	N	3	16GS1006702	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARIES

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2009

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
08/13/2018	MANNING	INCARCERATED	RETURN FROM COURT
07/27/2018	CHARLESTON CO	AUTH ABSENCE (AWL)	TO COURT
05/21/2018	MANNING	INCARCERATED	ADMINISTRATIVE
05/17/2018	MANNING	INCARCERATED	LABOR CREW
05/17/2018	MANNING	INCARCERATED	RETURN FROM COURT
05/17/2018	DORCHESTER CO	AUTH ABSENCE (AWL)	TO COURT
03/28/2018	MANNING	INCARCERATED	LABOR CREW
03/15/2018	WATEREE RIVER	INCARCERATED	RETURN FROM COURT
03/15/2018	DORCHESTER CO	AUTH ABSENCE (AWL)	TO COURT
11/16/2017	WATEREE RIVER	INCARCERATED	RETURN FROM COURT
11/16/2017	DORCHESTER CO	AUTH ABSENCE (AWL)	TO COURT
08/23/2017	WATEREE RIVER	INCARCERATED	ADMINISTRATIVE
06/22/2017	KIRKLAND	INCARCERATED	R&E PROCESSING
06/22/2017	LIEBER	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
LITTER CONTROL PROGRAM	08/13/2018			2F7
LITTER CONTROL PROGRAM	05/24/2018	07/27/2018	COURT	2F7
LABOR CREW/WORK PROGRAM	03/29/2018	05/21/2018	INSTIT TRANSFER	2F5
HORTICULTURIST (GRND)	03/08/2018	03/28/2018	INSTIT TRANSFER	2F5

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

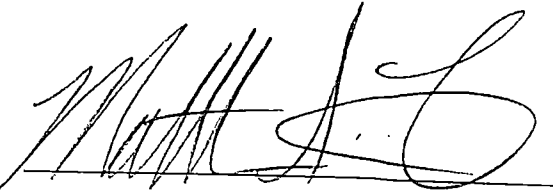
INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>MATTHEW TOTIN</u>	RECEIVED SEP 27 2018 <i>bw</i> TRENTON CORRECTIONAL WORK CENTER INSTITUTION	OFFICE USE ONLY	
SCDC NUMBER: <u>372932</u>		Grievance No. <u>Tr 01-0233-18</u>	
INSTITUTION: <u>TRENTON</u>		Code: <u>General</u>	Policy _____
HOUSING UNIT: <u>3D31</u>		Disc. Hear. _____	Class. <u>CL-CL</u>
WORK ASSIGNMENT: <u>ISOLM</u>		PREA _____	Date Received <u>9-27-18</u>
		IGC Initials <u>mb</u>	

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

MY STAFF REQUEST WAS FILED ON 9-18-18, REFERENCE # 18-01025431 TO CLASSIFICATION WITH NO RESOLUTION TO THE FOLLOWING ISSUE. ON MAY 17th I WAS SENTENCE TO A CONSECUTIVE 8 YEARS WITH APPROXIMATELY 700 DAYS TIME SERVED AND WAS NOT GIVEN THE CREDIT BECAUSE THE SENTENCE WAS ENTERED AS ON 16 YEAR SENTENCE WITH ONLY THE TIME SERVED ON MY FIRST SENTENCE. I HAVE SUPPORTING COURT DOCUMENTS TO PROVE THIS. PLEASE CORRECT MY TIME CREDIT AND SENTENCE. THANK YOU.


Grievant Signature
Date 9-24-18

ACTION REQUESTED:

SENTENCE CORRECTED AND TIME CREDIT AS ORDERED BY THE JUDGE.

ACTION TAKEN BY IGC: ☐ PROCESSED ☐ UNPROCESSED ☐ OTHER

See back for response.


IGC Signature
Date 9-27-18

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

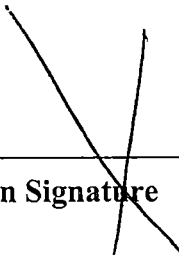
Inmate: Totin, Matthew

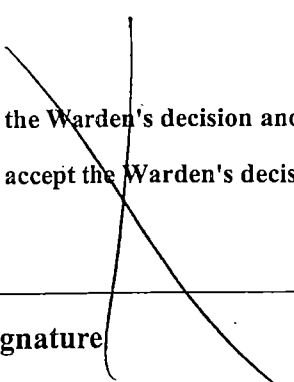
SCDC# 372932

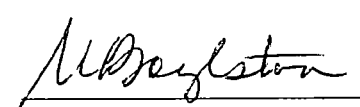
This is in reference to grievance #TRCI- 0233-18. In your grievance, you stated that your kiosk reference # 18-01025431 to Classification resulted in NO resolution. You stated you were sentenced to a consecutive 8 years with approximately 700 days timed served, but did not receive the credit. You stated that the sentence was entered as a 16 year sentence with only the time served on your first sentence. You want your sentence corrected and time credit as ordered by the judge.

Your request was forwarded to Inmate Records on 10/02/18 for verification and they verified the information had been entered correctly. Inmate Records reported *"The record is correct as is. There is nothing in his record to indicate he is owed 700 days credit."* You stated that you have supporting court documents to prove this. You may want to contact an outside attorney to verify your information.

Per SCDC Policy GA-01.12, "Inmate Grievance System," Section 8.4, "Any issue outside the control of the Department will be considered non-grievable."



Warden Signature_____
Date☐ I accept the Warden's decision and consider the matter closed.☐ I do not accept the Warden's decision and wish to appeal.

Grievant Signature_____
Date

IGC Signature10-9-18

Date**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Applicant filed a timely notice of appeal. Breen Richard Stevens, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals affirmed Applicant's conviction on October 31, 2012. State v. Singletary, Op. No. 2012-UP-589 (S.C. Ct. App. filed October 31, 2012). The remittitur was returned to the circuit court on November 16, 2012.

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel," in that:
 - a. Counsel failed to properly investigate the facts surrounding the circumstances that lead to his arrest
 - b. Failure to discuss his defense
2. Involuntary Guilty Plea
 - a. Counsel did not actually or substantially assist him in deciding whether or not to plea
 - b. Counsel did not familiarize himself with the facts of the case
 - c. Counsel did not impart of the applicant an understanding of the law in relation to the facts
 - d. Counsel issues erroneous advice to the applicant as to the length of the sentence he would receive by entering his plea
 - e. Counsel issued advice to the applicant to the effect that no defense was possible to his charge
 - f. Counsel coerced and induced the applicant into entering his plea by making threats as to the length of sentence he would receive by not pleading guilty, without explain the trial process.

III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Matthew Stephen Totin, #372932,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: 2018-CP-10-1943

RETURN

Respondent, making its Return to the application for Post-Conviction Relief ("PCR") filed on April 16, 2018, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. In November 2016, the Charleston County Grand Jury indicted Applicant for receiving stolen goods (2016-GS-10-6228) and in December 2016 for burglary second degree (non-violent) (2016-GS-10-06702). The charges 2016-GS-10-6703, 6704, 6705, 6706, 6229 were *nolle prossed*. ~~The charges resulted from a September 2012 incident in which Applicant fatally shot the victim multiple times in the back at the Chase Lounge in Colleton County. ROA p. 115, ll 12-17; p 507, l 3. W. Ted Smith, Esquire, of the Ninth Circuit Public Defender's Office, represented Applicant at trial. Assistant Solicitor Jenna Newman prosecuted the case. On June 21, 2015, Applicant pleaded guilty as indicted to all charges [the lesser included offense(s) of] before the Honorable R. Markley Dennis, Jr. Judge Dennis sentenced Applicant to imprisonment for 8 years for burglary second degree and 10 years for receiving stolen goods. Applicant did not appeal his conviction or sentence.~~

10

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: CLASSIFICATION	TITLE:	DATE: 4-11-19
INMATE'S NAME: MATTHEW TOTIN		SCDC #: 372932
INSTITUTION: TURBEVILLE 19-01211495		LIVING QUARTERS: TURBEVILLE CI ELLIOT A-221

THIS IS MY THIRD STAFF REQUEST IN THE LAST 30 DAYS OR SO AND I HAVE NOT RECEIVED A RESPONSE OR AN ATTEMPT TO CORRECT SCDC'S ERROR IN MY SENTENCE CALCULATION. ON MAY 17TH 2018 I WAS SENTENCED TO A CONSECUTIVE 8 YEARS WITH 628 DAYS TIME SERVED IN DORCHESTER COUNTY AND I HAVE OFFICIAL COURT DOCUMENTS AND SENTENCING SHEETS AND TRANSCRIPTS TO PROVE I RECEIVED THE TIME CREDITED BY THE JUDGE AND SCDC DIDN'T GIVE ME BUT 30 DAYS TIME SERVED. PLEASE CORRECT THIS ERROR AS SOON AS POSSIBLE. THANK YOU

DISPOSITION BY STAFF MEMBER:

Duplicate

DATE:

SIGNATURE:

EA 221T

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

DEC 21 2022

INMATE NAME: MATTHEW S. TOWNSCDC NUMBER: 372932INSTITUTION: TURBEVILLE CORRECTIONAL INSTITUTEHOUSING UNIT: ELMOTH - B-SIDE - 266 BWORK ASSIGNMENT: DORM LOOKER

OFFICE USE ONLY

Grievance No. TCI-0561-22Code: General LAICS

Policy

Disc. Hear.

Class

PREA

Date Received 01/03/23IGC Initials AP

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I TURNED IN MY LAUNDRY AS INSTRUCTED BY THE MAJOR AND NEVER RECEIVED ANYTHING BACK AND NOW HAVE NONE OF MY CLOTHES OR LINENS AND HAVE SENT REQUEST TO RESOLVE WITH NO SOLUTION IN DOING SO OR OBTAINING THE INCIDENT REPORTS. HERE IS MY REQUEST #5 TO SUPPORT MY RESOLUTION ATTEMPTS AND MISSING PROPERTY FROM ~~THE~~ LAUNDRY

22-02827370

22-02853712

MISSING CLOTHES & LINENS

2-2XL-ORANGE SHIRTS

2-XL-ORANGE PANTS

3-L-BOXERS

3-PAIRS OF SOCKS

2-ORANGE SHEETS

2-TOWELS

2-WASH CLOTHES

2-2XL-LONG JOHN TOPS

2-XL-LONG JOHN BOTTOMS

1-2XL-WINTER JACKET

1-WHITE LAUNDRY BAG

ACTION REQUESTED:

CLOTHES AND LINENS REPLACED SO I CAN SHOWER AND HAVE CLEAN CLOTHES TO WEAR

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☒ OTHER

Grievance TCI-0561-22 has been received and reviewed. However, it is being Processed and Returned to you for the following reason(s): Per GA-01.12 Inmate Grievance System you have exceeded all time frames for filing on this issue. The request provided from commissary sent on 10/02/22 and answered on 10/03/22. You had until 10/08/22 to file a grievance. This grievance was received on 12/21/22.

Grievant Signature

Date

IGC Signature

Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

N/A

Warden Signature

Date

- ☒ I accept the Warden's decision and consider the matter closed.
☐ I do not accept the Warden's decision and wish to appeal.

N/A

Grievant Signature

Date

N/A

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

JAN 04 2023

INMATE NAME: <u>MATTHEW S TOTIN</u>	OFFICE USE ONLY
SCDC NUMBER: <u>370932</u>	Grievance No. <u>ICE-0005-23</u>
INSTITUTION: <u>TURBEVILLE</u>	Code: General <u>GRIG</u>
HOUSING UNIT: <u>ELLIFTSIDE-266-B</u>	Policy _____
WORK ASSIGNMENT: <u>DEPT WORKER</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>01/04/23</u>
	IGC Initials <u>AR</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I FILED MY STEP 2 GRIEVANCE FOR THE STEP ONE GRIEVANCE I FILED AND MY STEP 2 WAS SIGNED DATED AND I TURNED IT IN FOR THE 60 DAY TIME SERVED THAT I WAS GRANTED AT SENTENCING BUT IT WAS NEVER APPLIED BY SCDC TO MY WINCHESTER COUNTY SENTENCE MY STEP 2 WAS RETURNED STATING IT WAS NOT TURNED IN IN TIME BUT I DID WITH THE DATE AND SIGNATURE ON IT BEING WITHIN THE AMOUNT OF TIME ALLOWED YET IT WAS RETURNED AND ~~REJECTED~~ I HAVE NOT BEEN GRANTED THE ABILITY EVEN THOUGH I DID RIGHT TO A PROPER 2ND STEP GRIEVANCE SO I MAY FOLLOW THROUGH TO THE "ALC" MULTIPLE ~~12/9/22~~ ADMINISTRATIVE LAW COURT IF NECESSARY AND LEGALLY RESOLVE THIS ISSUE WITHIN MY RIGHT

ACTION REQUESTED: REVIEW OF A PROPER 2ND STEP 2 GRIEVANCE AND AND MY CASE NOT REJECTED

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☒ OTHER

Your grievance has been received. However, it is being returned to you for the following reason (s): 1.) in accordance with SCDC Policy GA-01.12-Inmate Grievance System, Paragraph 8.5, this is a non-grievable issue. You are not allowed to grieve an unprocessed grievance.

Phillian 01/05/23

IGC Signature

Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:



N/A

Warden Signature

Date

- ☐ I accept the Warden's decision and consider the matter closed.
- ☐ I do not accept the Warden's decision and wish to appeal.

N/A

Grievant Signature

Date

N/A

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

DEC 13 2022

INMATE NAME: <u>MATTHEW STEPHEN TOTIN</u>	OFFICE USE ONLY
SCDC NUMBER: <u>372932</u>	Grievance No. <u>TC-0545-22</u>
INSTITUTION: <u>TURBEVILLE</u>	Code: General
HOUSING UNIT: <u>ELLIOTT B SIDE - 266</u>	Policy
WORK ASSIGNMENT: <u>ARM WORKER</u>	Disc. Hear.
	Class. <u>CL/CL</u>
	PREA
	Date Received <u>12/13/22</u>
	IGC Initials <u>AP</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I WAS SENTENCED TO A CONSECUTIVE 8 YEARS FROM DORCHESTER COUNTY ON ~~04~~ MAY 2018 WITH 628 DAYS TIME SERVED AND HAVE SUPPORTING DOCUMENTS TO PROVE SO, THIS CHANGED MY OUTDATE, PAROLE DATE TO MAY 26th 2024 AND WITH TIME SERVED TAKEN OFF THERE I WOULD HAVE BEEN RELEASED ALREADY. I PUT IN SEVERAL STAFF REQUESTS: 18-0079849, 19-01204698, 19-01211495, 18-01032739, 18-01025481, 18-00933533, 22-02836303, 22-02840285 ARE JUST A FEW FOR REFERENCE.

[Signature] 12-13-22
Grievant Signature Date

ACTION REQUESTED: TIME CREDITED + RELEASE DATE ADJUSTED AND RELEASED

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☒ OTHER

This grievance has been processed and returned to you as a duplicate to issues related in TCI-0447-22. Pursuant to GA-01.12 Inmate Grievance System "...Inmates will only be allowed to submit one grievance per incident or circumstance. You cannot continue to grieve issues related to this same incident or issue.

[Signature] 12/14/22
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

DEC 1 2 2025

N/A

Warden Signature

Date

☐ I accept the Warden's decision and consider the matter closed.

☐ I do not accept the Warden's decision and wish to appeal.

N/A

Grievant Signature

Date

N/A

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

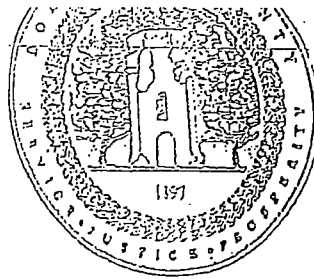
1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
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4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

DORCHESTER COUNTY CLERK OF COURT

Cheryl Graham, Clerk of Court

200 East Jim Bilton Blvd.

St. George, SC 29477



To: Matthew Totin

From: Dorchester County Clerk of Court

Date: 12/16/22

RE:

Please find the enclosed copy or copies of requested indicated information concerning your case.

A copy of your letter and Motion was sent to the Solicitor's office

- ☐ Sentencing Sheet(s)
- ☐ Warrant(s)
- ☐ Ticket(s)
- ☐ Indictment(s)
- ☐ Contact the Magistrates Court or Arresting Agency Concerning your Request
- ☐ Jail Time Served in Dorchester County - Contact: Dorchester County Sheriff Department, 100 Sears Street, St. George, SC 29477. Any other location where jail time was served Contact: The South Carolina Department of Corrections where you were located.
- ☐ Transcript(s): Contact the Court Reporter by mail.
- ☐ PCR Form
- ☐ Hold/Detainer contact caseworker, attorney or arresting agency. Contact the Family Court where your Divorce Case was heard or where you plan to have it heard.
- ☐ Contact Probation, Parole & Pardon Office
- ☐ Information not available in the Clerk of Court's Office
- ☐ Other:

Donald C. Girndt
Forensic Consultant
103 South Gregg Street
Columbia, South Carolina
E-mail: Whorlwind1@aol.com
803-446-6875

February 5, 2018

Pierce Wehman
Assistant Public Defender
107 W. 6th N. St. Ste 100
Summerville, S.C. 29483

Re: State of S.C. v Matthew Stephen Totin
Jurisdiction: Dorchester County Sheriff's Office

Fingerprint examination conducted on January 30/31, 2018.

