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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

SAMUEL SCOTT HORTON,

APPELLANT

APPELLATE CASE NO. 2024-001760

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RECORD ON APPEAL

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STATE OF SOUTH CAROLINA ) COURT OF COMMON PLEAS  
 ) 2024GS2305874  
 COUNTY OF GREENVILLE )  
 )  
 )  
 )  
 STATE OF SOUTH CAROLINA )  
 ) PLAINTIFF)  
 vs. ) TRANSCRIPT OF RECORD  
 )  
 SAMUEL SCOTT HORTON )  
 )  
 ) DEFENDANT)  
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September 26, 2024  
 Greenville, South Carolina

B E F O R E:

THE HONORABLE G.D, MORGAN, JR., Judge.

A P P E A R A N C E S:

ANNA GUMPERT, ESQ.  
 Attorney for the State

MICHAEL MARTINEZ, ESQ.

APRIL HERRON  
 Official Court Reporter

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1           THE CLERK: Your Honor, this is case number  
2           2024-GS-23-5878, The State vs. James Kevin Woodson,  
3           indicted for domestic violence first degree, pleading  
4           to domestic violence second degree. It's a waiver  
5           and there's a firearms order attached.

6           Your Honor, this is case number 2024-GS-23-4007,  
7           The State vs. Sonny Neal, indicted for stalking,  
8           pleading to the same, it's a waiver. Case number  
9           2024-GS-23-5877, indicted for possession of  
10          methamphetamine, pleading to the same, it's a waiver.

11          Your Honor, this is case number 2024-GS-23-5886,  
12          The State vs. Jason Scott Garrison, indicted for  
13          possessing a firearm by a person convicted of PWID,  
14          it is a waiver. Sorry, pleading to the same and it  
15          is a waiver.

16          Your Honor, this is case number 2024-GS-23-5873,  
17          The State vs. Samuel Scott Horton, indicted for  
18          possession of cocaine, pleading to the same, it's a  
19          waiver. Case number 2024-GS-23-5874, indicted for  
20          shoplifting, pleading to the same, it's a waiver.  
21          Case number 2024-GS-23-5875, indicted for resisting  
22          arrest with assault, pleading to resisting arrest,  
23          it's a waiver. Case number 2024-GS-23-5876, indicted  
24          for possession of Fentanyl, pleading to possession of  
25          more than two grains second offense, it's a waiver.



## SAMUEL HORTON-EXAMINATION BY THE COURT

1 THE COURT: You are Walter Raines?

2 MR. RAINES: Yes, sir.

3 THE COURT: I'll be asking all of you as a group  
4 a series of questions and ask that you respond to me  
5 individually to these questions. Are any of you  
6 under the influence of any drugs, alcohol or  
7 medication that would keep you from understanding  
8 what you're doing here today?

9 Mr. Woodson?

10 MR. WOODSON: No, sir.

11 THE COURT: Mr. Neal?

12 MR. NEAL: No, sir.

13 THE COURT: Mr. Garrison?

14 MR. GARRISON: No, sir.

15 THE COURT: Mr. Horton?

16 MR. HORTON: No, sir.

17 THE COURT: Mr. Raines?

18 MR. RAINES: No, sir.

19 THE COURT: Do any of you have any mental or  
20 physical disability that will keep you from  
21 understanding what you're doing here today?

22 Mr. Woodson?

23 MR. WOODSON: No, sir.

24 THE COURT: Mr. Neal?

25 MR. NEAL: No, sir.

## SAMUEL HORTON-EXAMINATION BY THE COURT

1 THE COURT: Mr. Garrison?

2 MR. GARRISON: No, sir.

3 THE COURT: Mr. Horton?

4 MR. HORTON: No, sir.

5 THE COURT: Mr. Raines?

6 MR. RAINES: No, sir.

7 THE COURT: By pleaing guilty each of you are  
8 waiving your Constitutional rights. Those would  
9 include the right to a jury trial, the right to  
10 confront your accusers, the privilege against  
11 self-incrimination. Are each of you waiving those  
12 rights and pleading guilty freely, voluntarily and  
13 intelligently?

14 Mr. Woodson?

15 MR. WOODSON: Yes, sir.

16 THE COURT: Mr. Neal?

17 MR. NEAL: Yes, sir.

18 THE COURT: Mr. Garrison?

19 MR. GARRISON: Yes, sir.

20 THE COURT: Mr. Horton?

21 MR. HORTON: Yes, sir.

22 THE COURT: And Mr. Raines?

23 MR. RAINES: Yes, sir.

24 THE COURT: All right. Okay, Mr. Woodson, you  
25 got an indictment here for domestic violence first

1 degree, alleged to have occurred on December 16th,  
2 2022, involving Lisa Fallon, pleading guilty to  
3 domestic violence second degree and waiving  
4 presentment of this charge to the grand jury. Is all  
5 that correct?

6 MR. WOODSON: Yes, sir.

7 THE COURT: Counsel, have you advised  
8 Mr. Woodson of the minimum, maximum he faces and the  
9 elements of the charge?

10 MR. DEMAIO: Yes, Judge.

11 THE COURT: And the effect of the domestic  
12 violence as far as enhancement?

13 MR. DEMAIO: Yes, Judge.

14 THE COURT: Mr. Woodson, do you understand the  
15 minimum to maximum range of sentence you're facing,  
16 and the meaning of enhancement going forward with  
17 another domestic violence charge?

18 MR. WOODSON: Yes, sir.

19 THE COURT: And conviction; do you understand  
20 that?

21 MR. WOODSON: Yes, sir.

22 THE COURT: All right, let me hear from The  
23 State.

24 MS. GUMPert: Your Honor, on or about December  
25 16th, 2022, in Greenville County, this Defendant

1 struck the victim's face, leaving a swelling under  
2 her left eye. This Defendant had been drinking. The  
3 victim's son witnessed the incident. The parties  
4 were cohabitating at the time of the incident. The  
5 warrant was not served on this Defendant until  
6 May 14, 2023.

