

RECEIVED

Mar 18 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
Court of General Sessions

Deadra Jefferson, Circuit Court Judge

Case No(s): 2021-GS-08-00750, 2023-GS-08-03146

The State of South Carolina,

Respondent.

v.

Steve Winfield Jones, III

Appellant.

STATEMENT PURSUANT TO RULE 203(d)(1)(B)(iv)

This document is to supplement the Notice of Appeal and accompanying documents filed on March 15, 2024. Steve Winfield Jones, III, appeals his conviction and sentence from a guilty plea in these cases. The sentence was imposed by the Hon. Deadra Jefferson on or about March 7, 2024. This appeal is taken from the conviction and sentence of the guilty plea. This appeal is filed at the request of the Defendant, Steve Winfield Jones, III.

The issue on appeal is that the Circuit Court Judge, while looking at the Felony DUI Resulting in Death statute, towards the end of the plea, and just before sentencing, believed she could not under the Felony DUI Resulting in Death statute order a split sentence to include probation. Judge Jefferson made statements to this affect. This should be evident on the transcript of the record once that is received.

Defense counsel argued during the plea hearing, preserving this issue for appeal, that although the Felony DUI/ Death statute's mandatory minimum of one year prison sentence cannot be suspended, the statute can allow a split sentence to include probation after serving that mandatory minimum jail sentence of one year is allowed under the statute. The statute doesn't prohibit probation after the mandatory minimum is served.

In Thompson v. S.C. Dep't of Pub. Safety, 335 S.C. 52, 515 S.E.2d 761 (1999), the Court overruled Davis, 328 S.C. 578, 493 S.E.2d 871, and found that "term of imprisonment," as used in felony DUI statute, *included suspended portions, probation* or parole periods, and supervised

furlough... (*emphasis added*).

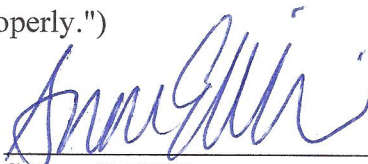
Upon information and belief, other circuit court judges agree that a split sentence of the mandatory minimum, followed by probation is allowed under the statute- over 20% of Felony DUI Resulting in Death Sentences in Berkeley, Dorchester and Charleston Counties in the last 25 years have resulted in split sentences to include the mandatory minimum jail sentence of at least one year of jail time *followed by a sentence of probation*, with more prison time hanging over the Defendant's head if Defendant failed to follow the terms of probation. Some terms of probation included treatment options other than ATU, such as public service employment, attending Substance Abuse Counseling, random drug and alcohol tests. See attached chart summary.

Counsel for Defendant argued that the Defendant must serve one year mandatory minimum prison time and some or all the remainder of his sentence could be on probation to include GPS monitoring, satellite monitoring, house arrest, or the like with other conditions such as an alcohol monitor. Since the Judge erroneously believed she could not under the statute order a split sentence to include probation, she did not order it. This error could have changed the outcome of his sentence.

Judge Jefferson's sentence falls above the average sentence for Berkeley County as well as Dorchester and Charleston Counties as evidenced by the chart attached. This issue and any other issues that undersigned counsel is not aware of at this time should be reviewed on appeal.

Therefore, the trial court erred in failing to exercise its discretion. See Fontaine, 291 S.C. at 538-39, 354 S.E.2d at 566-67; State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981) ("It is apparent here the sentencing judge did not exercise any discretion but based his ruling on an erroneous view of the law. It is an equal abuse of discretion to refuse to exercise discretionary authority when it is warranted as it is to exercise the discretion improperly.")