Evidence submitted:

Item 9.1: Stereo Comparison of latent print and inked impression of finger # 6 (left thumb)
bearing the name Stephen Totin

Item 10.1: Stereo Comparison of latent print and inked impression of finger # 6 (left thumb)
bearing the name Stephen Totin

Results:

Item 9.1: As we discussed, the image of this latent is washed out and is of no value for my comparison purposes. The original evidence is probably clearer and may be suitable for comparison. The image does appear to be a duplicate or second lift of item 10.1, with the minutiae being marked in the same relative order as item 10.1.

Item 10.1: This image is suitable for comparison and appears to be a duplicate or second lift of Item 9.1. I find that there are a sufficient number of corresponding minutiae between the latent impression in item 10.1 and the inked impression bearing the name Stephen Totin to effect an identification. I agree with the identification as stated in the report from the Dorchester County Sheriff's Department dated 09/06/2016.

Please let me know if you require anything further from me in this case.

SCDC
Inmate Classification
Inmate Records
444 Broad River Rd
Columbia, S.C. 29210

372932
6-13-2025
W.W.T.

RE: Matthew Stephen Totin
SCDC # 372932
Trenton Corr. Inst.
84 Greenhauve Rd.
Trenton S.C. 29847

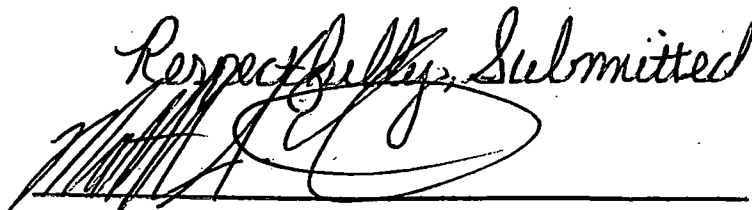
February 25, 2019

RE: Credited time Served
Not Correctly Calculated

Dear Sir / Madam of Inmate Records

Enclosed, Please find the correct legal documentation to accurately correct the credited time that was granted by the Honorable Judge, Diane Schafer Goodstein. I have exhausted all remedies in order to resolve with the Classification Dept. here at Trenton Corr. Inst. It seems that they cannot get this adjusted accordingly, as it should be corrected. Therefore, I am now sending you dept. the correct documentation that should have bearing for correction. I also would like to advise you dept. that this matter has caused myself to be not allowed my Due Rights of a Parole Hearing. Due to the negligence of the Classification Dept. I am also allowing you Dept. to correct this in a timely manner. Before I am forced to seek legal counsel for myself not being allowed to have a Parole Hearing. Due to if this correction was corrected as it should have been without negligence to do so, I may have already been released if this correction was made.

Respectfully Submitted



Date, 2-25-19

2019 FEB 27 AM 11:09

COUNTIES, CHARLESTON COUNTY AND DORCHESTER COUNTY FOR THE COURT TO REFER TO FOR EACH OF THE SENTENCE AS WELL AS THE PAROLE ELIGIBILITY DATES AND THE PROJECTED RELEASE DATES FOR MR. TOTIN BEFORE MR. TOTIN RECEIVED HIS CONSECUTIVE 8 YEAR SENTENCE AS WELL AS AFTER HE RECEIVED THE CONSECUTIVE 8 YEARS, THAT SHOW ~~THAT~~ THAT SOCC INCORRECTLY ENTERED MR. TOTIN'S SENTENCE AS ONE 16 YEAR SENTENCE WITH ABSOLUTELY ZERO(0) DAYS OF THE 608 DAYS THAT WAS ORDERED TO BE CREDITED TOWARDS THE DORCHESTER COUNTY IMPOSED SENTENCE VERBALLY WAS EVER CREDITED TOWARD MR. TOTIN'S DORCHESTER COUNTY SENTENCE. MR. TOTIN HAS FILED SEVERAL STAFF REQUESTS AND GRIEVANCES CONCERNING THIS ISSUE AND ARE ALWAYS DENIED AND IGNORED BY THE STAFF OF THE DEPARTMENT OF CORRECTIONS. MR. TOTIN ALSO FILED A P.C.R. THAT WAS RETITLED BACK TO THE LOWER COURTS TO BE HANDLED AND NEVER WAS EVEN LOOKED AT.

★ S.D. AS A RESULT TO THE INCORRECTLY CALCULATED, COMPUTED AND APPLIED SENTENCES OF MR. TOTIN, IT HAS CAUSED HIS ACTUAL PAROLE ELIGIBILITY DATE TO BE DENIED AND WITHHELD FROM HIM BY THE AMOUNT OF 608 EXTRA DAYS, THAT IN TURN VIOLATED MR. TOTIN'S LIBERTIES AND MR. TOTIN'S LIBERTY INTERESTS FOR PAROLE ACCORDING SANDIN 545 U.S. 472 477-478 AND ACTUALLY IS GOVERNED BY THE LIBERTY INTEREST ANALYSIS THAT EXISTS BEFORE SANDIN. ALSO, ACCORDING TO SANDIN VS. CONNER 325 U.S. at 484 AND THE 3 FACTORS OF SANDIN, THE DEPRIVATION OF MR. TOTIN'S EARNED GOOD TIME ON THE 608 THE COURT ORDERED CREDIT TO BE GIVEN FOR, IS A VIOLATION OF MR. TOTIN'S LIBERTY INTERESTS, AND HAS ALSO CAUSED MR. TOTIN TO HAVE TO SERVE MORE TIME IN PRISON THAN HE WAS SENTENCED TO, AND IN DOING SO, IMPOSES A TYPICAL AND SIGNIFICANT HARSHIP ON MR. TOTIN THAT IS NOT A ORDINARY INCIDENT IN PRISON LIFE. ★ ACCORDING TO HAYNES VS STATE US VS BORELLI, D.K. NH. 1971, 333 F. SUPP. 369 SENTENCING AND PUNISHMENT BY 2001, AND US VS. LAWRENSEN, D.C. M.D. 1961 196 F. SUPP. 33 STATE THAT THE COURTS ~~DO~~ HAVE THE POWER TO CORRECT A SENTENCE TO INDICATE THE INTENT OF THE COURT AT THE TIME OF SENTENCING, AND/OR TO CORRECT

BE ABLE TO PUNISH A PERSON MULTIPLE TIMES FOR THE
OFFENSE BY HAVING THE DEFENDANT TO ~~SERVE~~ ~~SERVE~~ PARTS
OF THE IMPOSED SENTENCE MULTIPLE TIMES BY PURPOSELY
IGNORING THE DEFENDANTS FILED MOTIONS AND PETITIONS
WITH LEGAL PRECEDENT, MAKING THE COURT AWARE OF THE ERROR
OR MISTAKE MADE THAT WAS LEFT THE AMOUNT OF CREDIT FOR TIME
TIME SERVED VERBALLY ORDERED AS A PART OF THE IMPOSED COURT
SENTENCE, OFF OF THE SENTENCE ORDER REPORT THAT IS SENT
TO THE DEPARTMENT OF CORRECTIONS WITH THE DEFENDANT AFTER
LEAVING THE COURT, HAS CAUSED THE SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS CLASSIFICATION AS WELL AS THE
INMATE RECORDS DEPARTMENTS TO INCORRECTLY COMPUTE,
CALCULATE AND APPLY MR. TOTIN'S SENTENCES FROM BOTH
COUNTIES THAT THE DEFENDANT HAD TO SERVE SEPARATELY AND
THE SENTENCES ~~IN~~ FROM BOTH COUNTIES WERE TO BE SERVED
CONSECUTIVELY TO ONE ANOTHER, AS WELL AS BOTH OF THE
DEFENDANT'S SEPARATE SENTENCES BOTH WERE IMPOSED ON
SEPARATE AND DIFFERENT DATES, IN SEPARATE AND DIFFERENT
COURTS AND JUDICIAL CIRCUITS, ~~WITH~~ WITH TWO (2) SEPARATE
AND DIFFERENT COMPLETION OR MAX-OUT DATES, AND BOTH
HAD SEPARATE AND DIFFERENT ORDERED AMOUNTS OF CREDIT
FOR TIME SERVED THAT WAS TO BE APPLIED TO EACH OF THE
SEPARATE SENTENCES SEPARATELY, AS SHOWN IN THE ATTACHED
COURT TRANSCRIPTS FOR EACH OF THE COUNTIES. THE
DEPARTMENT OF CORRECTIONS, BOTH OF THE ABOVE MENTIONED
DEPARTMENTS HAVE BEEN MADE AWARE OF WHICH EVER
ONE OF THE DEPARTMENTS THAT ARE RESPONSIBLE FOR THE
INITIAL COMPUTATION, CALCULATION, AND APPLICATION OF MR.
TOTIN'S SENTENCE, AS ONE SINGLE 16 YEAR SENTENCE TO BE
SERVED WITH ONLY THE AMOUNT OF CREDIT FOR TIME SERVED
FOR CHARLESTON COUNTY'S SENTENCE IN THE AMOUNT OF
200 DAYS BECAUSE IT WAS A LESSER AMOUNT OF TIME
ALREADY SERVED TO BE DEDUCED FROM TIME LEFT TO SERVE.
BY MR. TOTIN, RESULTING IN MR. TOTIN HAVING TO SERVE
MORE TIME IN PRISON THAN MR. TOTIN WAS SENTENCED
AND ORDERED TO BE IMPRISONED FOR BY THE COURTS
ATTACHED ARE SENTENCING REPORTS FROM BOTH OF THE

PAGE 2

THE SOUTH CAROLINA COURT OF APPEALS

PLAINTIFF: THE STATE OF SOUTH
CAROLINA, COUNTY OF NORCHESTER
VS

DEFENDANT: MATTHEW STEPHEN
TOTIN #372932

DATE: FEBRUARY 6TH, 2023
CASE NOS: 2016GS181772,
2016GS181773

MOTION TO ALTER, AMEND, OR
CORRECT A SENTENCE

★ PLEASE TAKE NOTICE THAT THE ABOVE CAPTIONED DEFENDANT, BY AND THROUGH HIS OWNSELF, DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL, REQUESTS THIS HONORABLE COURT TO AMEND AND CORRECT THE SENTENCE IMPOSED BY THE NORCHESTER COUNTY COURT OF GENERAL SESSIONS. THIS MOTION IS MADE ON THE GROUNDS THAT:

★ 1.) THE SENTENCING REPORT DOES NOT ACCURATELY REFLECT THE COURT'S INTENTION AT THE TIME OF SENTENCING DUE TO THE AMOUNT OF CREDIT FOR TIME SERVED THAT IS VERBALLY AND SPECIFICALLY DISCUSSED BETWEEN THE DEFENDANT AND THE COURT IN THE AMOUNT OF 608 DAYS AND WAS ORDERED BY THE COURT TO BE APPLIED TOWARDS THE DEFENDANT'S SENTENCE AS STATED BY THE COURT THAT IS SHOWN IN THE ATTACHED TRANSCRIPTS FROM THE DEFENDANT'S SENTENCING ON THE 17TH DAY OF MAY IN 2018.

★ 2.) THE DEFENDANT HAS ON SEVERAL DIFFERENT OCCASIONS, FILED MULTIPLE P.C.R. MOTIONS FOR RELIEF WITH THE NORCHESTER COUNTY CLERK OF COURT IN HOPE THAT THE COURT WOULD SEE AND CORRECT THIS UNFORTUNATE CLERICAL ERROR AND MISTAKE THAT WAS SIMPLY JUST DUE TO A LARGER THAN NORMAL CASE LOAD, BUT THERE HAS NEVER ONCE BEEN ANY ACKNOWLEDGEMENT, HEARING, BILLING, OR A RESPONSE FROM THE COURT, SOLICITORS OFFICE, OR BY CHANCE JUDGE DIANE GOODSTEN-JUNBE CODE-2112. ATTACHED ARE A COUPLE OF SAID P.C.R. MOTIONS FOR RELIEF FOR THE COURT'S REFERENCE IN THESE MATTERS.

★ 3.) AS A RESULT OF THIS ERROR AND OR MISTAKE THAT WAS MADE AND HAS BEEN CONTINUOUSLY IGNORED AND OVER-LOOKED FOR YEARS NOW, THAT HAS BEEN DONE PURPOSELY AS A WAY TO CONTINUOUSLY FINISH JUST ONE OF THE THREE DEFENDANTS INVOLVED IN THESE CASES, THAT IS MR. TOTIN, THAT ALSO HAS RECEIVED THE MOST SEVERE, AND LENGTHY SENTENCE OUT OF THE THREE DEFENDANTS.

THAT HAVE BEEN FOUND GUILTY BY THE FIRST (1ST) JUDICIAL
CIRCUIT COURT IN NORCHESTER COUNTY SOUTH CAROLINA. MR. TOTIN
ALSO HAD THE LEAST EXTENSIVE CRIMINAL RECORD AND THE LEAST
AMOUNT OF TRIPS TO, AS WELL AS TIME SPENT IN PRISON AT THE
TIME OF SENTENCING. THESE REASONS AND EXCESSIVE AND UNNECESSARY
HARSH, WERE INCLUDED IN THE MANY MOTIONS AND PETITIONS
RESPECTFULLY PRESENTED WITH THE SENTENCING JUDGE, THE
SOLICITOR THAT WAS PRESENT OVER MY CASE, BUT SOME HAVE
FALLEN ON DEAF EARS. ALSO A EXTREMELY SIGNIFICANT
AMOUNT OF PLEAS - OR BEGGING - IF I MUST BE HONEST,
HAVE CONTINUOUSLY BEEN MADE TO THE DEFENDANT'S
COURT APPOINTED ATTORNEY, THAT HAS BEEN JUST SHAVED
ASIDE OR IGNORED AS WELL. THERE ARE A COUPLE ATTACHED
RESPONSE LETTERS FROM MR. TOTIN'S PUBLIC DEFENDER -
MR. PIERCE L. WEHMAN, THAT SHOW THAT MR. WEHMAN
HAS HAD A LACK OF INTEREST IN DEFENDING MR. TOTIN
AS WELL AS PROTECTING AND REASSURING THAT MR.
TOTIN'S LIBERTIES AND CONSTITUTIONAL RIGHTS ARE
UPHELD AND NOT VIOLATED OR THAT MR. TOTIN IS NOT
EVER DEPRIVED OF THESE LIBERTIES AND CONSTITUTIONAL
RIGHTS. IN FACT, THAT IS ABOUT THE ONLY THING
THAT MR. TOTIN'S ATTORNEY HAS SUCCESSFULLY AND
CONTINUOUSLY BEEN AN ACTIVE PART IN MR. TOTIN'S
CASES, BEING THE ENABLER AND WITNESS OF MR.
TOTIN'S DEPRIVATION OF HIS LIBERTIES AND HIS
CONSTITUTIONAL RIGHTS, AS REFLECTED IN MR.
WEHMAN'S RESPONSE LETTERS THAT ARE FULL OF NOTHING
BUT POORLY MADE EXCUSE ATTEMPTS AS TO WHY HE CAN
NOT MAKE ANY PROGRESS OR ACTUALLY DO ANYTHING AT
ALL IN RELATION TO REPRESENTING/DEFENDING MR. TOTIN.
#4. AS A RESULT TO MR. TOTIN'S ONGOING DEPRIVATION OF
LIBERTIES AND CONSTITUTIONAL RIGHTS AND JUDGE DIANE GOODSTEIN
IS WELL AS THE NORCHESTER COUNTY COURT OF GENERAL SESSIONS,
THE SOLICITOR'S OFFICE, AND THE PUBLIC DEFENDERS' OFFICE,
AS WELL THAT HAS BEEN EXTREMELY HELPFUL IN THE NEWLY
DISCOVERED WAYS FOR THE STATE AND THE COURTS TO

OK WITHOUT CONSENT OF THE INMATE PERSON, ANY VEHICLE THE INMATE OWNS OR IS DRIVING, OR ANY OF THE INMATES POSSESSIONS IMMEDIATELY BEFORE EACH SEARCH OR SEIZURE PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT OFFICER SEEKING TO CONDUCT THE SEARCH OR SEIZURE MUST VERIFY WITH THE DEPARTMENT OF PROBATION, PAROLE AND PARDONS SERVICES OR BY ANY OTHER MEANS AVAILABLE TO THE OFFICER THAT THE INDIVIDUAL UPON WHOM THE SEARCH OR SEIZURE WILL BE CONDUCTED IS CURRENTLY ON PAROLE. A LAW ENFORCEMENT OFFICER CONDUCTING A SEARCH OR SEIZURE WITHOUT A WARRANT PURSUANT TO THIS SECTION SHALL REPORT TO THE LAW ENFORCEMENT AGENCY THAT EMPLOYS HIM ~~THE~~ ALL OF THESE SEARCHES OR SEIZURES, WHICH SHALL INCLUDE THE NAME, ADDRESS, AGE, GENDER, RACE OR ETHNICITY OF THE PERSON THAT IS THE SUBJECT OF THE SEARCH OR SEIZURE. THE LAW ENFORCEMENT AGENCY SHALL SUBMIT THIS INFORMATION AT THE END OF EACH MONTH TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDONS SERVICES TO REVIEW FOR ABUSE. A FINDING OF ABUSE OF THE USE OF SEARCHES OR SEIZURES WITHOUT A WARRANT MUST BE REPORTED BY THE DEPARTMENT OF (P.P.P. SERVICES) TO THE STATE LAW ENFORCEMENT DIVISION FOR INVESTIGATION. IF THE LAW ENFORCEMENT OFFICER FAILS TO REPORT EACH SEARCH OR SEIZURE PURSUANT TO THIS SECTION, HE IS SUBJECT TO DISCIPLINE PURSUANT TO THE EMPLOYER AGENCYS POLICIES AND PROCEDURES.

