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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Walton J. McLeod, IV, Circuit Court Judge
Appellate Case No. 2022-000689

THE STATE,

Respondent,

vs.

MATHIA LAMONT CHAMBERS,

Appellant.

FINAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

"The circuit court judge erred in denying appellant's sentencing reconsideration motion requesting credit for his time served while on house arrest and under GPS ankle monitoring because the same can be granted per S.C. Code Ann. §24-13-40."

COUNTER-STATEMENT OF ISSUE ON APPEAL

Did the plea judge somehow abuse his broad sentencing discretion or otherwise err by declining to award credit for time spent on monitored house arrest to Appellant when—just as the plea judge expressly recognized—it was entirely within the plea judge's discretion as to whether to award such credit, and, thus, it was not erroneous in any way for him to choose not to grant such credit when structuring Appellant's sentence within the permissible sentencing limits?

STATEMENT OF THE CASE

In May of 2018, Appellant Mathia Lamont Chambers, a self-avowed member of the Black Disciples gang, was arrested for murder following an investigation into a fatal shooting that occurred a few months earlier in the parking lot of an apartment complex. In December of 2020, the Lexington County Grand Jury indicted Appellant for murder. On March 16, 2022, Appellant appeared in the Lexington County Court of General Sessions and—based on negotiations with the State—entered a guilty plea to the lesser-included offense of voluntary manslaughter before the Honorable Walton J. McLeod, IV, circuit court judge.[1] The plea judge accepted Appellant's guilty plea and deferred sentencing to a later date. Thereafter, on April 8, 2022, a sentencing hearing was conducted, and, at the conclusion of that hearing, the plea judge sentenced Appellant to a thirty-year term of imprisonment, awarded him full sentencing credit for the time he spent in pre-trial incarceration, and declined to award credit for the time he spent on monitored house arrest. Following that, Appellant filed a timely motion seeking reconsideration of the sentence, and the State promptly submitted a response opposing that motion. Through an order dated May 11, 2022, and an amended order dated May 17, 2022, the plea judge declined to reconsider Appellant's sentence. Appellant then timely filed a notice of appeal.

[1] As a part of the plea negotiations, the solicitor agreed to dismiss an accompanying charge of attempted armed robbery. (R. pp. 15-16).

STATEMENT OF FACTS

On the evening of March 18, 2018, Brian Rogers ("Victim") began walking through his apartment complex's parking lot on his way home after picking up food from a nearby restaurant. (R. pp. 16-17; pp. 80-81). Unfortunately, at the same time he did so, Appellant, a seventeen-year-old gang member who was on probation at that time, was in the apartment complex's parking lot breaking into other people's vehicles in search of guns, ammunitions, or other valuables to steal along with several of his gang associates. (R. p. 16; p. 19; p. 33; pp. 80-81).

Upon spotting a potential target they could accost during the midst of their vehicle break-in spree, Appellant and his associates quickly shifted their illicit plans and converged on Victim in an attempt to rob him at gunpoint. (R. pp. 20-21; pp. 80-81). However, Victim, who was armed with his own gun for self-protection, tried to resist the gang's robbery attempt. (R. p. 23; pp. 80-81). Tragically, when he did, Appellant and the other gang members fatally shot Victim with at least two different guns. (R. pp. 16-18; pp. 20-23; pp. 80-81). They then rapidly scurried away from the scene while leaving Victim behind dying on the ground. (R. pp. 16-18).

Several months later, Appellant was arrested in connection to Victim's murder after one of his accomplices came forward and identified him as one of the would-be robbers and shooters. (R. pp. 18-19; p. 29). Subsequent to that, Appellant obtained release on bond, and, as a condition of his bond, he was ordered to remain on monitored house arrest. (R. pp. 27-29). However, due to a violation directly related to the ankle monitoring device used, Appellant's bond was later revoked, and he was placed into pre-trial incarceration at the Lexington County Detention Center. (R. p. 42; p. 47).

Thereafter, following negotiations with the State, Appellant was permitted to plead guilty to the lesser-included offense of voluntary manslaughter, and he did so freely and voluntarily. (R. p. 15). Ultimately, Appellant's guilty plea to that offense was accepted, and sentencing was deferred to give him time to prepare potential mitigation evidence. (R. p. 15).

During the ensuing sentencing hearing, the solicitor recounted the heinous details of Victim's killing. (R. pp. 16-29). Additionally, she noted Appellant—while released on monitored house arrest—posted a recording to YouTube in which he accused the accomplice who provided information to law enforcement of being a "snitch," made references to his gang, used language indicating he killed someone for money, and displayed his ankle monitoring device. (R. pp. 27-29). Likewise, after Appellant's bond was revoked, the solicitor noted Appellant—while incarcerated—disturbingly attempted to convince the cooperating co-defendant to alter his statement. (R. pp. 31-32). Furthermore, the solicitor noted Appellant was on probation at the time of Victim's murder as a result of an earlier shooting incident he had been involved in on the campus of Benedict College. (R. p. 43).