March 16, 2024



Susan E. Williams
Law Office of Susan E. Williams
207 E. 3rd N. Street
Summerville, SC 29483
(843) 607-9800
Fax (843) 589-9067
susan@swilliams-law.net
S.C. Bar No. 70217

and

Calvin Andrew ("Drew") Carroll
Carroll Law Firm
44 Markfield Drive, Suite C
Charleston, SC 29407
(843)737-4245
Attorneys for Steve W. Jones, III

Other counsel of record:
Ninth Circuit Solicitor's Office
Wilton McNeely, Assistant Solicitor
300 California Avenue
Moncks Corner, SC 29461
(843)719-4529

Summary of plea sentencing UNDER 10 YEARS 1999-2024 sentences for Felony DUI resulting in Death in Berkeley County

Defendant's Name	Gender, race, approx. age	Sentence ¹	Judge	Solicitor	Defense Attorney	Year case was disposed of	County ²
Jamie Shuler	W/F 1982 (33)	12 years and 25,000 fine susp. to 4 years and 10,100 and 5 years probation, credit 390 days	Harrington	West	Groeber	2015	B
Timothy Pritchett	W/M 1984 (35)	18 years and 10,100 fine suspended to 6 years	Dennis	McNeely ³	Bennett	2019	B
Joseph Junior Pinckney	B/M 1952 (64)	15 years suspended to 3 years	Dennis	West	Littlejohn	2016	B
Terrance Fraiser	B/M 1974	30 months and \$10,000	Breedon	Rodenberg	Beauford	1997	B
Joshua Williams	W/M 1981	5 years and \$10,000	Martin, Daniel	Skipper	ONeal	1997	B
Shelbie Smith	W/F 1981	8 years	Young	Dejeau	Skipper	2012	B
Juan Ramirez	A/M 1989	30 days	Dennis	Henderson	Schein	2008	B
Hector Hernandez	A/M	366 days and \$10,000	Young	Harrington	Thrower	2006	B

¹ The Yellow highlighted portion is the part of the sentence the Defendant actually served

² C= Charleston County

B= Berkeley County

D= Dorchester County

³ Same prosecutor/ solicitor in Skeeter's case

Rashad Goodman	B/M 1985	5 years and 10,100 fine ss ⁴ 1 year and \$10,100 fine and 4 years probation	McDonald	Williams, Jennifer	Davis, Steve	2013	B
Daniel Broughton	B/M 1958	8 years, ATU ⁵	Young	Williams, Jennifer	Kennedy	2012	B
Mateik Tray-Von Best	B/M 2000	10 years prov svc of 4 years cts ⁶ 238 days	Price	Williams, Tod	West, Mason	2020	C
Mercedes Branch	W/F	10 years and pay \$15,000 prov upon service of 1 year and pay \$5000	Cooper		Slotchiver	2007	C
Kourtine Burge	W/F	5 years and a fine of 10,000 plus costs and assessments as applicable	Young	Stack	Cochran	2014	C
Jerome Deas	B/M 1961	10 years concur with probation revocation	Martin, Daniel		Drew Carroll	2000	C
Evelyn Freeman	B/F 1991	5 years suspended upon serv of 1 year/ balance susp w/ 5 Y probation	Hughston		Groeber	2012	C
Jose Garcia	U/M 1978	7 years/ def credit for 14 months jail time	Smoak, Gerald			1999	C
Charlton Griffith	W/M 1985	15 y prov upon serv 7 y/ bal sus w/ prob 5 y/ cts 2 d	Price	Ziegler	Phipps	2017	C
Robby Jett	W/M 1968	5 years pmt 10,000 prov upon serv 18 m and pay \$5000 susp	Cooper		Davis, Rodney	2007	C
Gary Ketchum		Deferred sentence, read 3/23/2001 / 10 years serv 1 year	Brown/ Hughston		Anastopoulos	2001	C
Clifford Maxwell	B/M 1958	SCDC 1 y	Price	Finch	Kozelski	2022	C