- THE BOARD MUST ESTABLISH WRITTEN SPECIFIC CRITERIA FOR THE GRANTING OF PAROLE AND PROVISIONAL PAROLE. THIS CRITERIA MUST REFLECT ALL OF THE ASPECTS OF THIS SECTION AND INCLUDE A REVIEW OF A PRISONERS DISCIPLINARY AND OTHER RECORDS. THE CRITERIA MUST BE MADE AVAILABLE TO ALL THE PRISONERS AT THE TIME OF THEIR INCARCERATION AND THE GENERAL PUBLIC. THE PAROLED PRISONER MUST AS OFTEN AS REQUIRED, RENDER A WRITTEN REPORT TO THE BOARD GIVING THAT INFORMATION AS MAY BE REQUIRED BY THE BOARD WHICH MUST BE CONFIRMED BY THE PERSON IN WHOSE EMPLOYMENT THE PRISONER MAY BE AT THE TIME. THE BOARD MUST NOT GRANT PAROLE NOR IS PAROLE AUTHORIZED TO ANY PRISONER SERVING A SENTENCE FOR A SECOND OR SUBSEQUENT CONVICTION, FOLLOWING A SEPARATE SENTENCING FOR A PRIOR CONVICTION, FOR ~~A~~ VIOLENT CRIMES AS COMMITTED WITHIN A ONE DAY PERIOD OR PURSUANT TO ONE CONTINUOUS COURSE OF CONDUCT. SUCH MULTIPLE OFFENSES MUST BE TREATED FOR PURPOSES OF THE SECTION AS ONE OFFENSE.

- ANY PART OR ALL OF A PRISONERS PRISON DISCIPLINARY RECORDS AND WITH THE PRISONERS CONSENT, RECORDS INVOLVING ALL AWARDS, HONORS EARNED WORK CREDITS AND EDUCATIONAL CREDITS, ARE SUBJECT TO THE FREEDOM OF INFORMATION ACT AS CONTAINED IN CHAPTER 4, TITLE 30.

Office of the Public Defender

First Judicial Circuit

107 W. 6th North Street
Suite 100
Summerville, SC 29483
(843) 821-9800
FAX (843) 871-0523

5200 East Jim Bilton Boulevard
Dorchester County Courthouse
St. George, SC 29477
(843) 832-0154



Courthouse, 151 Docket Street, Room 110
PO Box 1112
Orangeburg, SC 29116-1112
(803) 536-4858
FAX (803) 536-9986

716 Huff Drive
St. Matthews, SC 29135
(803) 874-2100
FAX (803) 874-2400

Please respond to the Summerville Office

February 06, 2018

Mr. Matthew Stephen Totin
Wateree River Correctional Institution 8200 State Farm Road
Rembert, SC 29128

RE: State of South Carolina v. Matthew Stephen Totin
Warrant No.: 2016a1810300874; 2016a1810300875 Burglary / Burglary
(Non-Violent) - Second degree; Larceny / Grand Larceny, value \$10,000 or more

Dear Mr. Totin:

I am writing you to update you on the status of your Dorchester County case. As requested I have been going through the process of obtaining funding for, and hiring a fingerprint expert. I retained the services of Donald Girndt who comes highly recommended by not only my office but also the private defense bar. He has analyzed the evidence in this case and has submitted a report. It is his opinion that the print lifted by law enforcement and your print are a match. I have enclosed a copy of his report.

YET IT STATES MY FATHER'S NAME, NOT MINE FOR THE MATCH.

If you have any questions or concerns please do not hesitate to contact me. I will be planning a trip to come and see you at SCDC prior to court starting in March. Please seriously consider your options so you know what you want to do at that time.

Very truly yours,

A handwritten signature in black ink, appearing to read 'P. Wehman'.

Pierce L. Wehman
Assistant Public Defender

COUNTIES, HAMPSHIRE COUNTY AND NORFOLK COUNTY, FOR THE COURT TO REFER TO FOR EACH OF THE SENTENCE, AS WELL AS THE PAROLE ELIGIBILITY DATES AND THE PROJECTED RELEASE DATES FOR MR. TOTIN BEFORE MR. TOTIN RECEIVED HIS CONSECUTIVE 8 YEAR SENTENCE AS WELL AS AFTER HE RECEIVED THE CONSECUTIVE 8 YEARS, THAT SHOW ~~THE~~ THAT SOJC INCORRECTLY ENTERED MR. TOTIN'S SENTENCE AS ONE 16 YEAR SENTENCE WITH ABSOLUTELY ZERO DAYS OF THE 608 DAYS THAT WAS ORDERED TO BE CREDITED TOWARDS THE NORFOLK COUNTY IMPOSED SENTENCE VERBALLY, WAS EVER CREDITED TOWARD MR. TOTIN'S NORFOLK COUNTY SENTENCE. MR. TOTIN HAS FILED SEVERAL STAFF REQUESTS AND GRIEVANCES CONCERNING THIS ISSUE AND ARE ALWAYS DENIED AND IGNORED BY THE STAFF OF THE DEPARTMENT OF CORRECTIONS. MR. TOTIN ALSO FILED A P.C.R. THAT WAS RETITLED BACK TO THE LOWER COURTS TO BE HANDLED AND NEVER WAS EVEN LOOKED AT.

★ S.D. AS A RESULT TO THE INCORRECTLY CALCULATED, COMPLETED AND APPLIED SENTENCES OF MR. TOTIN, IT HAS CAUSED HIS ACTUAL PAROLE ELIGIBILITY DATE TO BE DENIED AND WITHHELD FROM HIM BY THE AMOUNT OF 608 EXTRA DAYS, THAT IN TURN VIOLATED MR. TOTIN'S LIBERTIES AND MR. TOTIN'S LIBERTY INTERESTS FOR PAROLE ACCORDING SANDIN 545 U.S. 472 477-478 AND ACTUALLY IS GOVERNED BY THE LIBERTY INTEREST ANALYSIS THAT EXISTS BEFORE SANDIN. ALSO, ACCORDING TO SANDIN VS. CONNER 335 U.S. at 484 AND THE 3 FACTORS OF SANDIN, THE VIOLATION OF MR. TOTIN'S EARNED GOOD TIME ON THE 608 THE COURT ORDERED CREDIT TO BE GIVEN FOR, IS A VIOLATION OF MR. TOTIN'S LIBERTY INTERESTS, AND HAS ALSO CAUSED MR. TOTIN TO HAVE TO SERVE MORE TIME IN PRISON THAN HE WAS SENTENCED TO, AND IN DOING SO, IMPOSES A TYPICAL AND SIGNIFICANT HARDSHIP ON MR. TOTIN THAT IS NOT A ORDINARY INCIDENT IN PRISON LIFE. ACCORDING TO HAYNES VS STATE, US VS BORELLI, D.K. 44-1971, 333 F. SUPP. 369 - SENTENCING AND PUNISHMENT - BY 2001, AND US VS LAWRENSEN, D.C. M.D. 1961 196 F. SUPP. 38 STATE THAT THE COURT(S) ~~ARE~~ HAVE THE POWER TO CORRECT A SENTENCE TO INDICATE THE INTENT OF THE COURT AT THE TIME OF SENTENCING, AND/OR TO CORRECT

FILE 11

BE ABLE TO PUNISH A PERSON MULTIPLE TIMES FOR THE
OFFENSE BY HAVING THE DEFENDANT TO ~~BE~~ SERVE ~~IN~~ PARTS
OF THE IMPOSED SENTENCE MULTIPLE TIMES BY PURPOSELY
IGNORING THE DEFENDANTS FILED MOTIONS AND PETITIONS
WITH LEGAL PRECEDENT, MAKING THE COURT AWARE OF THE ERROR
OR MISTAKE MADE THAT HAS LEFT THE AMOUNT OF CREDIT FOR TIME
TIME SERVED VERRALLY ORDERED AS A PART OF THE IMPOSED COURT
SENTENCE, OFF OF THE SENTENCE ORDER REPORT THAT IS SENT
TO THE DEPARTMENT OF CORRECTIONS WITH THE DEFENDANT AFTER
LEAVING THE COURT, HAS CAUSED THE SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS CLASSIFICATION AS WELL AS THE
INMATE RECORDS DEPARTMENTS TO INDIRECTLY COMPUTE,
CALCULATE, AND APPLY MR. TOTIN'S SENTENCES FROM BOTH
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THE SENTENCES ~~IN~~ FROM BOTH COUNTIES WERE TO BE SERVED
CONSECUTIVELY TO ONE ANOTHER, AS WELL AS BOTH OF THE
DEFENDANT'S SEPARATE SENTENCES BOTH WERE IMPOSED ON
SEPARATE AND DIFFERENT DATES, IN SEPARATE AND DIFFERENT
COURTS AND JUDICIAL CIRCUITS, ~~WITH~~ WITH TWO (2) SEPARATE
AND DIFFERENT COMPLETION OR MAX-OUT DATES, AND BOTH
HAD SEPARATE AND DIFFERENT ORDERED AMOUNTS OF CREDIT
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DEPARTMENT OF CORRECTIONS, BOTH OF THE ABOVE MENTIONED
DEPARTMENTS HAVE BEEN MADE AWARE OF WHICH EVER
ONE OF THE DEPARTMENTS THAT ARE RESPONSIBLE FOR THE
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ALREADY SERVED TO BE DEDUCED FROM TIME LEFT TO SERVE
BY MR. TOTIN, RESULTING IN MR. TOTIN HAVING TO SERVE
MORE TIME IN PRISON THAN MR. TOTIN WAS SENTENCED
AND ORDERED TO BE IMPRISONED FOR BY THE COURTS
ATTACHED ARE SENTENCING REPORTS FROM BOTH OF THE

HAVE BEEN FOUND GUILTY BY THE FIRST (1ST) JUDICIAL CIRCUIT COURT IN DORCHESTER COUNTY SOUTH CAROLINA. MR. TOTIN ALSO HAD THE LEAST EXTENSIVE CRIMINAL RECORD AND THE LEAST AMOUNT OF TRIPS TO, AS WELL AS TIME SPENT IN PRISON AT THE TIME OF SENTENCING. THESE REASONS AND EXCESSIVE AND UNNECESSARY HARSH, WERE INCLUDED IN THE MANY MOTIONS AND PETITIONS RESPECTFULLY PRESENTED WITH THE SENTENCING JUDGE, THE SOLICITOR THAT WAS PRESENT OVER MY CASE, BUT SOME HOW FALLEN ON DEAF EARS. ALSO A EXTREMELY SIGNIFICANT AMOUNT OF PLEAS - OR BEGGING - IF I MUST BE HONEST, HAVE CONTINUOUSLY BEEN MADE TO THE DEFENDANT'S COURT APPOINTED ATTORNEY, THAT HAS BEEN JUST SHAVED ASIDE OR IGNORED AS WELL. THERE ARE A COUPLE ATTACHED RESPONSE LETTERS FROM MR. TOTIN'S PUBLIC DEFENDER - MR. PIERCE L. WEHMAN, THAT SHOW THAT MR. WEHMAN HAS HAD A LACK OF INTEREST IN DEFENDING MR. TOTIN AS WELL AS PROTECTING AND REASSURING THAT MR. TOTIN'S LIBERTIES AND CONSTITUTIONAL RIGHTS ARE UPHOLD AND NOT VIOLATED OR THAT MR. TOTIN IS NOT EVER DEPRIVED OF THESE LIBERTIES AND CONSTITUTIONAL RIGHTS. IN FACT, THAT IS ABOUT THE ONLY THING THAT MR. TOTIN'S ATTORNEY HAS SUCCESSFULLY AND CONTINUOUSLY BEEN AN ACTIVE PART IN MR. TOTIN'S CASES, BEING THE ENABLER AND WITNESS OF MR. TOTIN'S DEPRIVATION OF HIS LIBERTIES AND HIS CONSTITUTIONAL RIGHTS, AS REFLECTED IN MR. WEHMAN'S RESPONSE LETTERS THAT ARE FULL OF NOTHING BUT POORLY MADE EXCUSE ATTEMPTS AS TO WHY HE CAN NOT MAKE ANY PROGRESS OR ACTUALLY DO ANYTHING AT ALL IN RELATION TO REPRESENTING/DEFENDING MR. TOTIN. AS A RESULT TO MR. TOTIN'S ON-GOING DEPRIVATION OF LIBERTIES AND CONSTITUTIONAL RIGHTS AND JUDGE DIANE GOODSTEIN, AS WELL AS THE DORCHESTER COUNTY COURT OF GENERAL SESSIONS, THE SOLICITOR'S OFFICE, AND THE PUBLIC DEFENDERS OFFICE, AS WELL THAT HAS BEEN EXTREMELY HELPFUL IN THE NEWLY DISCOVERED WAYS FOR THE STATE AND THE COURTS TO

THE SOUTH CAROLINA COURT OF APPEALS

PLAINTIFF: THE STATE OF SOUTH
CAROLINA, COUNTY OF NORCHESTER
VS

DEFENDANT: MATTHEW STEPHEN
JOHN #372932

DATE: FEBRUARY 6TH, 2023

CASE NOS: 2016GS181772,
2016GS181773

MOTION TO ALTER, AMEND, OR
CORRECT A SENTENCE

★ PLEASE TAKE NOTICE THAT THE ABOVE CAPTIONED DEFENDANT, BY
HIS OWNSELF, DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL,
REQUESTS THE HONORABLE COURT TO AMEND AND CORRECT THE SENTENCE
IMPOSED BY THE NORCHESTER COUNTY COURT OF GENERAL SESSIONS. THIS
MOTION IS MADE ON THE GROUNDS THAT:

1. THE SENTENCING REPORT DOES NOT ACCURATELY REFLECT THE
COURT'S INTENTION AT THE TIME OF SENTENCING DUE TO THE AMOUNT OF
CREDIT FOR TIME SERVED THAT IS VERBALLY AND SPECIFICALLY DISCUSSED
BETWEEN THE DEFENDANT AND THE COURT IN THE AMOUNT OF 608 DAYS
AND WAS ORDERED BY THE COURT TO BE APPLIED TOWARDS THE
DEFENDANT'S SENTENCE AS STATED BY THE COURT THAT IS SHOWN
IN THE ATTACHED TRANSCRIPTS FROM THE DEFENDANT'S SENTENCING
ON THE 17TH DAY OF MAY IN 2018.

2. THE DEFENDANT HAS ON SEVERAL DIFFERENT OCCASIONS FILED
MULTIPLE P.C.R. MOTIONS FOR RELIEF WITH THE NORCHESTER COUNTY CLERK
OF COURT IN HOPE THAT THE COURT WOULD SEE AND CORRECT THIS
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DUE TO A LARGER THAN NORMAL CASE LOAD, BUT THERE HAS NEVER
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FROM THE COURT, SOLICITORS OFFICE, OR BY CHANCE JUDGE DIANE
GOODSTEN-JUNGE CODE-2112. ATTACHED ARE A COUPLE OF SAID P.C.R.
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3. AS A RESULT OF THIS ERROR AND OR MISTAKE THAT WAS
AND HAS BEEN CONTINUOUSLY IGNORED AND OVER-LOOKED FOR YEARS
NOW, THAT HAS BEEN DONE PURPOSELY AS A WAY TO CONTINUOUSLY
PUNISH JUST ONE OF THE THREE DEFENDANTS INVOLVED IN THESE
CASES, THAT IS MR. JOHN, THAT ALSO HAS RECEIVED THE MOST
SEVERE AND LENGTHY SENTENCE OUT OF THE THREE DEFENDANTS.

1 But clearly in this case we are -- I am going to try
2 to do two things. I am going to try to punish you for
3 what you have done, but I am going to try to set up
4 something that will help you too and hopefully give you
5 an incentive to do something when you satisfy this
6 sentence.

7 The sentence of the court -- and it is really -- I
8 figure -- hearing mixed bags. You can do anywhere from
9 55 to I have heard the high of 70 percent of a sentence
10 on the nonviolent now. It just depends, what you get.

11 But I am going to sentence you on Indictment
12 2016-6702 to eight years. I will take into consideration
13 the fact that you entered a plea and didn't force
14 everybody through a trial. So I am giving you a break on
15 that. I will give you credit for 298 days.

