

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
CASE NUMBER: 2019-GS-21-01040

RECEIVED
FEB 28 2024
SC Court of Appeals

Appeal From Florence County
Honorable H. Steven DeBerry, IV, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT

vs.

MEASHA JAQUETTA SHANIC JOYNER,

APPELLANT

Motion to Accept Late Filing of the Notice of Intent to Appeal and Motion to Remand

This Motion comes before the Court pursuant to Rules 203 and 262 of the South Carolina Rules of Court and requests that the Court accept the Appellant's Notice of Intent to Appeal out of time. The Appellant also request that the Court remand the case back to the trial court for a ruling and sentencing on Appellant's request for credit for time while on house arrest.

This motion is based on the following facts. That the Appellant was tried and thereafter convicted of voluntary manslaughter and possession of a weapon during a violent crime, on December 8, 2023. The Appellant was sentenced on December 8, 2023. (See Appellant's Exhibit A) At the time of sentencing, Appellant's attorney made a motion to the trial court judge requesting that the Defendant be given credit for the substantial amount of time that she was on house arrest, which included ankle monitoring. The trial judge took the Appellant's motion under advisement. To date, the trial judge has not yet ruled on Appellant's motion. The Appellant's attorney timely filed a Notice of Intent to Appeal on December 12, 2023, and timely served a certified copy of the Notice of Intent to Appeal on Deputy Solicitor Todd Tucker, along with a Certificate of Service, on the same day. (See Appellant's Exhibit B) The Twelfth Circuit Solicitor's Office acknowledged receipt of the Appellant's Notice of Intent to Appeal and sent the matter to the Appellate Division of the South Carolina Attorney General's Office. (See Appellant's Exhibit C) It has recently been

discovered that the Appellant's Notice of Intent to Appeal was inadvertently not filed with the South Carolina Court of Appeals by Appellant's counsel.

It is therefore requested of this Honorable Court that the Appellant's Notice of Intent to Appeal be accepted out of time, and that the case be remanded to the trial Court for ruling and sentencing on the Appellant's motion for credit while on house arrest.

Respectfully Submitted:



Rose Mary Parham
Parham Law Firm, LLC
P.O. Box 1514
Florence, South Carolina 29503
(843)407-7757 (office)
(843) 407-7758 (facsimile)
Bar Number 17032

Attorney for Appellant

February 26, 2024

APPELLANT'S EXHIBIT A

0-30405

RECEIVED

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF Florence

FEB 28 2024

STATE

vs.

SC Court of Appeals

INDICTMENT/CASE#: 2019-GS-21-01040

Measha Jaquetta Shawnic Joyner

AW#: 2019A2120200570

AKA: _____

Date of Offense: 3/24/2019

Race: Black Sex: F Age: 33

S.C. Code §: 16-03-0010; 16-03-0020

DOB: _____ SS#: _____

CDR Code #: 0116

Address: _____

City, State, Zip: Columbia, SC 29204-4124

DL#* _____ SID# _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Manslaughter / Voluntary manslaughter

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

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

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

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

ATTEST:

[Signature] 12601
Solicitor SC Bar # Defendant

Attorney for Defendant SC Bar #

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

for a determinate term of 25 days/months/years Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 20 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

CERTIFIED: A TRUE COPY

[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE VS. Measha Jaquetta Shawnic Joyner INDICTMENT/CASE#: 2019-GS-21-01040

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

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

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

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

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]

Presiding Judge: N Steven DeBary
Judge Code: 2771
Sentence Date: 12-8-2023

0-5403

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence

RECEIVED

STATE

VS.

INDICTMENT/CASE#: 2019-GS-21-01040

FEB 28 2024

Measha Jaquetta Shawnic Joyner

AW#: 2019A2120200604

AKA:

Date of Offense: 3/24/2019

Race: Black Sex: F Age: 33

S.C. Code §: 16-23-0490

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0549

Address: 3900 Hanson Ave Apt B

City, State, Zip: Columbia, SC 29204-4124

DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

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:

Tahlia L. Ford 13601
Solicitor SC Bar # Defendant

Attorney for Defendant SC Bar #

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

for a determinate term of 5 days/months/years Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

20 days/months To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

CERTIFIED: A TRUE COPY

[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

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

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
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§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.25</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
TOTAL		\$ <u>128.25</u>

Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: [Signature]

Presiding Judge: [Signature]
 Judge Code: 2771
 Sentence Date: 12-8-2023

APPELLANT'S EXHIBIT B

✓

FORM 4
NOTICE OF APPEAL FROM CONVICTION AND SENTENCE IMPOSED BY
THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
FEB 28 2024
SC Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of General Sessions

H. Steven DeBerry, IV, Circuit Court Judge

Docket No. 2019-GS-21-01040

The State,

Respondent,

v.


Measha Jaquetta Shanice Joyner,

Appellant.

NOTICE OF APPEAL

Measha Joyner appeals her conviction and sentence in this case. Following a jury trial, the sentence was imposed by the Honorable H. Steven DeBerry, IV, on December 8, 2023. The Defendant is currently incarcerated and will need the assistance of the South Carolina Office of Appellate Defense to further her appeal.