⁴“ss” or “susp” means suspended on service of

⁵ ATU is Alcohol Treatment Unit

⁶ CTS means credit for time served

Larry McCausland	W/M 19790	15 years serv 7 years and 10,000 bal susp w 5 years prob	Rawl		Von Lehe	2001	C
Merino, Amado	W/M 1972	804 days	Harrington		Thrower	2008	C
Michael Greene	W/M 1982	10 years and pay 25,000 fine prov upon svc of 4 y and pmt of 10,100 bal susp prob 5 y cts 701 days	Hughston	Ford	Williams	2015	C
Clerk, Garrett	W/M 1997	SCDC sent 15 yr serve 3 years prob 5 yrs pse ⁷ 200 hours SAC ⁸ Rndm_DR_AL- Test other: victim's mother req mercy, cts 786 days	McCoy	Osborne	Theos	2021	D
Gregory, Matthew	B/M 1963	1 year	Williams	Bell	Bell, Jim	2005	D
Rashawn Wright	B/M 1993	10 years ss 3 years and 5 years probation	Goodstein	Spears	Hubrich	2020	D
Daniel Haynes	B/M 1988	SCDC sent 7Y ATU	Goodstein	Spears	Justis	2022	D
Marlin House	B/M 1966	5 years susp to 3 years and 2 years prob credit 280 days	Brown	Hall	Loy	2012	D
Kendall Hawkins	B/M 1978	6 years conc cts	Williams	Sorenson	Hardee-Thomas	2007	D
George Perry	B/M 1981	5 years cts	Goodstein	Hilton	Farley	2010	D
Rashawn White	B/M 1993	10 ss 3 yrs and 5 yrs prob	Goodstein	Spears	Hubrich	2020	D
Garrett Clark	W/M 1997	SCDC snt 15 Y srv 3 Y sus Prob 5 Y pse 200 hrs SAC rndm dr al test	McCoy	Osborne	Theos	2021	D

⁷ PSE is Public Service Employment

⁸ SAC is Substance Abuse Counseling

Amber Lullo	w/f 1992	10 years ss 2 years and 5 years prob	Murphy	Spears	Buchanan	2018	D
David Simmons	?/M 1987	10 years and 10,100 fine susp 3 years and 3 years prob	Goodstein	Justis	O'Neill	2017	D
Jerome Haley	B/M 1971	6 years cts	Williams	Hilton	Hardee-Thomas	2007	D
Franklin Marchand	W/M 1970	3 years conc cts	Williams	Bell	Cooper	2005	D
Deon Nero	?/M ?	4 years and 10,100 ss 1 year and 3 years probation	Dickson	Ward	Loy	2013	D
Lisa Pistolis	W/F 1988	6 y cred for 81 days	John	Lawrence	Kidd	2014	C
Lionel Parker	W/M ?	8 years cts 30 days	Brown	Lafond	Dukes	2001	D
Ryan Keith Scott	B/M 1991	15 years and pmt of 10,100 prov upon serv of 9 years and paymt of 10,100 balance suspen to proba 5 years	Young	Patrick	Loignon	2018	C
Nicole Schumpert	WF 1986	10 y suspe on service of 5 years and 10,100	Hughston		Butler	2008	C
Joseph Sinclair		Sentc 25 y ser 8 y sus prob 5 yr, 702 days	Price			2023	C
Sidney Son	W/M	10 y provd upn svc 5 y/ bal supsned w/ probation 5 y	Nicholson	Williams, Tod	Slotchiver	2015	C
Christopher Sullivan	w/m 1978	5 yr and 10,000 sus upon serve 1 year and 10,000 costs	Hughston		Savage, Barry E. (ohio)	2002	C
Taylor Fulton	w/m 1983	3 years and pay fine of 15,000 pro upon serv 1 year and pay fin 15,000 bal suspn probation 1 year sac, random drug alcohol testing	Buckner		Daniel	2007	C

Pennock Tenecky	w/m 1983	25 years and 10,000 sus upon service 5 years and 5,000 Sac, random drug and alcohol, must speak to youth groups about the dangers of consuming alcohol, 120 pse, def is given cts, plus costs and prob 5 years,	Dennis		Newman	2005	C
Samuel Thompson	?M 1951	9 years and pay fine of 10,100	Jefferson			2013	C
Michael White	w/m 1978	9 years and pay 10,100	Lockemy		Savage, Barry (OH)	2001	C
William Whitfield	w/m 1955	15 years sus upon service 5 yrs & prob 5 years	Cottingham		Savage, Barry	2001	C
Bonnie Woodham	W/F 1966	8 years and pay fine 10,000 plus costs	Jefferson		Lord, Ray	2002	C