In light of all the facts and circumstances involved, the solicitor asked the plea judge to impose the maximum sentence of thirty years in Appellant's case and to decline to grant any discretionary credit for the time Appellant spent on monitored house arrest before his bond was revoked. (R. p. 40; p. 47). Conversely, defense counsel asked the plea judge to impose a twenty-five-year sentence and award Appellant full credit for the time he spent both in pre-trial incarceration and on monitored house arrest. (R. p. 42).

After considering the matter, the plea judge elected to impose the maximum sentence of thirty years. (R. p. 51). Moreover, the plea judge—who, based on his own statements, was unquestionably aware of his discretionary authority to award sentencing credit for time spent on

monitored house arrest—declined to award any discretionary sentencing credit to Appellant since Appellant's bond was revoked for a violation directly related to the monitoring requirement. (R. pp. 50-51; pp. 91-92). However, the plea judge did grant full credit to Appellant for all the time he spent in pre-trial incarceration. (R. p. 51).

Following that, defense counsel filed a motion asking the plea judge to reconsider Appellant's sentence. (R. p. 53). As support for that motion, defense counsel repeated his request for the plea judge to consider granting Appellant credit for the time he spent on monitored house arrest. (R. pp. 56-57).

In rebuttal, the solicitor submitted a response contending Appellant's sentence should not be reconsidered. (R. pp. 58-59). In doing so, the solicitor asserted Appellant's sentence was appropriate under the circumstances involved. (R. pp. 58-59). Furthermore, the solicitor noted Appellant engaged in inappropriate behavior while released on bond and ended up having his bond revoked for failing to consistently charge his monitoring device. (R. p. 59).

Ultimately, after considering the arguments of counsel, the plea judge declined to reconsider any aspect of Appellant's sentence. (R. pp. 68-71). In declining to do so, the plea judge found the sentence imposed was appropriate under the particular circumstances involved. (R. pp. 68-71).

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Palmer, 415 S.C. 502, 511, 783 S.E.2d 823, 827 (Ct. App. 2016). When reviewing a sentencing issue on appeal, an appellate court will only interfere with a circuit court judge's sentencing decision in rare and unusual circumstances in light of the broad discretion afforded to the circuit court judge on such matters. State v. Ferguson, 221 S.C. 300, 307, 70 S.E.2d 355, 358 (1952); see State v. Sidell, 262 S.C. 397, 398, 205 S.E.2d 2, 3 (1974) ("A broad discretion is allowed the trial judge in imposing sentence within the legal limits."); see also State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976) ("A trial judge generally has wide discretion in determining what sentence to impose."). Furthermore, appellate courts in South Carolina have "no jurisdiction on appeal to correct a sentence alleged to be excessive when it is within the limits prescribed by law in the discretion of the [sentencing] judge, and is not the result of partiality, prejudice, oppression or corrupt motive." State v. Scates, 212 S.C. 150, 154, 46 S.E.2d 693, 694 (1948); cf. State v. Davis, 88 S.C. 229, __, 70 S.E. 811, 814 (1911) ("It is excepted that imprisonment for five years in this case is excessive. We have repeatedly held that we have no jurisdiction to correct a sentence on this ground, provided it is within the limits prescribed by law for the discretion of the trial court, and is not the result of partiality, prejudice, oppression, or corrupt motive.").

ARGUMENT

The plea judge did not abuse his broad sentencing discretion or otherwise err by declining to award credit for time spent on monitored house arrest to Appellant because—just as the plea judge expressly recognized—it was entirely within the plea judge's discretion as to whether to award such credit, and, thus, it was not erroneous in any way for him to choose not to grant such credit when structuring Appellant's sentence within the permissible sentencing limits.

Appellant contends the plea judge reversibly erred by declining to reconsider the sentence imposed and award him credit for the time he spent on monitored house arrest. As support of that contention, Appellant maintains the plea judge's decision not to award such credit was an erroneous one because, pursuant to South Carolina law, such credit "can" be awarded. Importantly though, "can" is not synonymous with "must," and the decision as to whether to award any credit for the time Appellant served on monitored house arrest was—just as the plea judge himself recognized—a matter falling squarely within the plea judge's discretion based on the plain language of Section 24-13-40 of the South Carolina Code of Laws. Thus, the mere fact the plea judge chose *not* to award discretionary sentencing credit did not constitute an error on his part, and the plea judge did not abuse his discretion or otherwise err by sentencing Appellant to a term of imprisonment falling squarely within the permissible sentencing limits for Appellant's terrible crime while at the same time declining to award him credit for the time he spent on monitored house arrest prior to his bond being revoked. Accordingly, there are no proper grounds upon which to disturb the plea judge's sentencing decision concerning credit for time served in Appellant's case. Appellant's conviction and sentence should be affirmed.