16 The sentence of the court on Indictment 2016-6228 is
17 ten years. It is consecutive to 2016-6702. But that
18 sentence is suspended in its entirety. And I am going to
19 order part of your conditions of probation are substance
20 abuse counseling and treatment, random drug and alcohol
21 testing, pay \$500 to the public defender fund. You may
22 transfer it to Michigan. I hope you can get back and get
23 some help there.

24 He -- the probation is tolled until he is released
25 on the sentence on 2016-6702. Oh, five years -- five

1 years probation. Excuse me.

2 The sentence on the remaining indictments are 90
3 days. I will give you credit for 90 days. So we will
4 only have to deal with two indictments.

5 Good luck to you, sir.

6 MS. NEWMAN: And I will let Dorchester deal with
7 Dorchester.

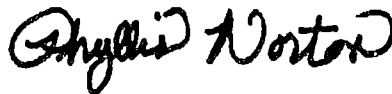
8 (WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on June 21, 2017.

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

A handwritten signature in black ink that reads "Phyllis Norton". The signature is written in a cursive, flowing style.

PHYLLIS NORTON, CVR

Date: April 7, 2019

Transcript Provided for: S.C. Attorney General's Office.

CHARLESTON
TRANSCRIPTS
COUNTY SEAT

0.121 967 8794 9297

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	CASE NO. 2016-GS-10-06702
	)	2016-GS-10-06703
	)	2016-GS-10-06704
PLAINTIFF,	)	2016-GS-10-06705
	)	2016-GS-10-06706
	)	2016-GS-10-06228
	)	2016-GS-10-06229
	)	
VS.	)	TRANSCRIPT OF RECORD
	)	
	)	PLEA
Matthew Totin,	)	
	)	(CERTIFIED COPY)
DEFENDANT.	)	
	)	

June 21, 2017

Charleston, South Carolina

B E F O R E:

The Honorable R. Markley Dennis

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

Jenna P. Newman, Assistant Solicitor
For the State

W. Ted Smith, Esquire
For the Defendant

Transcript Provided for: S.C. Attorney General's Office

Phyllis Norton, CVR-Master, Nationally Certified Verbatim Court Reporter
636 Long Point Road, Unit G, #74, Mt. Pleasant, South Carolina 29464
PNorton@sccourts.org

I N D E X

HEARING - Plea -- 03

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT -- 17

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 THE COURT: You are Matthew Totin?

2 MR. TOTIN: Yes, sir.

3 THE COURT: Mr. Totin, I have been handed several
4 indictments charging you with it looks like four property
5 crimes. You have discussed those with your lawyer?

6 MR. TOTIN: Yes, sir.

7 THE COURT: Indictments 2016-6229 and 2016-6706
8 charge you with obtaining goods under false pretenses.
9 Do you understand that?

10 MR. TOTIN: Yes, sir.

11 THE COURT: And your lawyer has explained that crime
12 to you and the possible punishment when the State elects
13 to proceed under the enhancement statute?

14 MR. TOTIN: Yes, sir.

15 THE COURT: They each now carry a continuous
16 sentence. Do you understand that?

17 MR. TOTIN: Yes, sir.

18 THE COURT: How do you plead?

19 MR. TOTIN: Guilty.

20 THE COURT: Indictment 2016-6228 charges you with
21 receiving stolen goods. But, again, because of your
22 record the State is proceeding under the enhancement
23 statute. Do you understand that?

24 MR. TOTIN: Yes, sir.

25 THE COURT: And you understand again I could

1 sentence you to three years -- excuse me, ten years in
2 jail; do you understand that?

3 MR. TOTIN: Yes, sir.

4 THE COURT: How do you plead?

5 MR. TOTIN: Guilty.

6 THE COURT: Indictment 2016-6702 charges you with
7 the offense of burglary second. Do you understand that?

8 MR. TOTIN: Yes, sir.

9 THE COURT: And your lawyer has explained that
10 charge to you and the possible punishment for nonviolent
11 of up to ten years in jail?

12 MR. TOTIN: Yes, sir.

13 THE COURT: How do you plead?

14 MR. TOTIN: Guilty.

15 THE COURT: Are you satisfied with your lawyer?

16 MR. TOTIN: Yes, sir.

17 THE COURT: Solicitor, it appears to be without any
18 recommendation.

19 MS. NEWMAN: That is correct, Judge.

20 THE COURT: Mr. Smith, is that your understanding?

21 MR. SMITH: It is, Your Honor.

22 THE COURT: Have you had the opportunity to discuss
23 this matter fully with your client?

24 MR. TOTIN: I have, Your Honor.

25 THE COURT: You have shared the results of your

1 MS. NEWMAN: Thank you. And I have provided this to
2 the defense.

3 (WHEREUPON, document provided to the court.)

4 THE COURT: Thank you. Appreciate that.

5 MS. NEWMAN: And I know Michael Thompson would like
6 to address the court, Judge, at the appropriate time.

7 THE COURT: I will be delighted to hear from him.
8 And I appreciate him being here too.

9 Yes, sir.

10 MR. THOMPSON: Your Honor, Mike Thompson. Last name
11 is T-H-O-M-P-S-O-N. I have been a police officer in
12 Charleston for 28 years. I have lived in that home for
13 the last 19.

14 He watched me leave my house that day. Now the
15 burglary as we heard from Dorchester later. So I am here
16 for the possession charge. But his goal was to steal
17 firearms. And he had a good attempt at getting the safe
18 out of my bedroom. But he did not.

19 So he took all of my wife's jewelry. And I am not
20 talking about when you think a box full of jewelry. I am
21 talking a chest full of 24 years of wedding
22 anniversaries, birthdays, keepsakes, things that my
23 children made. He took it all. And we only got a
24 fraction of it back.

25 My home is now a fortress of locks, boards on

1 The burglary charge, that occurred on August 28th -
2 again, just a few days later - of 2016 at 1426 Brecon
3 Road in Mt. Pleasant, Charleston County.

4 Mt. Pleasant police responded to a burglary in
5 progress. The victim, Nancy Meshner, came home and
6 encountered the defendant in her home. He fled the scene
7 with a dark book bag and was wearing a dark T-shirt.

8 Officers canvassed the area and located the
9 defendant walking down Rifle Range Road. He was less
10 than a half mile from the victim's resident. In a ditch
11 nearby was the book bag and the dark T-shirt..

12 Two witnesses who lived near the victim observed the
13 defendant take off his book bag and shirt in an attempt
14 to hide. Inside the bag were several items belonging to
15 the victim; costume jewelry, writing pens, shirt pens,
16 and other collectibles. The defendant also had various
17 items belonging to the victims in his -- the victim in
18 his pockets; coins and other currency.

19 Judge, this plea is without recommendation. The
20 victim Michael Thompson is present in the courtroom
21 today. He is a detective with Charleston County. And
22 the victim of the burglary, Nancy Meshner, she couldn't
23 be here because of some health issues. She wrote a
24 letter, if I may approach and provide that.

25 THE COURT: Absolutely.

1 backdoors, alarm system, cameras. And you would think
2 who would break into a police officer's house.

3 My wife and my two daughters they don't feel safe
4 there any longer.

5 THE COURT: I understand.

6 MR. THOMPSON: The anxiety levels are through the
7 roof when we go to leave somewhere. So I am asking you
8 please give him the maximum sentence for whatever you
9 sentence him for and then run consecutive to whatever he
10 gets in Dorchester County.

11 THE COURT: Thank you, sir.

12 MR. THOMPSON: Thank you.

13 THE COURT: Yes, sir. What is his record?

14 MS. NEWMAN: His record, Judge, out of South
15 Carolina 2016 two shopliftings; out of Ohio a '01
16 breaking and entering; an '03 attempted drug sale;
17 Pennsylvania '02 trespass; Michigan '01 fraud check; '05
18 operating impaired; and '08 disorderly conduct.

19 THE COURT: Okay. Thank you.

20 Let the record reflect that I have reviewed a letter
21 from Nancy Meshner dated March 15th, 2017.

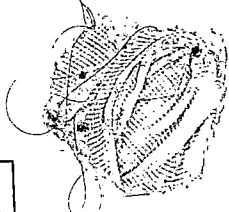
22 MS. NEWMAN: Thanks, Judge.

23 THE COURT: Are those facts correct, sir?

24 (WHEREUPON, defendant confers with counsel.)

25 MR. TOTIN: Your Honor, other than the firearms and

SMITH



1 the burglaries pertaining to stuff for Dorchester, yes.

2 THE COURT: The charges I am dealing with --
3 Dorchester that will be another day where you have to
4 answer for that.

5 MR. TOTIN: Yes, sir. Yes, it is.

6 THE COURT: The charges I am asking about are the
7 burglary of the Meshner home and basically obtaining
8 goods under false pretenses and receiving stolen goods.

9 MR. TOTIN: Yes, sir.

10 THE COURT: Those facts are correct?

11 MR. TOTIN: Yes, sir.

12 THE COURT: I will accept the plea. I will be happy
13 to hear from you.

14 MR. SMITH: Thank you, Your Honor. May it please
15 the court. Mr. Totin has been in jail since this
16 happened, so a total of 298 days that he has been in.

17 THE COURT: Okay.

18 MR. SMITH: Your Honor, this is a fellow that you
19 see from his past record does have a bit of a record; but
20 they have all been kind of misdemeanor level stuff up
21 until this time.

22 He got here. He got -- he was in a situation where
23 he got shot. He was on pain medication. As we often
24 know in what happens is he got hooked on heroin after
25 that. He was doing heroin to support and to try to kind

1 Point program. And I have that letter here. Up in
2 Greenville.

3 Your Honor, we understand how the victims feel in
4 this case; but I would say that what I believe is that
5 this is a man with an addiction who got in and the timing
6 of it suggests that it all happened within a short period
7 of time and in somebody that was in the throes of a real
8 heated addiction with heroin.

9 What I am asking the court to consider is a
10 probationary sentence with the idea that he go to either
11 the program in Greenwood or as soon as he is able to to
12 go to the program up in Michigan by transferring his
13 probation.

14 As the solicitor indicated, there are some charges
15 that are pending out of Dorchester County that are
16 related. I have been in contact with his public defender
17 on those. And they obviously want to try to get him to
18 court as soon as possible to get those addressed. So
19 with that being said, Your Honor, we would ask the court
20 to consider a probationary sentence.

21 THE COURT: What are the charges in Dorchester?

22 MS. NEWMAN: Another burglary.

23 THE COURT: Burg?

24 MS. NEWMAN: Yes, sir.

25 THE COURT: Okay. Nonviolent?

1 of work out his pain situation.

2 Your Honor, I will tell you I have spoken to -- he
3 has a lot of family in Michigan. They are hoping that
4 eventually he will be able to go back there and be with
5 them where there is a more -- better support system for
6 him.

7 The other thing, Your Honor, that he has done, I
8 have been helping him to try to coordinate this since he
9 has been in, is based on that shooting he has a
10 disability claim that is pending. He has a lawyer in
11 Michigan. I have spoken to that lawyer about six times
12 while Mr. Totin has been in jail.

13 That is -- that disability claim is proceeding. But
14 obviously he has to get this taken care of before
15 anything like that can move forward.

16 Your Honor, he is very much I think appreciative of
17 the fact that this probably saved his life in some
18 respects because he was using heroin to the point of just
19 being kind of out of it and just on the street and doing
20 what he could.

21 Since he has been in jail, Your Honor, he has
22 contacted several rehab places in Michigan. His family
23 would help him with those.

24 In addition to that, Your Honor, he worked with Ms.
25 Barons, our social worker and was accepted to the Turning

1 asking me to. But you have been moving from state to
2 state and committing crimes long before you were shot.
3 So it just shows a predisposition to do something. That
4 is concerning.

5 I understand the victims. I will assure him and
6 anybody else -- and I think most of the lawyers know this
7 about me, early on that was -- burglarizing a person's
8 home has been my -- one of my things. I don't have a lot
9 of leniency -- a lenient heart for that because of what
10 you just talked about. Not so much the crime itself but
11 the aftermath of the crime.

12 And that is nothing -- nothing I can do today will
13 alleviate that. I know that. But I assure you I am very
14 cognizant of that. I have been doing this for 23 years.
15 And it has never changed since -- I just made the
16 statement to myself and to a fellow judge in 1995 that
17 this was a crime I just simply I can't look at in any
18 other way other than you have to be punished for this.

19 You are getting a break today. You know that. From
20 the standpoint of the nonviolent. I mean really. And I
21 understand -- I didn't draft the statute. I don't
22 understand that. But there again that's okay; I will
23 leave that to the legislature. And I am not going to
24 step over into their area. And I wish they would do the
25 same with mine. But sometimes they don't.

1 MS. NEWMAN: I believe nonviolent.

2 MR. TOTIN: Yes, sir.

3 THE COURT: Okay.

4 Is there anything you wish to tell me, sir?

5 MR. TOTIN: Sir, I apologize to the victims in these
6 cases. And I wish I could take back everything that has
7 happened. I am truly sorry. My life just took a bad
8 toll after I got shot six times. I am sorry.

9 THE COURT: When was that?

10 MR. TOTIN: April 30th, 2015. I got shot three
11 times in the head, twice in the stomach, once in the
12 back.

13 THE COURT: I am glad you are alive. And I am sorry
14 for the complications that have risen from that. And of
15 course you are one of many in this country. And it is an
16 epidemic obviously.

17 MR. TOTIN: Yes, sir.

18 THE COURT: In fact they were talking about a city
19 in Ohio that the news accounts showed the morgue where
20 they are storing them and they are filled up every day
21 with overdose, people overdosing on heroin in part. I
22 think it was Vicodin they are using now. But anyway.

23 And I am sorry for that. But the problem I have
24 with it is this. If it all had just started then maybe I
25 would be a little more amenable to what your lawyer is

ATTACHMENT # 651

W7B-23T

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION & INMATE RECORDS
CUSTODY AND PRIVILEGES**

Inmate Name Matthew Totin Inmate Number 372932
Assigned/Recommended Custody M01B

	MINIMUM OUT (MO)	MINIMUM OUT RESTRICTED (MOR)	MINIMUM IN (MI)	MEDIUM (ME)	SMU (SD, DD, PC, PHD)
ACCESS TO PROGRAMS & ACTIVITIES	Outside the perimeter off institutional property	Inside the perimeter or Outside the perimeter on institutional property	Inside the perimeter	Inside the perimeter	Selected cell activity only
ACCESS TO JOBS	Outside the perimeter off SCDC property	Inside the perimeter or Outside the perimeter on institutional property	All inside the perimeter Under armed supervision outside the perimeter	All inside the perimeter Under armed supervision outside the perimeter	None except job assignments within unit for Statewide Protective Custody
WORK/EDUCATION CREDITS	2	2	3 until meets behavior & time requirements to MOR, then automatically to 2	5	None, except 7 for Statewide Protective Custody
ACCESS TO CANTEEN	\$150 week limit	\$150 week limit	\$150 week limit	\$50 week limit	Refer to OP-22.16 for Death Row, OP-22.32 for Statewide Protective Custody, OP-22.38 for RHU . Pre- Trial SK inmates are eligible for canteen privileges.
ACCESS TO VISITS	See SCDC Policy/Procedure OP-22.09, Inmate Visitation, OP-22.12, Special Management Unit, OP-22.11, Maximum Security Unit, or OP-22.32, Statewide Protective Custody for information on visitation privileges.				
*ACCESS TO TELEPHONE	Normal	Normal	Normal	4 calls per month	Up to 1 call per month (depending upon Security Detention level designation). Refer to OP-22.38, Restrictive Housing Unit," for SSR, and OP-22.23 for Statewide Protective Custody.

This does not affect access to legal telephone calls.

Projected Release Date as of: 06/04/18
Max-out 05/26/24 Parole Eligibility 02/01/20 SFII-A NO
Labor Crew Eligibility 05/28/19
Sentence Start Date 08/27/16 Sentence Length 16 yrs.
Detainers Wanted - Charleston Co. - Rec. Stal. Goods #2000 - Warrant #2016A1010204055
Annual Hardship Review Month June 2018

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION & INMATE RECORDS
CUSTODY AND PRIVILEGES**

Matthew Lotin Inmate Number 372932
MOIA
 Recommended Custody _____

MINIMUM OUT (MO)	MINIMUM OUT RESTRICTED (MOR)	MINIMUM IN (MI)	MEDIUM (ME)	SMU (SD, DD, PC, PHD)
Inside the perimeter <i>off</i> institutional property	Inside the perimeter or Outside the perimeter <i>on</i> institutional property	Inside the perimeter	Inside the perimeter	Selected cell activity only
Inside the perimeter <i>off</i> SCDC property	Inside the perimeter or Outside the perimeter <i>on</i> institutional property	All inside the perimeter Under armed supervision outside the perimeter	All inside the perimeter Under armed supervision outside the perimeter	None except job assignments within unit for Statewide Protective Custody
2	2	3 until meets behavior & time requirements to MOR, then automatically to 2	5	None, except 7 for Statewide Protective Custody
\$150 week limit	\$150 week limit	\$150 week limit	\$50 week limit	Refer to OP-22.16 for Death Row, OP-22.32 for Statewide Protective Custody, OP-22.38 for RHU . Pre- Trial SK inmates are eligible for canteen privileges.
See SCDC Policy/Procedure OP-22.09, Inmate Visitation, OP-22.12, Special Management Unit, OP-22.11, Maximum Security Unit, or OP-22.32, Statewide Protective Custody for information on visitation privileges.				
ACCESS TO VISITS				
*ACCESS TO TELEPHONE	Normal	Normal	Normal	4 calls per month
				Up to 1 call per month (depending upon Security Detention level designation). Refer to OP-22.38, Restrictive Housing Unit," for SSR, and OP-22.23 for Statewide Protective Custody.