Felony DUI/ Death Guilty plea Sentences 10 YEARS AND OVER Berk, Chas, and Dorch 1999-2024

Defendant's name	Race, Gender, DOB	Sentence ⁹	Judge	Solicitor	Defense Attorney	Year case was disposed of	County ¹⁰
Ernesto Estrada	A/M ?	15 years	Dennis		Littlejohn	2009	B
Matthew Dennis	w/m 1970	17 years and 10,000	Dennis	Jennings	Schwacke	2004	B
James Frazier	B/M 1957	12 years	Cooper		Whirl	2008	C
Erin Dunaway	W/F 1978	15 years prov upon service of 10 years	Dennis	Tran	Maiden	2017	C
Thomas Garris	Wm 1988	14 years cts 600 days	Bonds	Simpson	Vannoy	2022	C
Thomas Garris	w/m 1988	14 years cts 600 days	Bonds	Simpson	Vannoy Tedder Aylor	2022	C
Mallory Hood	w/f 1987	18 years and pay 25,100 prov upon service of 18 years Order to reconsider sentence 16 years and 10,100 fine	Jefferson		Carroll	2010	C
Brian Jerrell	W/M 1983	12 years	Young	Williams, Tod	Schmutz	2016	C
Samuel McCauley	w/m 1992	15 years and pay 15,000 prov upon serv 10 y and payment of 10,100 bal susp with prob for 5 years cts 267 days	Hughston	?	Barr	2012	C

⁹ The Yellow highlighted portion is the part of the sentence the Defendant actually served

¹⁰ C= Charleston
B= Berkeley
D= Dorchester

Amy McCormick	w/f 1971	10 years and pay 10, 100 fine	Hughston		Smith	2009	C
Jimmy Wilson	w/m 1960	20 years and 10,000 ss 18 years and 5 years prob	Dennis	Jennings	Davis, Steve	2003	B
Sean Forte	w/m 1972	12 years	Pieper	Jennings	Lanier, Mitch	2001	B
Michael Earwood	w/m 1993	SCDC snt 10 years, cts, ATU	Goodstein	Adams	Deluca	2022	D
Amber Lullo	w/f 1992	10 years susp	Murphy	Spears	Buchanan	2018	D
Timothy Murray	B/M 1987	10 y Cts	McCoy	Spears	Bright-Matthews	2023	D
Tammy Harris	w/f 1970	12 years atu	Goodstein	Giese	Aylor	2017	D
Kevin Williams	B/M 1964	12 years cts	Williams	McIntosh	LeMatty	2009	D
Michael Reynolds	w/m 1978	10 years pay fine of 10,100	Hughston	?	Brown	2012	C
William Wakefield	w/m 1987	25 years svc 16 yr cts 2 y 5 mos (891 days)	Dennis	Williams, Tod	Davis, Rodney	2020	C
Christopher Wright		10 years payment of 10,100	Hughston	?	Mullaney	2012	C
Date Yarborough	w/m 1960	18 years given credits 684 days	Dennis	Corvey	Krell	2018	C
Brandon Earwood	w/m 1993	SCDC sntc 10 Y and ATU	Goodstein	Spears	Deluca, Peter	2022	D
Brett Ferguson	w/m 1963	SCDC sentence 15 years, CTS 1006 days	Taylor	Spears	Wehman	2024	D
Roy Roberts	w/m 1952	15 years and 10,000 conc credit time served	Goodstein	Lafond	Hardee-Thomas	2002	D
Delcarlos Shores, Jr.	w/m 1974	20 years and 25,100 fine ss 12 years and 20,100 fine and 5 years probation	Dickson	Sorenson	Chisolm	2015	D