December 12, 2023



Rose Mary Parham
SC Bar Id. 17032
Parham Law Firm, LLC
P.O. Box 1514
Florence, SC 29503
Phone: (843) 407-7757
Fax: (843) 407-7758
office@parhamlawllc.com
Attorney for Appellant

Other Counsel of Record:
Todd Tucker, Esq.
12th Circuit Solicitor's Office
180 N. Irby Street, MSC-Q
Florence, SC 29501

CERTIFIED: A TRUE COPY



CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

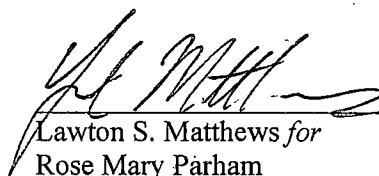
DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC
2023 DEC 12 A 10:19

FILED

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Appeal was served on counsel for the Respondent this 12 day of December 2023, via hand delivery, at the following address:

Todd Tucker, Esq.
12th Circuit Solicitor's Office
180 N. Irby Street, MSC-Q
Florence, SC 29501



Lawton S. Matthews for
Rose Mary Parham
SC Bar Id. 17032
Parham Law Firm, LLC
P.O. Box 1514
Florence, SC 29503
Phone: (843) 407-7757
Fax: (843) 407-7758
office@parhamlawllc.com

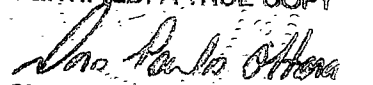
RECEIVED

FEB 28 2024

SC Court of Appeals

FILED
2023 DEC 12 A 10:22
DORIS POULOS CHARA
CCCP & GS
FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY



CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

APPELLANT'S EXHIBIT C

The State of South Carolina



OFFICE OF SOLICITOR

Twelfth Judicial Circuit
County Complex, Room 404
180 North Irby Street, MSC-Q
Florence, South Carolina 29501

E.L. Clements, III
Solicitor

Telephone (843) 665-3091
Fax (843) 669-3947

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FEB 28 2024

SC Court of Appeals

December 20, 2023

Donald J. Zelenka, Deputy AG
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

IN RE: The State v. MEASHA JAQUETTA SHAWNIC JOYNER
Charge(s): MANSLAUGHTER, POSSESSION OF WEAPON DURING VIOLENT
CRIME
Indictment No(s): 2019-GS-21-01040

Dear Mr. Zelenka:

Enclosed please find the Notice of Appeal, Proof of Service, Warrants(s), Indictment(s), and Sentencing Sheet(s) relative to the above-referenced matter, which was received by this office on December 12, 2023.

Should you need anything further regarding this matter, please do not hesitate to contact me.

With kind personal regards, I am

Sincerely,

A handwritten signature in cursive script that reads "E.L. Clements, III".

E.L. Clements, III
Solicitor

ELCIII/mht
Enclosures
cc: Rose Mary Parham

CERTIFICATE OF SERVICE


I hereby certify that a copy of Appellant's *Motion to Accept Late Filing of Notice of Intent to Appeal and Motion to Remand* along with corresponding exhibits, was served on counsel for the Respondent this 26 day of February 2024, via U.S. Mail, at the following addresses:

Todd Tucker, Esq.
12th Circuit Solicitor's Office
180 N. Irby Street, MSC-Q
Florence, SC 29501

Mark Farthing, Esq.
Assistant Attorney General
SC Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

RECEIVED

FEB 28 2024
SC Court of Appeals



Rose Mary Parham
SC Bar Id. 17032
Parham Law Firm, LLC
P.O. Box 1514
Florence, SC 29503
Phone: (843) 407-7757
Fax: (843) 407-7758
office@parhamlawllc.com

PARHAM

PARHAM LAW FIRM, LLC

February 26, 2024

RECEIVED

FEB 28 2024

SC Court of Appeals

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Our Client: Measha Jaquetta Shawnic Joyner

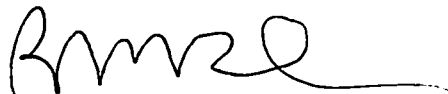
Motion to Accept Late Filing of Notice of Intent to Appeal and Motion to Remand

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Appellant, Measha Joyner's *Motion to Accept Late Filing of Notice of Intent to Appeal and Motion to Remand* along with corresponding exhibits and a certificate of service, which are being forwarded to you for filing. I would ask that you return a clocked copy in the return envelope I have provided. I thank you in advance for your time and kind consideration in this matter.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



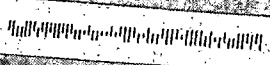
Rose Mary Parham
Attorney for Appellant
Measha Joyner

RMP/lm

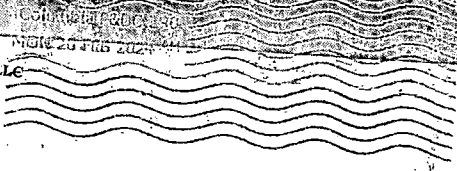
Enclosures

cc: Todd Tucker, Esquire
Mark Farthing, Esquire

PO Box 1514 Florence SC 29503
541 W. Evans St Florence SC 29501
p 843.407-7757 f 843.407.7758 parhamlaw@sc.twcbc.com



Parham Law Firm, LLC
Post Office Box 1514
Florence, SC 29503



RECEIVED

FEB 28 2024
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211