In South Carolina, entitlement to credit for "time served" toward a criminal sentence is controlled by statute. S.C. Code Ann. § 24-13-40. Pursuant to the relevant statutory provision, prisoners are entitled to sentencing credit for time served pre-trial in limited circumstances. Id. Specifically, unless one of a few enunciated exceptions apply, prisoners *must* be given credit for

time served in incarceration prior to trial and *may* be given credit for time spent "under monitored house arrest." Id.; see Allen v. State, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000) (explaining a criminal defendant must be given credit for time served prior to trial "unless one of two exceptions exist: 1) either the prisoner was an escapee or 2) the prisoner was already serving a sentence on one offense"). Thus, sentencing judges in our state are—based on the plain language of the applicable statute—vested with complete discretion as to whether to award credit toward a sentence to an individual awaiting trial while on monitored house arrest. S.C. Code Ann. § 24-13-40; see Franklin, 267 S.C. at 246, 226 S.E.2d at 898 (recognizing circuit court judges in South Carolina ordinarily have wide sentencing discretion).

In the case sub judice, Appellant—subsequent to his arrest and prior to his entry of a guilty plea to the lesser-included offense of voluntary manslaughter—was released on bond for a period of time under the condition he was required to remain on monitored house arrest. Following that, he violated the conditions of his bond, his bond was revoked, and he was subjected to pre-trial incarceration. Resultantly, before he entered his guilty plea, Appellant spent some time on monitored house arrest and other time in pre-trial incarceration.

Pursuant to South Carolina law, Appellant was entitled to credit for all the time he spent in pre-trial incarceration, and the plea judge correctly awarded such credit to Appellant as statutorily required. S.C. Code Ann. § 24-13-40; see State v. Boggs, 388 S.C. 314, 316, 696 S.E.2d 597, 598 (Ct. App. 2010) (explaining credit for time served in pre-trial incarceration is mandatory). Meanwhile, pursuant to South Carolina law, Appellant was only entitled to credit for the time he spent on monitored house arrest *if* the plea judge decided in his discretion to award such credit. S.C. Code Ann. § 24-13-40. Upon considering the circumstances of Appellant's crime along with the other information presented to him, the plea judge—who was

fully aware of his discretionary authority, including his authority concerning time served credit—decided to impose a term of incarceration that fell squarely within the permissible sentencing limits for Appellant's awful offense. See S.C. Code Ann. § 16-3-50 (mandating a person convicted of voluntary manslaughter "must be imprisoned not more than thirty years or less than two years"). However, in structuring Appellant's sentence, the plea judge elected *not* to award non-mandatory credit for the time Appellant spent on monitored house arrest, which was a decision fully consistent with the discretion afforded to him by our state's legislature and was further supported by the fact Appellant ultimately had to have his bond revoked. See S.C. Code Ann. § 24-13-40 (instructing time served credit "may be given for any time spent under monitored house arrest").

Because Appellant's sentence—including the credit for time served awarded and *not* awarded—fell squarely within the permissible sentencing limits for Appellant's offense, the plea judge did not abuse his broad sentencing discretion by imposing Appellant's statutorily-authorized sentence in the manner he did, including by electing not to award non-mandatory time served credit. See State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981) ("[T]he authority to change a sentence rests solely and exclusively in the hands of the sentencing judge within the exercise of his discretion."). Under such circumstances, there are no valid grounds upon which the plea judge's discretionary sentencing decisions in Appellant's case could be disturbed on appeal. See State v. Dozier, 263 S.C. 267, 271, 210 S.E.2d 225, 226 (1974) (explaining a South Carolina appellate court "has no jurisdiction on appeal to correct a sentence alleged to be excessive when it is within the limits prescribed by statute"); State v. Miller, 187 S.C. 271, __, 197 S.E. 310, 311 (1938) ("Where left to his discretion by the law, the presiding judge, in the exercise of a wise judgment, determines what sentence, within the law, would be

just and proper in any particular case."); State v. Crosby, 160 S.C. 301, __, 158 S.E. 685, 687 (1931) (explaining an appellate court "has no power to reduce the sentence or to reverse the judgment" based on a claim the trial judge should have imposed a lighter sentence because the term of the sentence imposed falls within the authority and discretion of the trial judge); cf. United States v. Fisher, 478 F. App'x 836, 838 (5th Cir. 2012) ("Fisher's disagreement with the district court's assessment of an appropriate sentence does not establish abuse of discretion."). Appellant's conviction and sentence should be affirmed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted the judgment, conviction, and sentence of the lower court be affirmed.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

The undersigned certifies this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Final Brief of Respondent on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

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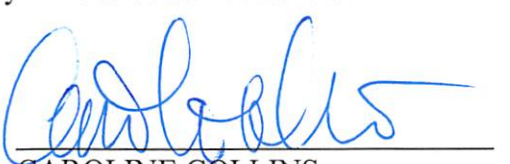
I further certify all parties required by Rule to be served have been served.
This 29th day of January, 2024.



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