*This does not affect access to legal telephone calls.

Projected Release Date as of: 3/30/2018
 Max-out 10/30/2020 Parole Eligibility 5/22/2018 SFH-A 5/3/2020 (Supervised Client)
 Labor Crew Eligibility 6/22/2017
 Sentence Start Date 8/27/2010 Sentence Length 8 years
 Detainers Wanted/2016A1010204055; Wanted/2016A1810300875; Wanted/2016A1810300874
 Annual Hardship Review Month June

Office of the Public Defender

First Judicial Circuit

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FAX (843) 871-0523

5200 East Jim Bilton Boulevard
Dorchester County Courthouse
St. George, SC 29477
(843) 832-0154



MARK A. LEIENDECKER
Circuit Public Defender

Courthouse, 151 Docket Street, Room 110
PO Box 1112
Orangeburg, SC 29116-1112
(803) 536-4858
FAX (803) 536-9986

716 Huff Drive
St. Matthews, SC 29135
(803) 874-2100
FAX (803) 874-2400

Please respond to Summerville Office

April 21, 2017

Cheryl Graham
Dorchester County Clerk of Court
5200 East Jim Bilton Blvd.
St. George, South Carolina 29477

RE: State of South Carolina v. Matthew Stephen Totin
Warrant No.: 2016a1810300874; 2016a1810300875 Burglary / Burglary
(Non-Violent) - Second degree; Larceny / Grand Larceny, value \$10,000 or more

Dear Cheryl:

Please be advised that I have been appointed to represent Matthew Totin in the above referenced matter. Enclosed please find original and one copy of Motion for Discovery and Inspection. Please file same and return the file-stamped copy to my office via the Dorchester County Courier.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Pierce L. Wehman
Assistant Public Defender

PLW/sb

Enclosures
cc: Client

2143 9801
0103 2541
04123 273

2143
0202
0114
0199
0712
2123
2145

FILED-RECORDED

MR. PIERCE WEHMAN,

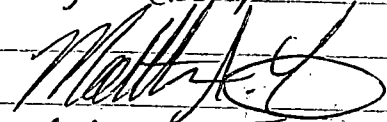
9-18-18

2018 SEP 24 PM 3:57

CHERYL GRAHAM
CLERK OF COURT
DOOR HANDED TO YOU PER YOUR INSTRUCTIONS TO ME EARLY ON
MY UNCLE HAS LEFT YOU MESSAGES AND MY LAST
TWO LETTERS HAVE WENT UNANSWERED WITH REQUESTS THAT I
IN MY CASE, IN WHICH YOU SAID ANY MOTIONS I WANTED
FILED TO REQUEST THROUGH YOU SO IT APPEARS WE ARE ON
THE SAME PAGE. I KNOW YOU RECEIVED MY LETTERS BECAUSE
I MAILED THEM CERTIFIED AND THEY WERE SIGNED FOR BY
YOUR OFFICE STATION, THEY WERE RECEIVED, YET MY REQUEST
FOR A MOTION TO RECONSIDER MY SENTENCE WAS NEVER
FILED, ONLY MY APPEAL WITH NO INSTRUCTIONS ON HOW I
AM TO PROCEED WITH THE STEPS, AND REQUIREMENTS OF THE
APPEAL THAT NEEDED TO BE SUBMITTED, ALONG WITH THE
GROUNDS FOR IT, AND PREPARATION INSTRUCTIONS SO IT IS
SUBMITTED IN PROPER FORM, IN WHICH I REQUESTED MULTIPLE
TIMES FROM YOU AND NEVER RECEIVED. I PREPARED MY
APPEAL RESPONSE AND MOTION TO RECONSIDER MYSELF
HOPEFULLY CORRECTLY. I AM REQUESTING A VISIT OR
CONFERENCE WITH YOU YET AGAIN REGARDING MY
CASE AND WHERE TO GO FROM HERE SINCE THE
IMPOSED SENTENCE WAS DIFFERENT FROM WHAT MY
FAMILY AND I WERE LED TO BELIEVE BY YOU. PLEASE
CONTACT ME WITH THE NECESSARY INSTRUCTIONS AND
PREPARATIONS NEEDED TO PROCEED IN MY DEFENSE.

MY SENTENCE THAT YOU GOT ME WAS
INCORRECTLY ENTERED BY SCDC INCLUDING THE LACK
OF MY TIMED SERVED GIVEN BY THE JUDGE AND I
NEED YOU TO HELP CORRECT THIS BECAUSE I CAN NOT
DO IT ALONE, I TRIED. THANKS.

SINCERELY


MATTHEW TOTIN

ATTACHMENT

TO: CHERYL GRAHAM

DORCHESTER CO. CLERK OF COURT
5200 EAST SIM BILTON BLVD.
ST. GEORGE, S.C. 29477

REF: MATTHEW TOTIN

TRENTON COR. INST.
84 GREENHOUSE RD.
TRENTON, S.C. 29847

DEAR CLERK OF COURTS,

ENCLOSED IS A MOTION TO RECONSIDER
SENTENCE AND MY THIRD AND FINAL REQUEST OF
ASSISTANCE IN FILING THESE MATTERS TO MY PUBLIC
DEFENDER THAT HAVE CONTINUED TO BE SIGNED UPON
DELIVERY AND HAVE CONTINUED TO GO UNANSWERED
AND UNASSISTED. THE INSTITUTION IS REFUSING
ALL COPIES BEING MADE SO I AM REQUESTING
YOUR ASSISTANCE IN A COPY BEING FORWARDED
TO THE SOLICITORS OFFICE IF POSSIBLE ONCE IT
HAS BEEN FILED. THANK YOU AND HAVE A
GREAT DAY.

RESPECTFULLY

SUBMITTED

MATTHEW S. TOTIN



DATE: 9-19-18

ATTACHMENT

SEP 28 2018

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

STATE OF SOUTH CAROLINA)

PLAINTIFF)

) INDICTMENT NO(S) / WARRANT NO(S):

) 2016A1810300874 • 2016A1810300875

) BURGLARY / BURGLARY (NOV-VIOLENT)

VS

) - SECOND DEGREE LARCENY / GRAUD

) LARCENY, VALUE \$10,000 OR MORE

MATTHEW STEPHEN TOTIN)

DEFENDANT)

) MOTION TO RECONSIDER

) SENTENCE

)

)

)

)

TO: SHEILA MIMS, ASSISTANT SOLICITOR FOR THE
FIRST JUDICIAL CIRCUIT

PLEASE TAKE NOTICE THAT THE ABOVE CAPTIONED
DEFENDANT, BY AND THROUGH HIS OWNSELF, DUE TO
PUBLIC DEFENDER, MR. PIERCE L. WEHMAN IGNORING
HIS CLIENTS REQUESTS FOR THIS MOTION TO BE
FILED, MOVES THIS HONORABLE COURT FOR A
RECONSIDERATION OF THE SENTENCE IMPOSED
UPON THE DEFENDANT ON THE 17th DAY OF MAY,
2018 BY THE HONORABLE MAHE GOODSTEIN.

THE MOTION WILL BE MADE UPON THE
GROUNDS THAT:

PG. 11

INFLUENCED THE SENTENCE IMPOSED IN THESE CASES IN DORCHESTER COUNTY AS WELL DUE TO CLOSE WORKING AND NOW-WORKING RELATIONSHIPS WITH THE SURROUNDING CRIMINAL JUSTICE REPRESENTATIVES. I RESPECTFULLY ASK THE COURT TO RECONSIDER THE WEIGHT GIVEN TO DETECTIVE THOMPSON'S STATEMENTS THAT WERE GIVEN AT BOTH PLEA HEARINGS.

3. TREATMENT SHOULD BE CONSIDERED AND PREFERRED IN MR. TOTIN'S CASE.

THE COURT IMPOSED A SIGNIFICANT SENTENCE ON TOP OF A SIGNIFICANT SENTENCE DESPITE THE FACT THAT MR. TOTIN HAS NOT SPENT ANY APPRECIABLE TIME INCARCERATED IN THE PAST, NOR HAD A CRIMINAL RECORD TO EVER SUGGEST IT TO BE NECESSARY. AS MENTIONED BEFORE, MR. TOTIN HAS MULTIPLE TREATMENT OPTIONS IN SOUTH CAROLINA AS WELL AS MICHIGAN THAT HE CAN FINANCE HIMSELF AND WISHES TO ENTER WITH THE COURT'S PERMISSION AND BLESSING, ALONG WITH ASSISTANCE IF IT BECOMES NECESSARY. MR. TOTIN AND HIS FAMILY AND SUPPORT SYSTEM BELIEVES THAT SOCIETY, THE VICTIMS, AND HIMSELF WOULD BE FAR BETTER SERVED BY HIS ENROLLMENT AND COMPLETION OF TREATMENT RATHER THAN A THIRD SIGNIFICANT PERIOD OF INCARCERATION WITH NO TREATMENT OR ADDICTION HELP TO GAIN AND SUSTAIN SOBRIETY.

P. 15 4. FAIR SENTENCES IMPOSED FOR CO-DEFENDANTS.

MR. TOTIN ALSO REQUESTS THAT THE COURT REVIEW HIS AND HIS CO-DEFENDANTS IMPOSED SENTENCES IN WHICH THEY WERE BOTH EQUALLY INVOLVED IN THE CRIMINAL MATTERS, BUT WERE HANDLED NOW DIFFERENT SENTENCES, MR. TOTIN'S BEING SIGNIFICANTLY LONGER DESPITE HIM NOT HAVING A PRIOR CRIMINAL HISTORY NEARLY AS EXTENSIVE AS HIS CO-DEFENDANTS, MS. TONYA LESTER, AND YET MR. TOTIN RECEIVED MORE TIME THAN MS. LESTER. THE DEFENDANT ASKS THE COURT TO REVIEW THIS MATTER AND RENDER A JUSTIFIED AND FAIR SENTENCE EQUALLY TO ALL PARTIES INVOLVED.

TIME CREDITED FOR THE TIME I HAVE SPENT INCARCERATED WAS GRANTED AT SENTENCING BY THE HONORABLE JUDGE DIANE GOODSTEIN BUT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS IS REFUSING TO GRANT ME THE DAYS CREDITED THAT WERE ORDERED BY THIS COURT AND THE DEFENSE IS REQUESTING ASSISTANCE IN OBTAINING THE GRANTED TIME.

THE DEFENDANT PRAYS FOR FAIR AND AN ADEQUATE RECONSIDERATION OF THE SENTENCE IMPOSED AND REQUESTS A HEARING IN FRONT OF THE COURT. SPECIFICALLY, THE DEFENSE REQUESTS THE COURT MODIFY THE ~~CONSECUTIVE~~ CONSECUTIVE PORTION OF MR. TOTIN'S SENTENCE BY SUSPENDING IT OR MAKING IT CONCURRENT TO THE ACTIVE SENTENCE BEING SERVED, AND RENDER A DECISION FOR TREATMENT PLACEMENT UPON BEING RELEASED FROM HIS SENTENCE OF INCARCERATION.

to succeed on a procedural due process claim, plaintiff must demonstrate (1) that a defect in the proceeding rendered it fundamentally unfair and (2) that the defect in procedure prejudiced the outcome of the case (5th Amendment). 14th Amendment shows that the deprivation of that interest was caused by some form of state action that the procedures employed were inadequate where plaintiff must show cognizable liberty or property interest (2) the deprivation of that interest by some form of state action.

DUE PROCESS
FOR PAROLE
LIBERTY
SEE IF EXISTS
AND IF ITS
CONSTITUTIONALLY
SOUND

MARTIN VS DUFFY
IDENTIFY PROTECTED LIBERTY
INTEREST THEN DEMONSTRATE DEPRIVATION
OF INTEREST WITHOUT DUE PROCESS
CIVIL RIGHTS

ATION WITH SCRC SO THAT TREATMENT AND A
SUCCESSFULL LIFE OF RECOVERY MAY BEGIN WITHOUT
FURTHER HESITATION AND RESTRICTIONS DELAYING
THE PROCESS.

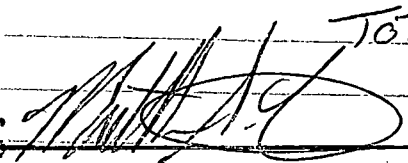
THE DEFENDANT APOLOGIZES FOR THE
TARDINESS OF THIS MOTION, BUT IT HAS BEEN
REQUESTED MULTIPLE TIMES SINCE SENTENCING
TO MY PUBLIC DEFENDER BY CERTIFIED MAIL
AND PHONE CALLS, IN WHICH THERE HAS BEEN
NO RESPONSE AT ALL TO, EXCEPT FOR A
PARTIALLY FILED APPEAL OF CONVICTION IN
WHICH THE DEFENDANT HAD TO FINISH HIMSELF
WITHOUT ATTORNEY HELP OR GUIDANCE. ENCLOSED
IS A COPY OF MY LAST CERTIFIED LETTER BEING
SENT TO MY PUBLIC DEFENDER INFORMING HIM
OF THE ONGOINGS OF MY UN-REPRESENTED
DEFENSE, APPELLATE CASE NUMBER IS AS FOLLOWS:
2018-000976 FOR ANY REQUIREMENT
THAT IT MAY SERVE

RESPECTFULLY
SUBMITTED,

MR. MATTHEW STEPHEN

DATE: 9-19-18

PAGE 17

TOTIN
proceeds: 

AS OF 12-12-22 THERE STILL HAS BEEN
NO RESPONSE, RULING, OR ANY INDICATION OF
THE JUDGES, CLERKS, AND/OR THE OFFICE OF THE
SOLICITOR IN THIS JUDICIAL CIRCUIT (1ST) HAVING
ANY INTEREST IN FOLLOWING THE LAW RULES OF
PROCEDURE OR EVEN ACKNOWLEDGING THE FACT THE
MOTIONS FOR MY DEFENSE AND PROTECTION OF MY RIGHTS

P. 6/17

CONTINUED): ALONG WITH ANY AND ALL OF THE OFFICERS
OF THE FIRST JUDICIAL CIRCUIT COURT OF GENERAL
SESSIONS IN DORCHESTER COUNTY SOUTH CAROLINA, THAT
ARE ON RECORD AND HAVE BEEN INVOLVED WITH ALL
OF THE PROCEEDINGS PERTAINING TO THE PREVIOUS STATED.
LEGAL MATTERS AND SENTENCES PERTAINING TO THESE
MATTERS AS WELL, HAVE PURPOSFULLY BEEN IGNORED
FROM THE VERY BEGINNING AS IT PERTAINS TO MY
SENTENCE IMPOSED AND LEGAL RIGHTS THAT ALL EMPLOYED
PERSONS THAT ARE INVOLVED AS OFFICERS OF THE COURT
THAT TOOK AN OATH WHEN GIVEN LICENSES TO PRACTICE
LAW TO UPHOLD, ~~THE~~ PROTECT, AND OBEY THE LAW AND
PROTECT THE RIGHTS OF THE PEOPLE THEY ARE REPRESENTING
AND SUPPOSED TO DEFENDING RIGHTS?

THIS HAS BEEN AN ONGOING BUNCH OF THE
MOST RIDICULOUSNESS AND UNPROFESSIONALISM
I HAVE EVER SEEN IN MY LIFE AND I TRULY HAVE
NO IDEA HOW THIS CAN JUST BE CONTINUALLY
IGNORED BY THE VERY PEOPLE WHO ARE LEGALLY
SUPPOSED TO BE MAKING SURE THESE TYPES OF
VIOLATIONS OF MY CIVIL ~~CAREER~~ RIGHTS CIVIL LIBERTIES
AND CONSTITUTIONAL RIGHTS DO NOT EVER HAPPEN
AND OR ARE BEING VIOLATED BY THOSE SAME
LICENSED INDIVIDUALS THAT ARE SITTING ON THE
BENCH THERE, IN THE OFFICE OF THE SOLICITOR AND
IN THE OFFICE OF THE PUBLIC DEFENDERS IN THE FIRST
JUDICIAL CIRCUIT COURT IN S.C. THAT THE LAST ONE
ESPECIALLY LITERALLY HAS HIS JOB IN HIS TITLE, YET ALL OF
THESE INDIVIDUALS LICENSED IN THIS STATE (S.C.) BY THE
BAR TO PRACTICE LAW AND DEFEND ALL INDIVIDUALS
WHETHER THEY CAN AFFORD IT FINANCIALLY OR NOT!! IS THIS
NOT A RIGHT THAT ALL CITIZENS OF THIS STATE AND COUNTRY
ARE GRANTED BY OUR CONSTITUTIONAL RIGHTS THAT SUPPOSEDLY
ARE SUPPOSED TO BE ISSUED TO ALL WHOM NEED IT TO PROTECT AND
GIVE THEM A FAIR AND ~~ADJUDICATED~~ DAY IN COURT WITH MY LEGAL RIGHTS
VIOLATED, DENIED, PROSECUTED, AND LEGALLY FOLLOW AND OBEYED BY THE

1. THAT THE SENTENCE IMPOSED SEEMS UNNECESSARILY SEVERE AND UNDULY HARSH. MR. TOTIN WAS ALREADY SERVING AN ACTIVE 8 YEAR SENTENCE FOLLOWED BY A CONSECUTIVE 10 YEAR SENTENCE WHICH WAS SUSPENDED UPON FIVE YEARS PROBATION, IN WHICH THE LATER OF THE TWO SENTENCES IS RELATED TO THE INDICTMENTS AND SENTENCES IMPOSED IN THE FIRST JUDICIAL CIRCUIT COURT OF GENERAL SESSIONS IN DORCHESTER COUNTY, SOUTH CAROLINA.

