

RECEIVED

Sep 06 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Case No. 2018-GS-42-02973

The State,Respondent,

v.

Jason Shane Bishop,.....Appellant.

Notice of Appeal

Jason Shane Bishop appeals his sentence. The Honorable Grace Gilchrist Knie imposed the sentence on June 25, 2024. This appeal is taken from the order of Judge Knie, dated August 30, 2024, denying Mr. Bishop’s motion to reconsider the sentence.

This appeal follows a guilty plea. Pursuant to Rule 203(d)(1)(B)(iv), SCACR, Mr. Bishop explains that he will raise the following three issues on appeal:

1. Did the sentencing court mistakenly believe the court lacked discretion to award credit for time served on home detention with SCRAM monitoring, pursuant to S.C. Code Ann. § 24-13-40?
2. Did the sentencing court mistakenly believed the court’s sentence could not include home incarceration because this offense involved a mandatory minimum sentence, when the offense Mr. Bishop was convicted of did not involve a mandatory minimum sentence?
3. Did the sentencing court improperly consider the initial charge when deciding to deny credit for time served and deny home incarceration?

Sentencing errors are reviewable on appeal. *See, e.g. State v. Brown*, 426 S.C. 63, 824 S.E.2d 476 (Ct. App. 2019) (defendant was entitled to credit for time served for the period of time he was civilly committed after he was found incompetent to stand trial and was deemed to have a genuine mental illness); *State v. Boggs*, 388 S.C. 314, 696 S.E.2d 597 (Ct. App. 2010) (plea judge’s denial of jail creditfor time defendant served in pretrial

detention based upon state's decision to drop charge against defendant from armed robbery to strong arm robbery was an error at law). *See also State v. Hawes*, 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) ("A failure to exercise discretion amounts to an abuse of that discretion.") (citing *Samples v. Mitchell*, 329 S.C. 105, 495 S.E.2d 213 (Ct. App.1997)). The first two issues were raised to the sentencing court during the sentencing hearing and during the motion to reconsider the sentence. The third issue was raised during the hearing on the motion to reconsider the sentence, citing *Boggs*, when the sentencing judge disclosed reliance on the initial charge.

Respectfully Submitted,

By s/E. Charles Grose, Jr.

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Johnathon Batchelor

September 6, 2024
Greenwood, South Carolina

Other Counsel of Record:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org
(864) 596-2575

RECEIVED

Sep 06 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
Grace Gilchrist Knie, Circuit Court Judge

Case No. 2018-GS-42-02973

The State,Respondent,

v.

Jason Shane Bishop,.....Appellant.

Certificate of Service

I certify that I served this pleading on the State of South Carolina, by email, using counsel’s primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

Spenser Holloran Smith, Esquire
County Courthouse Third Floor
180 Magnolia Street
Spartanburg, SC 29306
ssmith@spartanburgcounty.org

By s/E. Charles Grose, Jr.

E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466

September 6, 2024
Greenwood, South Carolina

The Grose Law Firm, LLC
305 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

September 6, 2024

RECEIVED
Sep 06 2024
SC Court of Appeals

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

Re: *State of South Carolina v. Jason Shane Bishop*
Lower Court Case No. 2018-GS-42-02973

Dear Ms. Kitchings:

Enclosed please find Mr. Bishop's notice of appeal, including an explanation of grounds for appealing his sentence following a guilty plea.

Also enclosed are copies of the sentencing sheet, motion to reconsider the sentence, and order denying the motion to reconsider the sentence.

Please note that I will continue to represent Mr. Bishop on appeal.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,

s/E. Charles Grose, Jr.
E. Charles Grose, Jr.

cc: Mr. Jason Shane Bishop (via US Mail)
Spenser Holloran Smith, Esquire (via Email)
Clerk of Court, Spartanburg County (via US Mail)