

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL
COUNTY OF York) SESSIONS
) SIXTEENTH JUDICIAL CIRCUIT
State of South Carolina,)
) Indictment No(s). 2024-GS-46-00567
PLAINTIFF,) 2023-GS-46-05194
) VS
) **RECEIVED**
Kentavious Jawan Agers.) FEB 10 2025
) **SQ Court of Appeals**
DEFENDANT.)

FILED-RECEIVED
2025 FEB - 6 PM 2:18
ANGIE BRYANT
C.C.C.P. CLERK
YORK COUNTY, SC

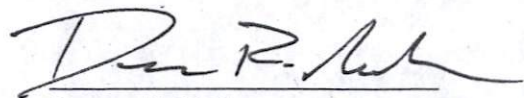
RULE 203(B) EXPLANATION.

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 1 day – the amount of time he was incarcerated before posting his initial bond and not giving him credit for the four hundred one (401) days that he was held after his bond was revoked and before his sentencing.

The Defendant was originally arrested on July 22, 2023 and made that day. He was later arrested on September 3, 2023 and bonded out that same day again. He was arrested a third time on November 16, 2023 at which time his bonds were revoked and he stayed in jail until about December 20, 2024. He entered pleas to his charges on February 3, 2023. At the sentencing, the Court only credited the Defendant with one (1) day credit for time served.

Upon being asked if the judge was correct I said that under a reading of the bond law it was clear that he could not get credit for that time but I felt like the law was unconstitutional and he should be given time for the more than one year that he spent in jail on these charges. This is further fundamentally unfair in that the charges that he was in jail on were dismissed

at the time of the plea and Mr. Agers with his attorney would have been more than happy to go to trial on those charges but they were not the charges that he was in jail on before the revocation. I objected claiming 24-13-40 (as amended in 2023) to be unconstitutional [Cruel and Unusual Punishment]. This is because Mr. Agers under that statute even if he had been tried or pled to the latter charges would not have gotten the time as he was in on a new charge that never became a conviction.



Devon R. Nielson
Attorney for Defendant
York County Public Defender Office
York, SC 29745

February 6, 2025