

FILED

2025 FEB 28 PM 1:59

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Mar 04 2025

SC Court of Appeals

LISA M. COWER
CLERK OF COURT

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge
Indictment Nos. 2020-GS-32-6025 & 2020-GS-32-6026

THE STATE,

Appellant,

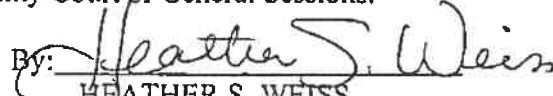
vs.

CHAD EUGENE GIBBS,

Respondent.

NOTICE OF APPEAL

The State appeals the grant of credit for time served pursuant to Section 24-13-40 to Chad Eugene Gibbs as part of his sentence in this case. The Honorable Debra R. McCaslin, circuit court judge, sentenced Gibbs and granted the credit for time served being appealed over the State's objection on February 24, 2025, after Gibbs was convicted of two counts of second-degree sexual exploitation of a minor in the Lexington County Court of General Sessions.

By: 
HEATHER S. WEISS
S.C. Bar Number 16700
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727
ATTORNEY FOR APPELLANT

February 26, 2025

Other Counsel of Record:
James Todd Rutherford, Esq.
The Rutherford Law Firm, LLC
Post Office Box 1452
Columbia, SC 29202
(803) 256-3003
ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA

Sentence Order

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

INDICTMENT/CASE#: 2020 -GS- 32 - 6025

STATE vs. CHAD EUGENE GIBBS

AW#: 2020A3220500118

Date of Offense: 10/11/2019

S.C. Code §: 16-15-395(A)

CDR Code #: 0379

AKA: SSN: [REDACTED]

RACE: W SEX: M DOB: [REDACTED]

Range of Offense: not less than 3 years and no more than 20 years Imprisonment

In disposition of the above indictment comes now the Defendant who was CONVICTED OF [] or [X] PLEADS

TO: Sexual Exploitation 2nd Degree Range of Offense Pled not less than 2 years and no more than 10 years Imprisonment

In violation of § 16-15-0405(A) of the S.C. Code of Laws, bearing CDR Code # 0380
[] NON-VIOLENT [X] VIOLENT [] SERIOUS [] MOST SERIOUS [] MANDATORY GPS [] § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: [] As Indicted [] Lesser Included Offense, [X] Defendant Waives Presentment to Grand Jury.

The plea is: [X] w/o Rec/Negotiations [] Negotiated [] Recommendation

Heather S. Weiss 16700

Todd Rutherford 11297

Asst. Att. Gen. SC Bar #

Attorney for Defendant SC Bar #

The Defendant is committed to the [X] SCDC [] County Detention Center [] Home Incarceration Program

for a determinate term of 8 days/months/years/Time Served [] YOANTE years and/or shall pay a

fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$ plus costs and assessments as applicable* ; balance is suspended with probation for months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run [] CONCURRENT or [] CONSECUTIVE to sentence on:

[X] The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.

1831 days/months [] To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- [] PTUP
[X] No Contact with Victim [] Domestic Violence Intervention Program
[X] Sex Offender Registry pursuant to S.C. Code § 23-3-430 [] Hold for Inpatient Treatment
[X] Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135. [] SAC/MHC if necessary
[] Other:

[] RESTITUTION See Separate Order

Table with 2 columns: Description, Amount. Includes Restitution \$, FINE: \$, and TOTAL 125.00

Fine/Costs and Assessments are to be paid to the Clerk of Court within days/months

- §14-1-206 (Assessments 107.5%)
§14-1-211 (A)(1) Conv. Surcharge)
§14-1-211 (A)(2)(DUI Surcharge)
§56-5-1995 (DUI Assessment)
§56-1-286 (OUI Breath Test)
§14-1-212 (Law Enforcement Funding)
§14-1-213 (Drug Court Surcharge)
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)
§50-21-114 (BUI Breath Test Fee)
§56-5-2942(J) (Vehicle Assessment)
3% to County (if paid in installments)
[] Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees.
[] §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Clerk of Court/Deputy Clerk
Court Reporter

2769 2/24/25 [Signature]
Judge Code Sentence Date Presiding Judge

STATE OF SOUTH CAROLINA

Sentence Order

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

INDICTMENT/CASE#: 2020 -GS- 32 - 6026

AW#: DIRECT PRESENTMENT

STATE vs. CHAD EUGENE GIBBS

Date of Offense: 10/11/2019

S.C. Code §: 16-15-395(A)

AKA: SSN: [REDACTED]

CDR Code #: 0379

RACE: W SEX: M DOB: [REDACTED]

Range of Offense: not less than 3 years and no more than 20 years Imprisonment

In disposition of the above indictment comes now the Defendant who was CONVICTED OF [] or [X] PLEADS

TO: Sexual Exploitation 2nd Degree Range of Offense Pled not less than 2 years and no more than 10 years Imprisonment

In violation of § 16-15-0405(A) of the S.C. Code of Laws, bearing CDR Code # 0380

[] NON-VIOLENT [X] VIOLENT [] SERIOUS [] MOST SERIOUS [] MANDATORY GPS [] § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: [] As Indicted [] Lesser Included Offense, [X] Defendant Waives Presentment to Grand Jury.

The plea is: [X] w/o Rec/Negotiations [] Negotiated [] Recommendation

Heather S. Weiss 16700 Asst. Att. Gen. SC Bar #

Todd Rutherford 12197 Attorney for Defendant SC Bar #

The Defendant is committed to the [X] SCDC [] County Detention Center [] Home Incarceration Program

for a determinate term of 8 days/months/years/Time Served [] YOANTE _____ years and/or shall pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ plus costs and assessments as applicable* ; balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run [] CONCURRENT or [] CONSECUTIVE to sentence on: _____

[X] The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.

1831 days/months [] To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- [] PTUP
[X] No Contact with Victim [] Domestic Violence Intervention Program
[X] Sex Offender Registry pursuant to S.C. Code § 23-3-430
[X] Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
[] Other: _____
[] Hold for Inpatient Treatment
[] SAC/MHC if necessary

[] RESTITUTION See Separate Order

- §14-1-206 (Assessments 107.5%)
§14-1-211 (A)(1) Conv. Surcharge)
§14-1-211 (A)(2)(DUI Surcharge)
§56-5-1995 (DUI Assessment)
§56-1-288 (DUI Breath Test)
§14-1-212 (Law Enforcement Funding)
§14-1-213 (Drug Court Surcharge)
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)
§50-21-114 (BUI Breath Test Fee)
§56-5-2942(J) (Vehicle Assessment)
3% to County (if paid in installments)

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

Table with columns: Restitution \$, FINE: \$, and monetary values (\$100, \$12, \$25, \$25, \$150, \$41, \$50, \$40/ea, T&D, \$500, \$40)

TOTAL 125.00

Clerk of Court/Deputy Clerk: Melinda Jones
Court Reporter

Judge Code: 2769
Sentence Date: 2/24/25
Presiding Judge: Debra McCalli