

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

William A. McKinnon, Circuit Court Judge

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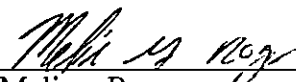
Case Nos.: 2023-GS-46-5426; 2023-GS-46-5436; 2023-GS-46-5427; and 2023-GS-46-3729

The State of South Carolina, Respondent
Vs

Justin Ray Medford, Appellant

NOTICE OF APPEAL

Justin Ray Medford appeals his guilty pleas and the concurrent sentences imposed by the Honorable William A. McKinnon on March 22, 2024. The Appellant pled guilty to Trafficking Fentanyl (2023 GS-46-5426) and received a sentence of fifteen (15) years; Resisting Arrest (2023 GS-46-5436) and received a sentence of ten (10) years; Possession with Intent to Distribute of a Controlled Substance Near a School (2023-GS-46-5427) and received a sentence of ten (10) years; and Failure to Stop for a Blue Light 1st Offense (2023-GS-46-3729) and received a sentence of three (3) years. All sentences are to run concurrent to each other with no credit for pretrial detention. The purpose of this appeal is only to address the issue of the application of S.C. Code Ann § 24-13-40 Computation of time served by prisoners to client's sentences based on the assertion that 1). S.C. Code Ann § 24-13-40 is unconstitutional and 2). The court should have used its discretion and given Mr. Medford time served credit for the 6 months he spent in pretrial detention prior to his pleas. During the plea Defense argued that Mr. Medford had multiple arrests but never had his bond revoked on any of his charges and that although he had been subsequently arrested the only charge that he shouldn't receive credit for under the statute was the Failure to Stop. The Trafficking, Resisting Arrest and Possession with Intent to Distribute a Controlled Substance Near a School were all from his most recent arrest and there were no subsequent arrests after that.


Melissa Rogers
Assistant Public Defender

FILED-RECEIVED
2024 MAR 28 PM 4: 15
ALIGNE SERVANT
C.C.P. 2 GS
YORK COUNTY, S.C.

This 28th day of March, 2024
York, South Carolina

Other Counsels of Record:
William S. Anderson
Assistant 16th Circuit Solicitor
1675-1A York Hwy
York, SC 29745
(803) 628-3020

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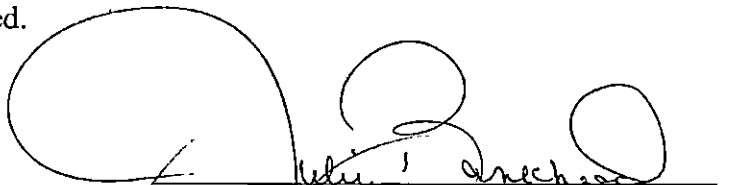
The State of South Carolina, Respondent
vs.

Justin Ray Medford, Appellant

FILED-RECEIVED
2024 MAR 28 PM 4:15
ANGIE L. MEDFORD
C.C. P. 855
YORK COUNTY, SC

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Justin Ray Medford was served upon counsel for the State, William S. Anderson, Assistant 16th Circuit Solicitor, on March 28, 2024 by hand-delivering a copy to her office located at the 1675-1A York Hwy, York, South Carolina, 29745 by the undersigned.


Julie Bankhead
Legal Secretary for Melissa Rogers
Assistant Public Defender

**Sixteenth Circuit
Public Defender
Office**

Moss Justice Center
1675-1E York Highway
P.O. Box 691
York, S.C. 29745



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Sixteenth Circuit Defender

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Deputy Public Defender

Stacey D. Coleman
Juvenile Division

Toni L. Johnson
Sr. Assistant Magistrate Division

Assistant Public Defenders

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Thomas L. Bowen Jr.

Chris Bonds

Ryan Newkirk

Ugonna Udogwu

Fred Davis

David Tyler Bratton

Melissa Rogers

Devon Nielson

Arthur Hays

William Barbieri

Katie T. Cummings

Jason LaBlanc

Derek Banov

Jordan Heavner

Union County Public Defender

Erik D. Delaney

Laura Hicks

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SC Court of Appeals

March 28, 2024

South Carolina Commission of
Appellate Defense
P.O. Box 11589
Columbia, SC 29211

Re: Justin Ray Medford (Indictment Nos. 2023-GS-5426; 2023-GS-465436; 2023-GS-46-5427; and 2023-GS-46-3729)

Gentlemen:

Enclosed please find copies of the Notice of Appeal, Certificate of Service and Rule 203 Explanation and a letter to the Appellant on the above captioned matter. Justin Ray Medford appeals his guilty pleas and the concurrent sentences imposed by the Honorable William A. McKinnon on March 22, 2024. The Appellant pled guilty to Trafficking Fentanyl (2023 GS-46-5426) and received a sentence of fifteen (15) years; Resisting Arrest (2023 GS-46-5436) and received a sentence of ten (10) years; Possession with Intent to Distribute of a Controlled Substance Near a School (2023-GS-46-5427) and received a sentence of ten (10) years; and Failure to Stop for a Blue Light 1st Offense (2023-GS-46-3729) and received a sentence of three (3) years. All sentences are to run concurrent to each other with no credit for pretrial detention. The purpose of this appeal is only to address the issue of the application of S.C. Code Ann § 24-13-40 Computation of time served by prisoners to client's sentences based on the assertion that 1). S.C. Code Ann § 24-13-40 is unconstitutional and 2). The court should have used its discretion and given Mr. Medford time served credit for the 6 months he spent in pretrial detention prior to his pleas. During the plea Defense argued that Mr. Medford had multiple arrests but never had his bond revoked on any of his charges and that although he had been subsequently arrested the only charge that he shouldn't receive credit for under the statute was the Failure to Stop. The Trafficking, Resisting Arrest and Possession with Intent to Distribute a Controlled Substance Near a School were all from his most recent arrest and there were no subsequent arrests after that. The court reporter was Maria DiScioscia.

Please note the following hearings was held in this case:

Plea and Sentencing Hearing
Judge
Court Reporter:

March 22, 2024
William A. McKinnon
Maria DiScioscia
P.O. Box 124
Van Wyck, S.C. 29744

Sincerely,

Melissa Rogers
Assistant Public Defender

MR/jbb

Enclosures



16th JUDICIAL CIRCUIT
PUBLIC DEFENDER OFFICE
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York, South Carolina 29745

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
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