Michael Stearns, Jr.	B/M 1982 (35)	10 years	Harrington	Cannon	David Aylor	2017	B
Shana Robinson	W/F 1978 (36)	17 years	Jefferson	West	Aaron Mayer	2014	B
Vernon Gene McNeil	B/M 1973 (46)	15 years suspended to 10 years, credit for time served 302 days	Dennis	Bart Stegall	Public Defender Shivers	2019	B
Brandon Lee Casey Limehouse	B/M 1988 (31)	21 years suspended to 16 years credit for time served 230 days	Dennis	Bart Stegall	Public Defender Shivers	2019	B
Kim Boyd	B/M 1979 (38)	15 years Credit for time served 241 days	Young	Cannon	Public Defender Shivers	2017	B
Justin Wilkes		25 years					D

Some examples of Judge Jefferson sentences for Felony DUI Resulting in Death:

Defendant's Name	Race, Gender, DOB	Sentence	Judge	Solicitor	Defense Attorney	Year Case was disposed of	County
Samuel Thompson	?M 1951	9 years and pay fine of 10,100	Jefferson	?	?	2013	Charleston
Mallory Hood	W/F 1987	18 years and pay 25,100 prov upon service of 18 years Order: 16 years and 10,100 fine	Jefferson	?	Carroll	2010	Charleston
Bonnie Woodham	W/F 1966	8 years and pay fine 10,000 plus costs	Jefferson	?	Lord, Ray	2002	Charleston
Shana Robinson	W/F 1978	17 years	Jefferson	West	Aaron Mayer	2014	Berkeley
William Martin	w/m 1968	15 years and 10, 100 fine	Jefferson	?	Robert Williams	2008	Lexington

Columbia, SC 29210 and

The Honorable Leah Guerry Dupree, Clerk of Court
Berkeley County County Circuit Court
General Sessions
P.O. Box 219
Moncks Corner, SC 29461 and

South Carolina Appellate Defense Commission
Post Office Box 11589
Columbia, South Carolina 29211

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

That on the **15th day of March, 2024**, she electronically, by email, served a copy of the Notice of Appeal filed on 3/15/24 to the following:

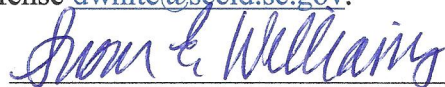
Ninth Circuit Solicitor's Office
Wilton McNeely, Assistant Solicitor, mcneelyw@scsolicitor9.org; and

The Honorable Alan Wilson agwilson@scag.gov; and

The Honorable Leah Guerry Dupree, Berkeley County Clerk of Court
leah.dupree@berkeleycountysc.gov; and

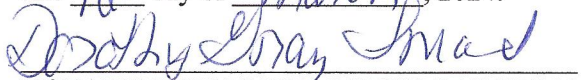
South Carolina Court of Appeals; and ctappfilings@sccourts.org

South Carolina Commission on Indigent Defense dwhite@sccid.sc.gov.



Susan E. Williams
Law Office of Susan E. Williams
207 E. 3rd N. Street
Summerville, SC 29483
(843) 607-9800

SWORN to and subscribed before me
this 16th day of March, 2024.


NOTARY PUBLIC FOR SOUTH CAROLINA

Dorothy Gray Sneed
Printed Name

My Commission Expires: 8/4/2033



The Honorable Leah Guerry Dupree, Clerk of Court
Berkeley County County Circuit Court
General Sessions
P.O. Box 219
Moncks Corner, SC 29461 and

South Carolina Appellate Defense Commission
Post Office Box 11589
Columbia, South Carolina 29211

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

That on the **16th day of March, 2024**, she electronically, by email, served a copy of the Statement pursuant to Rule 203(d)(1)(B)(iv) and its exhibit that goes with the Notice of Appeal filed on 3/15/24 to the following:

Ninth Circuit Solicitor's Office
Wilton McNeely, Assistant Solicitor, mcneelyw@scsolicitor9.org; and

The Honorable Alan Wilson agwilson@scag.gov; and

The Honorable Leah Guerry Dupree, Berkeley County Clerk of Court
leah.dupree@berkeleycountysc.gov; and

South Carolina Court of Appeals; and ctappfilings@sccourts.org

South Carolina Commission on Indigent Defense dwhite@sccid.sc.gov.