MR. TOTIN'S CRIMINAL RECORD PRIOR TO THE MENTIONED CRIMINAL CASES IN THE STATE OF SOUTH CAROLINA AMOUNTS TO MAGISTRATE AND LOWER LEVEL OFFENSES. THE ORIGINAL ACTIVE 8 YEAR SENTENCE REPRESENTS SIGNIFICANTLY MORE ACTIVE TIME THAN MR. TOTIN HAS EVER DONE AND IN FACT FEELS THAT IT IS NECESSARY IN AIDING HIS RECOVERY AND PAYING FOR HIS CRIMES. AS FOR THE FOLLOWING CONSECUTIVE 8 YEARS THAT WAS IMPOSED CAN BE DEEMED UNNECESSARILY HARSH UNDER THE CIRCUMSTANCES.

MR. TOTIN IS BY HIS OWN ADMISSION, A DRUG ADDICT AND IS IN NEED OF SOME ADDICTION TREATMENT AND FOLLOW UP COUNSELING TO BEGIN AND MAINTAIN A LIFE OF RECOVERY. AFTER BEING SHOT SEVERAL TIMES, MR. TOTIN BECAME SEVERELY ADDICTED TO PAIN KILLERS AND WAS DIAGNOSED WITH POST TRAUMATIC STRESS DISORDER (P.T.S.D.) ALONG WITH SEVERE DEPRESSION AND ANXIETY IN WHICH HE WAS TREATED FOR. AS THE SUPPLY OF PAIN MEDICINE RAN OUT, MR. TOTIN TURNED TO STREET DRUGS

ATTENTION: MRS CHERYL GRAHAM

DORCHESTER COUNTY CLERK OF COURT

1ST JUDICIAL CIRCUIT COURT

5600 EAST SIM BILTON BLVD

ST. GEORGE, SOUTH CAROLINA 29477

CASE NUMBER(S):

2016a1810300874-

2016a1810300875

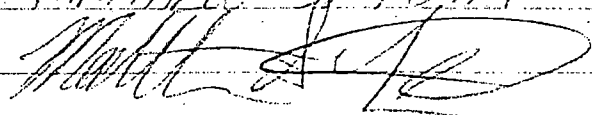
MY NAME IS MATTHEW STEVEN TSON #372435
AND I AM CURRENTLY SERVING MY SENTENCE IN
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
AT TURBEVILLE CORRECTIONAL INSTITUTE. I WAS
GIVEN TWO 3 YEAR SENTENCES FOR THE ABOVE
STATED CASE NUMBERS THAT WERE ORDERED BY
THE COURT TO BE CONCURRENT TO THE OTHER
AND CONSECUTIVE TO THE 3 YEAR SENTENCE I WAS
SERVING AT THE TIME FOR CHARLESTON BOWTIE,
SOUTH CAROLINA, WITH 605 DAYS OF TIME
SERVED THAT JUDGE DIANE LECHEVEN GRANTED
ME ON MAY 17TH, 2016, AS IT IS STATED
IN THE COURT REPORTS OF MY SENTENCE
HEARING THAT DAY, PAGES 15-16, 5-LINE
NUMBER 1, AND PAGE 41-LINE 13 THROUGH 15
FOR VISUAL PROOF OF COURT FILM ARCHIVES THAT

DAY BY THE JUDGE, BUT FOR SOME REASON
WHEN THE SENTENCING REPORTS WERE FILLED
OUT AND SIGNED BY THE COURT, THE AMOUNT OF
TIME THE JUDGE GRANTED ME FOR TIME SERVED
WAS NOT STATED SPECIFICALLY ON THE REPORTS -
THEREFORE, I WAS NOT GIVEN A SINGLE DAY OF
TIME SERVED ON MY DOUBLED SENTENCES.
THEREFORE MY SENTENCE HAS BEEN
MISCALCULATED AND HAS CHANGED MY OUT DATES
AND PAROLE DATES TO A TIME THAT IS WAY POST
THE DATES THAT THEY SHOULD HAVE BEEN SET AT
ALONG WITH NO GOOD TIME GIVEN FOR THE 628
DAYS TIME SERVED. THE JUDGE CAME ME AT SENTENCE,
I SHOULD HAVE OR COULD HAVE BEEN RECALCULATED
SOME TIME AGO, IN WHICH THIS MAKES MY
SENTENCE AN ILLEGAL SENTENCE. ACCORDING TO
SANDIN 515 U.S. 479, 477-478, TEAGUE VS.
QUARTERMAN, 482 F.3d 769, 777-780 (5th CIRCUIT
2007), AND SANDIN VS. GUNIER 515 U.S. AT 484.
I RESPECTFULLY REQUEST JUDGE TO RECALCULATE
U.S. VS. LAURENSEN, D.C.M.D. 1961 196 G.F.
SUPP. 833 THAT THE COURT SEND OUT A RECALCULATED
SENTENCING REPORT FOR EACH CHARGE WITH THE
CORRECT SENTENCE AND TIME GRANTED BY THE
COURT VISIBLY STATED ON EACH REPORT AND

THE CORRECTED REPORTS SENT TO S.C. JUDICIAL
HEADQUARTERS WITH THE JUDGES ORDER TO
MY TIME, AND COPIES ALSO SENT TO MYSELF FOR MY
PERSONAL RECORDS PLEASE AND I THANK YOU FOR
YOUR ASSISTANCE IN CORRECTING THIS MATTER.

ENCLOSED IS A COPY OF

THE SENTENCING REPORTS RESPECTFULLY SUBMITTED
AND PAGES FROM THE COURT TRANSCRIPTS
FROM MAY 17th 2018

MATTHEW S. TOTIN


WITH THE EVIDENCE

NOVEMBER 3RD, 2022

BACKING UP THE ABOVE

JUDICIAL CIRCUIT
COUNTY OF DORCHESTER

STATE OF SOUTH CAROLINA
PLAINTIFF

VS
MATTHEW STEPHEN TOLIN
DEFENDANT

IN THE COURT OF GENERAL SESSION
THE FIRST JUDICIAL CIRCUIT COURT

INDICTMENT - WARRANT NUMBERS -
2016CR1810300874 - BURGLARY - 2ND DEG
(NON-VIOLENT); LARCENY / GRAND LARCENY
10,000.00 OR MORE / 2016CR1810300875 - (NO
VIOLENT)

MOTION TO RECONSIDER AND
CORRECT AN ILLEGAL SENTENCE

TO: DORCHESTER COUNTY SOUTHERN
OF THE FIRST JUDICIAL CIRCUIT

PLEASE TAKE NOTICE THAT THE ABOVE CAPTIONED DEFENDANT
BY AND THROUGH HIS OWNSELF IN RESULT OF SEVERAL UNANSWERED
COMMUNICATION ATTEMPTS AND PLEAS FOR ASSISTANCE FROM
ASSISTANT PUBLIC DEFENDER, PIERCE L. LIDHMAN, WHOM REPRESENTED
ME AT THE TIME OF SENTENCING, MOVES THAT THIS HONORABLE
COURT HEARS THIS MOTION TO RECONSIDER AND CORRECT AN
ILLEGAL SENTENCE IMPOSED ON THE DEFENDANT ON THE 17TH
DAY OF MAY, 2018, IN FRONT OF THE HONORABLE JUDGE DIAN
MCDONALD.

THIS MOTION WILL BE MADE UPON THE GROUNDS
THAT:

1) THAT THE IMPOSED SENTENCE GIVEN IN THESE
ABOVE STATED CASE NUMBERS WAS INCORRECTLY CALCULATED
UPON THE DEFENDANT'S ARRIVAL TO THE SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS DUE TO THE AMOUNT OF
AWARDED TIME SERVED IN THE AMOUNT OF 1623 DAYS WAS
NOT SPECIFICALLY STATED AND VISIBLE ON THE SENTENCE IN
RECORDS RESULTING IN NO TIME SERVED THAT HAS BEEN APPLIED
TO THE SENTENCE THE DEFENDANT IS STILL CURRENTLY
SERVING. BY NO OTHER ALLEGATION.

618 DAYS TIME SERVED GRANTED BY JUDGE GOODSTEN AT THE TIME OF SENTENCING. AS A RESULT OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS REFUSING TO GRANT A SINGLE DAY OF THE TIME SERVED GIVEN AT SENTENCING, REFER TO THE TRANSCRIPTS OF THAT HEAR. PAGE 5. LINE NUMBER 1 AND PAGE 4A - LINES 13 THROUGH 25 FOR EVIDENCE IN PROVING THIS MATTER. AS A RESULT OF THE DEPARTMENT OF CORRECTIONS REFUSING TO CORRECT THIS ILLEGAL SENTENCE, ALONG WITH ANY ASSISTANCE FROM THE APPOINTED PUBLIC DEFENDER IN THIS CASE, THE DEFENDANT IS BEING FORCED TO SERVE AN ILLEGAL SENTENCE IN WHICH NO GOOD TIME HAS BEEN GIVEN ALONG WITH NO TIME SERVED GIVEN THAT THE COURT ORDERED AT THE TIME OF SENTENCING, INWHIT IT NEEDS THIS SENTENCE AN ILLEGAL SENTENCE. SANDIN 515 U.S. 472, 477-478, TEAGUE VS QUARTERMAN, 482 F.3d 769, 777-780 (5th CIRCUIT, 2007) AND SANDIN VS CONNER, 515 U.S. AT 184. MAYES VS STATE, U.S. VS LAURZENSON, D.C.M.D. 1961, 196 G.F. SUPP. 838

THE DEFENDANT MOVES THAT THE COURT CORRECT RECALCULATE, AND RECONSIDER THE SENTENCE THAT ACCORDING TO THE ABOVE STATED CASES IN WHICH THE DEFENDANT IS BEING FORCED TO SERVE AN ILLEGAL SENTENCE IMPOSED BY S.C.D.C. AND NOT THE PRESIDING JUDGE-OF-COURT, BE AMENDED TO THE CORRECT SENTENCE WITH THE PROPER GOOD TIME RESULTING IN THE DEFENDANTS RELEASE FROM CUSTODY IMMEDIATELY.

MATTHEW S. TOTIN # 372932
TARBEL & CORRECTIONAL INSTITUTE
575 CLARENCE COKER HIGHWAY
ANDREWS, S.C. 29623

RESPECTFULLY
SUBMITTED
MATTHEW S. TOTIN

NOVEMBER 3RD, 2020

STATE OF SOUTH CAROLINA
COUNTY OF WORCESTER

IN THE COURT OF COMMON PLEAS
1ST JUDICIAL CIRCUIT

State of South Carolina,
Plaintiff.)

-vs-

MATTHEW STARKEN TOTIN,
Defendant)

MOTION FOR DISCLOSURE OF EVIDENCE
FOR BRADY MATERIAL WITH INCORPORATION

MEMORANDUM OF LAW
~~WARRANT/INDICTMENT/CASE NUMBERS:~~
~~3716 BR 810300874, 3016 BR 810300875~~
~~BRADY - END RECORD, BRAND LARCENY - NO.~~
~~NON-VIOLENT~~ ~~OF MORE~~

MOTION FOR DISCLOSURE OF EVIDENCE BY THE PROSECUTION PURSUANT TO
RULE 5, SCRCrim.P.; THIS MOTION IS BASED UPON THE AUTHORITY OF

BRADY vs. MARYLAND, 373 U.S. (1963), STANDIN 515 U.S. 472, 477

178, TERRY US GUERREYMAN US 2 F.3d 269, 772 780 (5th CIRCUIT 2007), STANDIN VS CONNER 515 U.S. AT
184; HAYES VS STATE, U.S. VS LAWRENSEN, P. 1961 196 G.F. SUPP. 838

(a) Disclosure of Evidence by the Prosecution.

(1) Information Subject to Disclosure.

(A) Statement of Defendant. Upon request by a defendant, the prosecution shall permit the defendant to inspect and copy or photograph: any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the defendant whether before or after in response to interrogation by any person then known to the defendant to be a prosecution agent.

(B) Defendant's Prior Record. Upon request of the defendant, the prosecution shall furnish to the defendant such copy of his prior criminal record, if any, as is within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

(C) Documents and Tangible Objects. Upon request of the defendant the prosecution shall permit the defendant to inspect and copy books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant.

(D) Reports of Examinations and Tests. Upon request of a defendant the prosecution shall permit the defendant to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the prosecution, the existence of which is known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

ALONG WITH AN AMENDED
SENTENCING REPORTS WITH THE EXACT ALLOCATION OF THE AMOUNT
OF TIME SERVED GRANTED AT SENTENCING CLEARLY PRINTED ON
EACH REPORT AND SIGNED BY THE HONORABLE JUDGE DIANE
WONSTEN, WHOM PRESIDED OVER THE HEARING ON MAY 17TH 2018
IN WHICH 628 DAYS TIME SERVED WAS GRANTED, BUT NOT STATED ON THE

COUNTY OF Dorchester
 DATE VS.
Matthew Stephen Totin

INDICTMENT/CASE#: 2016GS18-1773
 A/W#: 2016A1810300875
 Date of Offense: 8/19/2016
 S.C. Code § : 16-13-30(B)
 CDR Code #: 3421

AKA: _____
 Race: _____ Sex: M Age: 36
 DOB: _____ SS#: _____
 Address: Homeless
 City, State, Zip: _____
 DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Grand Larceny value more than \$10,000

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-13-30(B) of the S.C. Code of Laws, bearing CDR Code # 3421
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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

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

ATTEST:

15784

Mims, Sheila

SC Bar#

Defendant

Attorney for Defendant

101420
 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 8 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: Sentence currently serving on case

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied to
 by the State Department of Corrections.

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

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

SPECIAL CONDITIONS:

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

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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle-Assessment)	\$40/ea
3% to County (if paid in installments)	\$

TOTAL

\$ 128.75

PTUP

_____ 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,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge: _____

Judge Code: 2412

Sentence Date: 5-17-2018

Clerk of Court/ Deputy Clerk

Court Reporter: _____

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
STATE VS.
Matthew Stephen Totin
AKA:
Race: Sex: M Age: 36
DOB: SS#:
Address: Homless
City, State, Zip:
DL#: SID#:
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Burglary (Non - Violent) - Second Degree
INDICTMENT/CASE#: 2016GS18-1772
A/W#: 2016A1810300874
Date of Offense: 8/19/2016
S.C. Code § : 16-11-312
CDR Code #: 0080

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-312 of the S.C. Code of Laws, bearing CDR Code # 0080
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST: 15784 101420
Mims, Sheila 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 8 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: TO Sentence Currently Served
☒ 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. Concurrent to 2016GS-18-1773
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
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 \$
viso 61.6 (Public Def/Probation) \$500 \$
1-1-212 (Law Enforce. Funding) \$25 \$ 25.00
1-213 (Drug Court Surcharge) \$150 \$
1-114(BUI Breath Test Fee) \$50 \$
942(J) (Vehicle Assessment) \$40/ea \$
ounty (if paid in installments) \$ 3.75
\$ 128.75

 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,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Deputy Clerk Cheryl Graham
Hann Anderson
Presiding Judge
Judge Code: 2112
Sentence Date: 5-17-2018

Office of the Public Defender

First Judicial Circuit

107 W. 6th North Street
Suite 100
Summerville, SC 29483
(843) 821-9800
FAX (843) 871-0523



Courthouse, 151 Docket Street, Room 110
PO Box 1112
Orangeburg, SC 29116-1112
(803) 536-4858
FAX (803) 536-9986

Please respond to Summerville Office

January 22, 2019

Mr. Matthew Stephen Totin #372932
Trenton Correctional Institution
84 State Hwy S-19-29
Trenton, SC 29847

RE: State of South Carolina v. Matthew Stephen Totin
Warrant No.: 2016a1810300874; 2016a1810300875 Burglary / Burglary
(Non-Violent) - Second degree; Larceny / Grand Larceny, value \$10,000 or more

Dear Mr. Totin:

Enclosed please find a copy of the court transcripts from the plea in the above referenced matter.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,



Pierce L. Wehman
Assistant Public Defender

PLW/sf

Enclosures

1 (Whereupon, the defendants are sworn.)

