

**Sixteenth Circuit
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**Moss Justice Center
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Sixteenth Circuit Defender**

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Melissa Inzerillo
Phil Smith**

**Sr. Assistant Public Defenders
Mark McKinnon**

**Assistant Public Defenders
Stroud Baker
Chris Bonds
Tyler Bratton
Shawana Burris
Fred Davis
Devon Nielson
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Melissa Rogers
Ugonna Udogwu**

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JAN 21 2025

SC Court of Appeals

January 15, 2025

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

Re: Sammy Rowdy Park (Indictment Nos.: 2022-GS-46-06000, 2024-GS-46-01326, 2024-GS-46-01328, 2024A46-05002, 2024-GS-46-05003)

Gentlemen:

Enclosed please find a copy of the Rule (203) Explanation that should have been attached to the appeal. The appeal was mailed out on December 19, 2024. Should you have any questions please contact my office at (803)628-3031.

Sincerely,

Mark T McKinnon
Senior Public Defender
Sixteenth Judicial Circuit

MTM/fnw

Enclosures

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
State of South Carolina

-vs-

Sammy Rowdy Parker,
Defendant.

) Indictment Nos. 2022-GS-46-06000, 2024-GS-46-01326
) 2024-GS-46-01328, 2024-GS-46-05002,
) 2024-GS-46-05003

) Appeal Number 2024-002186

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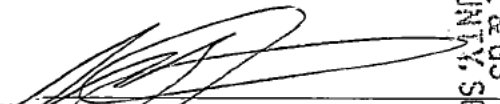
JAN 21 2025

SC Court of Appeals

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court erred in limiting the Defendant's time served credit to the time spent in pre-trial detention to his first arrest, on or about 9-21-2022. He was subsequently arrested on 2-28-2024, then again on 6-30-2024. Pursuant to 24-13-40 (3) of the South Carolina Code of Law as amended on June 20th 2023, the State asked the Judge to limit Parker's time served credit to just the 307 days that Mr. Parker spent in detention for the 2-28-2022 arrest, and to deny him any time served credit for his time spent in detention for his subsequent two arrests. The Judge followed the State's request. I objected to the Judge's decision, believing 24-13-40 (3) as amended as unconstitutional. Denying an inmate credit for time actually spent incarcerated in jail, is cruel and unusual punishment, and denies that inmate due process. The legislature's attempt to take a Judge's sentencing discretion from him also violates separation of powers. When the Judge read his sentence, I renewed my objection.

Respectfully submitted,


Mark T. McKinnon-Senior Public Defender
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Sammy Rowdy Parker

ANGIE M. BRYANT
C.C.P. & GS
YORK COUNTY, S.C.

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York, South Carolina

January 09, 2025



16th JUDICIAL CIRCUIT
PUBLIC DEFENDER OFFICE
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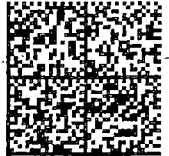
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