That on the **15th day of March, 2024**, she served a copy of the Notice of Appeal filed on 3/15/24 to each of the following by depositing a copy of it in the United States Mail, postage prepaid, as they are addressed to:

Ninth Circuit Solicitor's Office
Wilton McNeely, Assistant Solicitor
300 California Avenue
Moncks Corner South Carolina 29461; and

Kirkland Correctional Institute
Attn: Inmate # 00393529
Steve W. Jones, III
CIA-009-A
4344 Broad River Road

RECEIVED

Mar 18 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of General Sessions

The Honorable Deadra Jefferson

Case Nos.: 2021GS0800750, 2023GS0803146

The State,

Respondent,

v.

Steve Winfield Jones, III,

Appellant.

3/16/24 PROOF OF SERVICE

PERSONALLY APPEARED before me, Susan E. Williams, who first being duly sworn, deposed and says:

That on the **16th day of March, 2024**, she served a copy of Statement pursuant to Rule 203(d)(1)(B)(iv) and its exhibit that goes with the Notice of Appeal filed on 3/15/24 to each of the following by depositing a copy of it in the United States Mail, postage prepaid, as they are addressed to:

Ninth Circuit Solicitor's Office
Wilton McNeely, Assistant Solicitor
300 California Avenue
Moncks Corner South Carolina 29461; and

The SC Attorney General's Office
The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211; and

Kirkland Correctional Institute
Attn: Inmate # 00393529
Steve W. Jones, III
CIA-009-A
4344 Broad River Road
Columbia, SC 29210 and

RECEIVED

Mar 18 2024

SC Court of Appeals

Law Office of Susan E. Williams

207 EAST THIRD NORTH STREET
SUMMERVILLE, SC 29483
SUSAN@SWILLIAMS-LAW.NET

PHONE: (843) 607-9800
FACSIMILE: (843) 589-9067
WWW.SWILLIAMS-LAW.NET

March 16, 2024

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

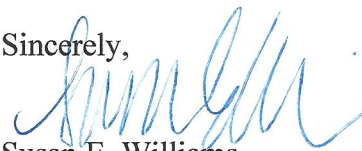
RE: State of South Carolina v. Steve W. Jones, III
Charges.: Felony DUI Resulting in Death (2021-GS-08-00750)
Reckless Homicide (2023-GS-08-03146)

Dear Clerk:

Enclosed for filing is the Statement pursuant to Rule 203(d)(1)(B)(iv) with its exhibit, to supplement the original Notice of Appeal dated 3/15/24. Also enclosed is a 3/16/24 Proof of Service of the Notice of Appeal on Respondent. A copy of the indictments, sentencing sheet and accompanying documents from the guilty plea and sentence to be challenged on appeal was included in yesterday's filing. Yesterday's filing was served by email and by US Mail on Wilton McNeely, Esq.

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

Sincerely,



Susan E. Williams
and
Calvin Andrew ("Drew") Carroll
Carroll Law Firm
44 Markfield Drive, Suite C
Charleston, SC 29407
(843)737-4245
drewcarroll@carrolllawfirm.net

Attorneys for Steve W. Jones, III

Enclosure(s): As stated above

cc: Ninth Circuit Solicitor's Office, w/encl, via US Mail

Wilton McNeely, Esq. w/encl, via US Mail and email
Client, w/encl, via US Mail
Office of Appellate Defense, w/encl, via US Mail and email
Berkeley County Clerk's Office, w/encl, via US Mail and email
Alan Wilson, Esq, Attorney General's Office, w/ encl. via US Mail and email