2 The court: All right: You are Tanya Lester?

3 MS. LESTER: Yes, ma'am.

4 THE COURT: And you are represented by Mr. Runyon?

5 MS. LESTER: Yes, ma'am.

6 THE COURT: And you are Matthew Totin?

7 MR. TOTIN: Yes, ma'am.

8 THE COURT: And you are represented by Mr. Wehman?

9 MR. TOTIN: Yes, ma'am.

10 THE COURT: I have questions for your lawyers and
11 questions for you.

12 Mr. Runyon, do you want to sit? I'm happy for you
13 to.

14 MR. RUNYON: Thank you. I have a chair built-in,
15 but I want to get off this as soon as possible.

16 THE COURT: Absolutely.

17 (Off-the-record conference.)

18 THE COURT: Now, Counsel, have you advised your
19 client regarding the nature of these offenses, the maximum
20 possible penalty and her or his constitutional rights?

21 MR. RUNYON: Yes, Your Honor.

22 MR. WEHMAN: Yes, Your Honor.

23 THE COURT: In your opinion, does your client
24 understand the nature of the offense, the maximum possible
25 penalty and her and his rights?

1 MR. RUNYON: All too well, Judge.

2 MR. WEHMAN: He does, Your Honor.

3 THE COURT: All right. And tell me, how does your
4 client wish to plead?

5 MR. RUNYON: Guilty, Your Honor, as indicted.

6 MR. WEHMAN: Guilty, Your Honor.

7 THE COURT: And do you concur with your client's
8 decisions?

9 MR. RUNYON: Absolutely.

10 MR. WEHMAN: Yes, Your Honor.

11 THE COURT: And do you have any concerns regarding
12 your client's competency?

13 MR. RUNYON: None whatsoever, Your Honor.

14 MR. WEHMAN: No, Your Honor.

15 THE COURT: All right. Now, I have many questions
16 to ask of the two of you. If you do not understand my
17 question, please do not answer it, but let me know you don't
18 understand my question. There are many ways to explain any
19 one thing. And if you need to stop and speak with your
20 attorney, they are right here. They still represent you.
21 Stop, ask them a question if you need to. This is not a
22 forced march, and they are important matters.

23 The way I would like to proceed is, I would like to
24 ask the question. And in a clear and audible voice, Ms.
25 Lester, if you would answer for me first and give me enough

1 volume so that I can hear you, because I really want to hear
2 you.

3 And, Mr. Totin, if you will, please, just wait for
4 Ms. Lester to respond, and then you respond. And, again, you
5 have to give me volume, because I'm up here a ways away from
6 you.

7 MR. TOTIN: Yes, ma'am.

8 THE COURT: Perfect. Tell me how old you are.

9 MS. LESTER: I'm 43, Your Honor.

10 MR. TOTIN: 36.

11 THE COURT: And tell me how far you went in
12 school.

13 MS. LESTER: I have two associate's degrees.

14 MR. TOTIN: GED.

15 THE COURT: Okay. Now, Ms. Lester, how long have
16 you been detained?

17 MS. LESTER: Eighteen months, Your Honor.

18 THE COURT: And, Mr. Totin, I need to know, you are
19 obviously at the Department of Corrections, right?

20 MR. TOTIN: Yes, ma'am.

21 THE COURT: And you were detained before you went to
22 the Department of Corrections, right?

23 MR. TOTIN: Yes, ma'am.

24 THE COURT: So I need to know what is the duration
25 of both.

FILE 20

1 hospitals.

2 THE COURT: Okay. Okay. And describe for me your
3 mental health challenge.

4 MS. LESTER: I'm bipolar.

5 THE COURT: Okay.

6 MS. LESTER: I suffer from PTSD, and I am also a
7 recovering addict.

8 THE COURT: And that's the rehab portion?

9 MS. LESTER: Yes, ma'am. Yes, ma'am.

10 THE COURT: Got it. And are you on medicine
11 currently for the bipolar?

12 MS. LESTER: Yes, ma'am. Yes, ma'am.

13 THE COURT: What medicine?

14 MS. LESTER: I take Lamictal. I take Neurontin.
15 And I'm trying to get off the Seroquel. They're lowering my
16 dose as I go.

17 THE COURT: Got it.

18 MS. LESTER: I also have ADD.

19 THE COURT: Okay. And you are taking?

20 MS. LESTER: I don't take anything for that. That's
21 why they give me the Seroquel.

22 THE COURT: I got you. Okay. Now, did you have
23 your medicines yesterday?

24 MS. LESTER: Yes, ma'am.

25 THE COURT: And today?

1 MS. LESTER: Yes, ma'am.

2 THE COURT: Now, is there anything about your mental
3 health challenges as medicated that would keep you from
4 knowing exactly what you are doing here today?

5 MS. LESTER: No, ma'am.

6 THE COURT: Probably helps, right?

7 MS. LESTER: I'm medicated. It's a beautiful
8 thing.

9 THE COURT: All right. Now, Mr. Totin, have you
10 ever been treated for alcohol, drug abuse, or any mental
11 health challenges?

12 MR. TOTIN: Drug and alcohol, it's been some years
13 now. And then I was, a couple years ago, shot six times and
14 suffered from PTSD, and was treated for that as well.

15 THE COURT: And are you currently on any medication
16 for the PTSD?

17 MR. TOTIN: No, ma'am.

18 THE COURT: Are you on medication for anything?

19 MR. TOTIN: No, ma'am.

20 THE COURT: All right. Now, in the last 72 hours,
21 have you had any alcohol, drugs or medication of any kind?

22 MS. LESTER: My prescribed medication, yes, ma'am.

23 THE COURT: Lamictal?

24 MS. LESTER: Yes, ma'am.

25 THE COURT: Neurontin?

1 MS. LESTER: Yes, ma'am.

2 THE COURT: And Seroquel?

3 MS. LESTER: Yes, ma'am, and ibuprofen.

4 THE COURT: Anything else?

5 MS. LESTER: No, ma'am.

6 THE COURT: You are taking ibuprofen for some
7 discomfort?

8 MS. LESTER: Yes, ma'am. I have a herniated disk.

9 THE COURT: Got you. All right.

10 Now, how about you, Mr. Totin?

11 MR. TOTIN: Just some ibuprofen, ma'am, for a
12 headache.

13 THE COURT: Got you. Now, this is a general
14 question. I actually mean it to be as general as it is. Are
15 you aware of any issues or problems or challenges in your
16 life -- and I'm going to give you some examples, and these
17 are just examples; physical problem, mental problem, nervous
18 problem, drug or alcohol problem -- are you aware of any
19 problems or challenges or issues in your life that might or
20 could interfere with your ability to know what you are doing
21 here or keep you from knowing what you are doing here today?

22 MS. LESTER: No, ma'am.

23 MR. WEHMAN: Can I have a second, Your Honor?

24 THE COURT: That was a long question. Should I
25 shorten it up? Would that be of help?

1 MR. TOTIN: 628 days, Your Honor.

2 THE COURT: That's pretty precise.

3 Now, before you were detained, where did you work?

4 MS. LESTER: I didn't.

5 THE COURT: Outside your home?

6 MS. LESTER: No, ma'am.

7 THE COURT: Okay.

8 MS. LESTER: Not for a couple of years.

9 THE COURT: When were you last employed outside your
10 home?

11 MS. LESTER: 2015.

12 THE COURT: And where?

13 MS. LESTER: I worked at La Carreta and I worked at
14 Italy.

15 THE COURT: And, Mr. Totin, before you were
16 detained, where were you working?

17 MR. TOTIN: Dr. Rock's Drywall. I was a finisher.

18 THE COURT: Now, have you ever been treated for
19 alcohol, drug abuse, or any mental health challenges?

20 MS. LESTER: Yes, ma'am.

21 THE COURT: Tell me.

22 MS. LESTER: I went to -- I see mental health, and I
23 also went through rehab in Greenville.

24 THE COURT: Okay.

25 MS. LESTER: I have had several stays in mental

1 MR. WEHMAN: That would be great.

2 THE COURT: In other words, are you aware of any
3 problems you have that would keep you from knowing what you
4 are doing here today?

5 MR. TOTIN: No, ma'am.

6 THE COURT: It's a long question. It really is.
7 All right.

8 Now, Ms. Lester, are you on probation or parole
9 right now?

10 MS. LESTER: No, ma'am.

11 THE COURT: Mr. Totin, you shouldn't be on
12 probation. And, obviously, you are hoping to get on parole,
13 correct?

14 MR. TOTIN: One day, ma'am.

15 MR. WEHMAN: Your Honor, that's a conflict. He was
16 sentenced in Charleston on some events that coincide with
17 these, I believe. That will be explained down the road. But
18 he received a split sentence. He received an eight-year
19 sentence and then a ten-year consecutive sentence that was
20 suspended on probation. So probation is waiting on him, but
21 I don't think it officially started yet.

22 THE COURT: Precisely. Great. Now, obviously,
23 those events occurred prior to these events? Yes? No?

24 MR. WEHMAN: Correct. They would not be a
25 violation, because the arrest was all at the same time.

1 THE COURT: Very well. Now, let's talk about your
2 charge, or your charges, I should say.

3 And, Ms. Lester, grand larceny where the value is
4 more than 2- and less than 10,000, that carries a maximum
5 possible penalty of five years in prison. Do you understand?

6 MS. LESTER: Yes, ma'am.

7 THE COURT: Okay. Is there a request for
8 restitution?

9 MS. MIMS: No, Your Honor.

10 THE COURT: Now, burglary in the second degree,
11 nonviolent, carries 10 years in prison. Do you understand
12 that?

13 MS. LESTER: Yes, ma'am.

14 THE COURT: All right. Receiving stolen goods where
15 the value is more than 2, yet less than 10 --

16 MS. LESTER: Yes, ma'am.

17 THE COURT: -- this particular offense, it carries
18 five years in prison. Do you understand that?

19 MS. LESTER: Yes, ma'am.

20 THE COURT: All right. And accessory after the fact
21 of a felony, under the common law, carries a maximum possible
22 penalty of 15 years in prison. Do you understand that?

23 MS. LESTER: Yes, ma'am.

24 THE COURT: All right. Do you understand that I
25 could give you up to 35 years in prison today?

1 MS. LESTER: Yes, ma'am.

2 THE COURT: All right. Very well. Now, hold on one
3 second for me. All right. Do you understand that burglary
4 in the second degree, nonviolent, where it involves a
5 dwelling, is a property offense?

6 MS. LESTER: Yes, ma'am.

7 THE COURT: And if you are convicted of three or
8 more property offenses, then irrespective of what the penalty
9 would have been, if it is less than 10 years, then it is
10 enhanced to 10 years. Do you understand that?

11 MS. LESTER: Yes, ma'am, I do.

12 THE COURT: Okay. Let me give you an example. For
13 example, shoplifting carries 30 days, but if it's a
14 third-degree property offense, it's 10 years.

15 MS. LESTER: Yes, ma'am.

16 THE COURT: Do you understand?

17 MS. LESTER: Yes, ma'am.

18 THE COURT: That's a consequence to your plea here
19 today.

20 All right. Now, Mr. Totin, grand larceny where the
21 value is more than \$10,000, carries a penalty of 10 years in
22 prison. Do you understand?

23 MR. TOTIN: Yes, ma'am.

24 THE COURT: Do you understand that this is a
25 property crime?

1 MR. TOTIN: Yes, ma'am.

2 THE COURT: If you are convicted of three or more
3 property crimes, irrespective of what the sentence would have
4 been, it is enhanced to 10 years if it's less than 10 years.
5 Now, it doesn't come down from 15 years and become 10 years,
6 but it is enhanced to 10 years. Do you understand?

7 MR. TOTIN: Yes, ma'am.

8 THE COURT: And you understand this is a property
9 crime?

10 MR. TOTIN: Yes, ma'am.

11 THE COURT: Now, a burglary in the second degree,
12 nonviolent, carries up to 10 years in prison. Do you
13 understand that?

14 MR. TOTIN: Yes, ma'am.

15 THE COURT: Do you also understand that this is a
16 property crime?

17 MR. TOTIN: Yes, ma'am.

18 THE COURT: Very well. Do you understand I can give
19 you 20 years in prison today?

20 MR. TOTIN: Yes, ma'am.

21 THE COURT: Now, you both have told me that you
22 understand the nature of the offenses with which you are
23 charged, the maximum possible penalty, and the consequences
24 of your plea here today.

25 Keeping these matters really in the forefront of

1 your mind, Ms. Lester, how do you plead to grand larceny
2 where the value is more than 2- yet less than 10,000?

3 MS. LESTER: I plea guilty, Your Honor.

4 THE COURT: And burglary, second degree, nonviolent?

5 MS. LESTER: Guilty as well.

6 THE COURT: Receiving stolen goods where the value
7 is more than 2- but less than 10?

8 MS. LESTER: Guilty.

9 MS. MIMS: May I approach very quickly, Your Honor?

10 THE COURT: Sure.

11 (Whereupon, a bench conference takes place off the
12 record.)

13 THE COURT: Ms. Lester, I'm going to ask you to
14 erase -- we tell juries to do this -- to disavow or wipe it
15 from your mind. And even though you have been told
16 something, I need you to play like you were never told that.
17 Can you play like we never talked about accessory after the
18 fact?

19 MS. LESTER: Yes, ma'am.

20 THE COURT: Are you good with that?

21 MS. LESTER: Yes, ma'am. Thank you.

22 THE COURT: I know it's punishable, but it doesn't
23 matter.

24 MS. LESTER: Yes, ma'am.

25 THE COURT: Now, I told you that your exposure was

1 35 years. Well, that's not true. I need you to play like I
2 never told you that. And let me tell you that your exposure,
3 I could give you up to 20 years in prison.

4 MS. LESTER: Yes, ma'am.

5 THE COURT: So everybody is clear. Forget about the
6 accessory.

7 MS. LESTER: Yes, ma'am.

8 THE COURT: Perfect. All right.

9 Now, Mr. Totin, how do you plead to grand larceny
10 where the value is more than \$10,000?

11 MR. TOTIN: Guilty.

12 THE COURT: Burglary in the second degree,
13 nonviolent?

14 MR. TOTIN: Guilty.

15 THE COURT: All right. Now, do you understand that
16 when you plead guilty, you give up certain very important
17 constitutional rights?

18 MS. LESTER: Yes, ma'am.

19 MR. TOTIN: Yes, ma'am.

20 THE COURT: We are going to talk about some of them,
21 but we will not talk about them all. But if you have
22 questions, please ask me, ask your lawyer.

23 You give up the right to remain silent, the right
24 against self-incrimination. You give up the presumption of
25 innocence. You give up the right to require that the State

1 prove you guilty beyond a reasonable doubt, if they can. You
2 give up your right to have your lawyer cross-examine those
3 witnesses who would testify against you. You give up your
4 right to have your lawyer challenge any incriminating
5 statements that you may have made. You give up your right to
6 have your lawyer challenge any stops or searches or seizures
7 you think were not appropriate. You give up your right to
8 have your lawyer present defenses for you and to summon
9 witnesses to come testify in those defenses. You give up
10 your right to a jury trial.

11 And there are other rights that we haven't
12 specifically talked about. These rights are preserved for
13 you at a trial. And you waive them when you plead guilty.
14 Do you understand your rights?

15 MS. LESTER: Yes, ma'am.

16 MR. TOTIN: Yes, ma'am.

17 THE COURT: Do you understand that these rights are
18 preserved for you at trial, and you waive them when you plead
19 guilty?

20 MS. LESTER: Yes, ma'am.

21 MR. TOTIN: Yes, ma'am.

22 THE COURT: Is that what you want to do?

23 MS. LESTER: Yes, ma'am.

24 MR. TOTIN: Yes, ma'am.

25 THE COURT: And do you clearly understand that when

1 you plead guilty, you give up your right to have a jury
2 determine if you are guilty or not guilty?

3 MS. LESTER: Yes, ma'am.

4 THE COURT: And if I accept your plea, I will
5 sentence you?

6 MS. LESTER: Yes, ma'am.

7 MR. TOTIN: Yes, ma'am.

8 THE COURT: All right. Little pause. Here is what
9 you told me: That you understand the nature of the offenses
10 with which you are charged, the maximum possible penalty, and
11 any consequences, and your constitutional rights. Keeping
12 all of these matters in the forefront of your mind, do you
13 still wish to continue with your plea of guilty?

14 MS. LESTER: Yes, ma'am.

15 MR. TOTIN: Yes, ma'am.

16 THE COURT: Let me tell you what happens next.
17 Every plea must be supported by a factual basis. So, in a
18 moment, I'm going to call on the Solicitor Mims to go over
19 the facts that the State is prepared to present at trial for
20 the purpose of proving your guilt. And when she is finished,
21 I'm simply going to ask you, is that what happened. And I
22 need you to correct anything that I'm told that needs to be
23 corrected so that I have an accurate picture of what
24 occurred. So, please, listen to her very carefully.

25 MS. MIMS: Thank you, Your Honor. May it please the

1 Court. Ms. Lester has two cases, Your Honor. The first case
2 involves the grand larceny charge, which occurred on July the
3 9th of 2015, at 204 Martin's Creek Boulevard, which is in
4 Martin's Creek Apartments in Summerville in Dorchester
5 County.

6 The defendant, Ms. Lester, was visiting a friend of
7 hers. At some point during that visit to her home, she ended
8 up taking seven rings, two sets of earrings, and a necklace
9 from the victim's jewelry box when the victim was in another
10 room. And she admitted under Miranda to taking that jewelry
11 and trading it in at a local pawnshop.

12 THE COURT: All right. Is that correct?

13 MS. LESTER: Yes, ma'am.

14 MS. MIMS: Regarding this factual basis, Your Honor,
15 is for both defendants in this case --

16 THE COURT: Oh, let me stop you. I'm sorry. Do we
17 know that the value was more than \$2,000?

18 MS. MIMS: I apologize. Yes, Your Honor, the value
19 was \$9,200.

20 THE COURT: Is that correct?

21 MS. LESTER: Yes, ma'am.

22 THE COURT: All right.

23 MS. MIMS: Thank you so much.

24 In this case, Your Honor, Mr. Totin and Ms. Lester
25 resided in a home on Judith Drive, which is in Summerville in

1 Dorchester County. Across the street from them, at 201
2 Judith Drive in Dorchester County, was the residence or is
3 the residence of Detective Mike Thompson, who is with the
4 Charleston County Sheriff's Department. He's behind me
5 standing out there.

6 On August the 19th of 2016, Mr. Thompson and his
7 family were leaving to go to dinner around five o'clock, 5:30
8 that evening. As they were leaving, they noticed a man and
9 woman walking down the street. I think they recognized them
10 as people who may have belonged to the house across the
11 street. When they returned to their home after dinner, their
12 house had been broken into.

13 Someone had entered their property through a back
14 door. They attempted to gain entry into a gun safe that had
15 been bolted to the floor. Several items of jewelry were
16 taken from the home. Ammunition was taken from the home. A
17 lot of very sentimental jewelry was taken from this home.

18 They called the sheriff's department, Dorchester
19 County Sheriff's Department, who responded, ended up issuing
20 a search warrant for the house across the street where Ms.
21 Lester and Mr. Totin resided.

22 During the execution of that search warrant, they
23 did find several of the stolen items of jewelry. They
24 actually found some of the jewelry on Ms. Lester's hands.
25 And she gave a statement admitting to the fact that she had

1 actually cased out the home, made sure that they were gone.

2 Mr. Totin had actually entered the home, along with
3 another co-defendant, and had stolen these items. I think
4 some items had been pawned at a local pawnshop. But she
5 also -- they were able to get some of the jewelry back
6 because some of it was still on her person.

7 Your Honor, as I mentioned, Detective Thompson is
8 present and would like to address the Court at the
9 appropriate time.

10 THE COURT: All right. And is that what happened?

11 MS. LESTER: Yes, ma'am.

12 THE COURT: Is that what happened?

13 MR. TOTIN: For the most part. There's some things
14 that are incorrect about that, ma'am.

15 MR. WEHMAN: I can explain. We've talked as the
16 factual presentation was going forward. As to the facts of
17 the burglary, Mr. Totin was involved in the actual burglary.
18 He would agree with those facts. He does not agree that he
19 lived at the residence with Ms. Totin, but I don't believe
20 that has anything to do with the burglary, though. And
21 there's some other things maybe for mitigation, but as to
22 burglary itself, he would admit to the facts presented.

23 THE COURT: Got it. All right. Now, the items
24 from -- does that include the receiving stolen goods as well?

25 MS. MIMS: That's correct, Your Honor.

1 THE COURT: And the value was?

2 MS. MIMS: Value was, from the receiving stolen
3 goods, Your Honor -- I apologize. I think the value is
4 actually about \$18,000, I think, total of that, Your Honor.
5 But it's difficult for the victims to tell -- they gathered
6 some of their jewelry back, but most of it is gone. And
7 according to the victims, it's about \$18,000. But we are
8 allowing Ms. Lester to plead between the 2- and 10-.

9 THE COURT: Ms. Lester, is that what happened?

10 MS. LESTER: Yes, ma'am.

11 THE COURT: And you agree with the values as well?

12 MS. LESTER: Yes, ma'am.

13 THE COURT: Very well. And is this the grand
14 larceny that involves Mr. Totin, the taking?

15 MS. MIMS: It's the taking, yes, Your Honor, is the
16 taking of the property by Mr. Totin.

17 THE COURT: Mr. Totin, do you concur that those are
18 the items that were taken?

19 MR. TOTIN: Yes, ma'am.

20 THE COURT: And their value is more than 10 grand?

21 MR. TOTIN: Yes, ma'am.

22 THE COURT: All right. So my question to you is
23 this, Ms. Mims. Does it present a problem for the State for
24 the exact same conduct, with regards to one defendant there's
25 a particular value, and for another co-defendant, there is

1 another value when it affects the exposure in terms of
2 sentence?

3 MR. WEHMAN: May we approach?

4 THE COURT: Yeah.

5 (Whereupon, a bench conference takes place off the
6 record.)

7 MS. MIMS: Yes, Your Honor, regarding the receiving
8 stolen goods by Ms. Lester, she's facing the exposure or
9 she's facing a charge for carrying a value amount of 2,000 to
10 10,000, because as a result of her cooperation, we were able
11 to get some of that jewelry back. It was found on her
12 person. And I think some might have been found in pawn
13 shops, but that was -- her cooperation let that value go
14 down.

15 Mr. Totin, however, took all of that jewelry with
16 him. So the reason that he's been charged with grand larceny
17 is because he took value over \$10,000. The victims are here
18 to tell you that it was about \$18,000 worth of jewelry that
19 they lost.

20 THE COURT: And that's the distinct -- even though
21 they are co-defendants, even though it began as the same
22 items, there is a difference?

23 MS. MIMS: Yes, ma'am.

24 THE COURT: I got it. All right. I'm satisfied
25 with that. Counselor, do you need to be heard? You are okay

1 with that?

2 MR. WEHMAN: No, Your Honor, I heard the
3 explanation.

4 THE COURT: Very well. Now, has anyone promised you
5 anything or held out any hope of a reward to get you to plead
6 guilty?

7 MS. LESTER: No, ma'am.

8 MR. TOTIN: No, ma'am.

9 THE COURT: Has anyone tried to force or threaten
10 you, pressure or intimidate you to make you plead guilty?

11 MS. LESTER: No, ma'am.

12 MR. TOTIN: No, ma'am.

13 THE COURT: Have you had enough time to make up your
14 mind that this is what you want to do?

15 MS. LESTER: Yes, ma'am.

16 MR. TOTIN: Yes, ma'am.

17 THE COURT: Are you pleading guilty today freely and
18 voluntarily?

19 MS. LESTER: Yes, ma'am.

20 MR. TOTIN: Yes, ma'am.

21 THE COURT: Are you completely satisfied with your
22 lawyer?

23 MS. LESTER: Yes, ma'am.

24 MR. TOTIN: Yes, ma'am.

25 THE COURT: Have you spoken to your lawyer for as

1 jewelry. Okay? So all of that is gone. A few pieces were
2 recovered.

3 THE COURT: As an aside, can I give you the number
4 to my husband?

5 MR. THOMPSON: Let me finish, because I've been -- I
6 was here a couple of months ago when we didn't get to go
7 forward. So I've had this speech in my head a long time.
8 And I've got a lot to say.

9 THE COURT: I finally found a guy that I need to get
10 to talk to mine. Absolutely.

11 MR. THOMPSON: Well, you can't put a price on it.
12 You know, you can put a price on some things, but children's
13 baby teeth and keepsakes, Koreen War medals that my father,
14 who's deceased, brought home from his service, things that
15 Chief Greenberg gave to me, and he's deceased now, stuff that
16 Sheriff Cannon has given to me over the years, and it's gone.

17 So I can imagine he's somewhere dividing it all up.
18 Have you ever seen a challenge coin, a law enforcement
19 challenge coin? What is this? This isn't money. They
20 probably had a good time laughing about it, but those are
21 things that I can't get back.

22 And when you asked -- like, I remember going through
23 all this jewelry. And they asked, Michael, how do they not
24 know where the stuff is? Because you know when you say,
25 where is it, what did you do with it, you know we found some

1 recidivism rate is very high in this state. And I can't
2 disagree with what the victim has said. But simple fact is
3 that she's started doing positive things.

4 We have here today, for example, her sponsor in AA.
5 And AA seems to work. Nobody seems to know why, but it does
6 work. And her life has been one where she has just been
7 drifting from one association to another, always living on
8 the edge. But she spent 18 months in jail. She hasn't liked
9 it. She hasn't liked it. The only thing she didn't like
10 more about her jail stay was, she seemed to have -- at least
11 at one point, she seemed to have a bigger contempt for me.
12 But that was part of the treatment she was getting. And, of
13 course, I've been called so many names over the years, it
14 doesn't bother me.

15 But she actually grew in that time. She went from
16 being this -- almost being a victim herself, you know, oh,
17 you are not doing the right thing for me, I pay you money to
18 represent me and, et cetera, et cetera. And she actually
19 grew.

20 She got applications in for programs that she should
21 hear within the next 60 days that she's eligible for and
22 going into the programs at 180 Place.

23 180 Place is an interesting situation. They used to
24 help the homeless, which she's been. At the time of this
25 incident, she was, in fact, homeless. She was living with

1 someone else, not this gentleman. But the simple fact of the
2 matter is that they've grown into this social welfare agency
3 now. They are not that concerned about the homeless anymore,
4 which we've had a lot of conversation back and forth with
5 them, not about this case.

6 But the point, Judge, is that I know we can lock
7 them away.' And if we had a conversation, say in your
8 chambers, they would know that these people locked away might
9 not be prepared to do something if they were tempted again,
10 but there's somebody out there who might try to do the same
11 thing. We live in a strange world today. And people
12 shouldn't have to live like that. But things have changed
13 since we were all young. And we would go to bed at night and
14 leave the doors unlocked.

15 I understand what the victims are saying. I
16 understand what this fine officer has asked the Court. I ask
17 the Court to not grant his ultimate wish. I ask the Court to
18 do something else, what I call the Eppes approach. Now,
19 there are a lot of people who don't remember who Judge Eppes
20 was. But Judge Eppes has probably had more people spend more
21 time in prison than a lot of circuit judges. It never ceased
22 to amaze me that he could size people up. And he knew who --
23 for example, and I'm just throwing this out, you might
24 suggest -- you might say, well, I'm going to give this person
25 five years suspended upon the service of two, and put him on

1 probation, something like that. Judge Eppes sizes them up,
2 says, I'm giving you probation, but he would give them a
3 maximum sentence. And I venture to say Judge Eppes's
4 sentencing resulted in more than three-quarters of those
5 people spending the maximum amount of time in prison, because
6 he just knew who would fail on probation.

7 Now, having said that, I'm going to ask you to
8 consider some probationary arrangement for Ms. Lester. For
9 example, if you give her 20 years, suspend it, and give her
10 some credit for the time she's been in jail and what have
11 you, then if she messes up, she's gone. And then that would
12 be her final chance. What I'm asking you this afternoon is
13 to not -- is to not take that final chance away from her.
14 Give her one more chance for a final chance.

15 I must say, with all my problems in the past, over
16 the past eight months, having begun with a back operation,
17 the only good thing that would come from incarcerating her
18 would be to keep her from having her back operation, because
19 I am not a big fan of back operations anymore. That's just a
20 personal aside.

21 She's got two associate's degrees. She's been
22 drifting through life. And I think it's pretty good that my
23 co-defendant is in court today, because all too often we come
24 into court, my colleague and I, and say, well, it's the
25 co-defendant's fault, give us a break, Judge. Well, I can't

1 suggest that it's this co-defendant's fault that Ms. Lester
2 got herself in this trouble. She should have known better.
3 No question about that.

4 But having said that, I'm pretty certain, having
5 gotten into this case, that had Ms. Lester just been living
6 across the street, which she was at this time, had it been
7 just her, this probably wouldn't have happened. It's like a
8 chemical reaction. You put two things together that
9 shouldn't be put together, and you are going to get a bad
10 result.

11 I can tell you she's got education. She's got the
12 ability to work. And I would ask the Court to consider her
13 time, even maybe applying my twofer rule. One day I'm going
14 to ask -- one day I hope they get a judge who will recognize
15 that. Because being locked up in the county jail, even
16 though the people in Dorchester County treat these prisoners
17 very well, it's just different.

18 So what I would ask the Court to do is impose a
19 sentence that would do honor to the memory of Judge Eppes,
20 give her credit for time in jail, and give her an opportunity
21 to take advantage of some of these programs.

22 And, yes, for the victim sitting in the courtroom,
23 it may not work. It may be a hopeless plea, but it would
24 probably be the last time, because, see, she's never had any
25 of these programs before.

1 We have in court her Alcoholics Anonymous sponsor.
2 And if we can ask her to come forward to say a few words, we
3 would ask that.

4 THE COURT: Sure, absolutely.

5 Good morning. I need you to state your name for the
6 record.

7 MS. ANDERSON: Ellen Anderson.

8 THE COURT: Yes, ma'am. I'm listening to you, Ms.
9 Anderson.

10 MS. ANDERSON: You know, I've been in recovery for a
11 long time now. And I have my own family member, my own son,
12 who is in the system. I feel your pain.

13 MS. THOMPSON: No, you don't. No, you don't.

14 MS. ANDERSON: I've tracked down my own possessions
15 through pawn shops, rings, jewelry that my husband has given
16 me, my deceased husband has given me, only to find out that
17 they've been melted and resold. So I understand the pain, my
18 pain, things I can never get back from my deceased husband,
19 my deceased mother, my deceased father. I get it.

20 I also know that she's not going to get any help in
21 there. She's going to come out worse than she went in as.
22 It's a progressive and aggressive disease, alcoholism, drug
23 addiction is. If I don't address my disease, if she doesn't
24 address her disease, she's going to come out worse. She's
25 going to come out sicker, darker, and angrier.

1 I'm a big -- you know, I'm big on giving back to the
2 community, not just paying the consequences, but really
3 giving back to the community on mandatory rehab, mandatory
4 meetings, mandatory -- okay. So she can't make total
5 financial restitution. \$10 a month is better than nothing.
6 There is some accountability there. There has to be some
7 accountability, because it's easy for us without treatment,
8 without a recovery program, to forget what we've done. We
9 rationalize it away. We justify it away. But if there is a
10 reminder that at least I am making an effort to make this
11 right through my personal time -- that's what I'm doing here
12 today, I am not at work -- through helping people, getting
13 nothing in return. I just don't think locking people away is
14 the answer. I wish. I wish.

15 I put my son in jail. I put my own son in jail.
16 He's been in this courtroom. So I understand.

17 Also, you know, long-term rehab, not a 28-day spin
18 dry, that's nothing. I mean, people who are active in
19 recovery and alcoholism, it's a joke. So if you ever
20 sentence anybody, forget the 28-day stuff, because it does
21 nothing. It gives them time to dry out a little bit, get
22 rehydrated, and go out and do it again. But a committed -- I
23 would rather see her locked away in a year-long program.
24 Takes at least a year for us even to get our heads straight,
25 you know, to even -- when she gets a chance to start thinking

1 State Department of Corrections for a period of eight years.

2 With regard to 2016-GS-18-1696, I'm going to commit
3 you to the State Department of Corrections for a period of
4 five years.

5 And these two sentences will run concurrent.

6 With regard to 2015-GS-18-1185, I'm going to commit
7 you to the State Department of Corrections for a period of
8 one year. This sentence will be consecutive to the other
9 two.

10 And that concludes the sentence for Ms. Totin other
11 than, of course, you will receive credit for the time she has
12 served. Good luck to you, ma'am.

13 Now, with regards Mr. Totin, all right, now,
14 Mr. Totin, with regards to 2016-GS-18-1772, I'm going to
15 commit you to the State Department of Corrections for a
16 period of -- this is the burglary in the second degree. I'm
17 going to commit you to the State Department of Corrections
18 for a period of eight years. This sentence will run
19 consecutive to the sentence that you are currently serving.

20 With regard to 2016-GS-18-1773, this sentence will
21 also run consecutive to the sentence that you are currently
22 serving; however, they will run concurrent with each other.

23 Good luck to you, sir. Credit for time served.

24 (Whereupon, proceedings are adjourned.)

25

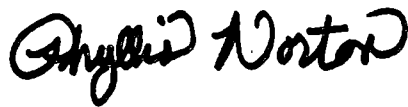
PAID 22

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on June 21, 2017.

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

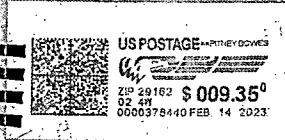
A handwritten signature in black ink that reads "Phyllis Norton". The signature is written in a cursive, flowing style.

PHYLLIS NORTON, CVR

Date: February 21, 2018

Matthew Fotin #372932

TURBEVILLE C.I.
MAIL ROOM
178 CLARENCE COKER HWY.
TURBEVILLE, SC 29162



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SC Court of Appeals

S.C. Court of Appeals
Clerk Jenny Abbott Kitchings
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1220 Senate St
Columbia, S.C. 29201