7 This Defendant does have a prior the record.  
8 The State's recommendation is probation with DV  
9 protocol, as well as no firearms or ammunition for  
10 three years.

11 THE COURT: Mr. Woodson, you heard The State  
12 there, you agree with those facts?

13 MR. WOODSON: Yes, sir.

14 THE COURT: Has anyone promised you anything,  
15 threatened you or forced you to come in here and  
16 plead guilty?

17 MR. WOODSON: No, sir.

18 THE COURT: Have you had a chance to speak with  
19 your lawyer?

20 MR. WOODSON: Yes, sir.

21 THE COURT: Do you understand everything he has  
22 told you?

23 MR. WOODSON: Yes, sir.

24 THE COURT: Are you satisfied with his advice  
25 and representation?

1 MR. WOODSON: Yes, sir.

2 THE COURT: Are you pleading guilty here today  
3 because you are guilty?

4 MR. WOODSON: Yes, sir.

5 THE COURT: Who's the DV third with in 2022?  
6 Same victim?

7 MR. WOODSON: No, different victim. I got away  
8 from her, she was crazy.

9 THE COURT: You got away from her, then you went  
10 to this one?

11 MR. WOODSON: This one's way better.

12 MR. DEMAIO: We can explain this slightly  
13 better, Judge.

14 THE COURT: Before I accept the plea, let me  
15 hear from you.

16 MR. DEMAIO: Thank you, Judge. So I'm not going  
17 to say that this incident is blown out of proportion,  
18 but it is in a way. We can't deny that he was  
19 intoxicated, that there was physical contact. And  
20 we're here to sort of take responsibility for the  
21 recklessness and the unfortunate consequences of his  
22 actions. That being said, it's not his intentions to  
23 ever actually harmed anybody in this case. The  
24 victim is here in the back in support of Mr. Woodson.

25 If you want to stand up just for a second, come

1 up to the bar here.

2 As far as -- I have spoken with the two of them,  
3 she's been fully supportive of him this whole time,  
4 Judge. He's taken responsibility for an injury that  
5 he caused. And given his prior record, this is sort  
6 of where the solicitor and I were able to end up at.  
7 But she still wants contact between the two of them.

8 Judge, I know they're asking for domestic  
9 violence protocol, but I'd like that -- he really  
10 isn't a domestic risk here.

11 What happened, at the time, he was intoxicated  
12 he was -- alcohol and meth, they don't mix, Judge.  
13 And he was wild, loopy, crazy, going on and  
14 everything. And they end up being very close  
15 proximity. And she ended up getting, like, jabbed  
16 under the eye by, like, one of his fingers,  
17 inadvertently. And it was reported by her son,  
18 during the incident, to the police. And then  
19 domestic violence charges got filed given his record  
20 and their relationship and everything that was going  
21 on. And we ended up here today. And he's cleaned up  
22 his act a lot, he's not on meth anymore, Judge, he's  
23 sober. We're -- got a good relationship between the  
24 two them, he's working at --

25 What was the name of the place, I'm sorry?

1 MR. WOODSON: [Indiscernible].

2 MR. DEMAIO: Right. And he's got a steady job,  
3 he's got a place to go. They still want to remain in  
4 touch and everything, so we're asking that you follow  
5 the recommendation in this case but do allow contact.  
6 As just simply because she's here requesting it,  
7 Judge. I know they say domestic violence protocol  
8 but I really don't think that's necessary or  
9 applicable in this case. And I -- I'm sorry, I know  
10 you can't really speak to that. But I don't think,  
11 anything, as the facts sort of imply what's going on  
12 here, that it's necessary or appropriate.

13 THE COURT: Well, first of all, I accept the  
14 plea, I find The Defendant's freely, voluntarily and  
15 intelligently pleading guilty with advice of his  
16 attorney, satisfied with that advice and The State  
17 has the facts to support the plea. I probably --

18 First of all, are you Ms. Fallon?

19 MS. FALLON: Yes, Your Honor.

20 THE COURT: All right. You're the victim in  
21 this case?

22 MS. FALLON: Yes, Your Honor.

23 THE COURT: You're okay -- you're still with  
24 him?

25 MS. FALLON: Yes, sir. He's not harmful. It

1 was just one mistake, shouldn't have happened. He  
2 wouldn't harm a fly, you know. I mean, I wrote in a  
3 letter stating I did not want this to go no further.  
4 I've called, you know, trying to talk to someone  
5 about the situation. No response. He's really a  
6 good person. All he does is work, come home, that's  
7 all he does.

8 MR. DEMAIO: This did happen quite a while ago.  
9 He's been out of trouble since then, we haven't had  
10 anything. I think that's sort of testament to him  
11 doing a good job of this as well.

12 THE COURT: Well, I'm going to put him on DV  
13 protocol because he's got a prior DV.

14 MR. DEMAIO: Okay.

15 THE COURT: This wasn't his first time. He's  
16 got a DV third times two. And that was just a couple  
17 years ago, so wasn't too long ago. So I'm going to  
18 put him on DV protocol because he's had one before.

19 MR. DEMAIO: Still able to have--

20 THE COURT: What's that?

21 MR. DEMAIO: Will you be still amenable to them  
22 having contact, Judge?

23 THE COURT: I don't have any --

24 Unless The State has any indication.

25 But I'm asking you, again, are you okay with him

1 being around?

2 MS. FALLON: Yes, sir.

3 THE COURT: You're not afraid of him?

4 MS. FALLON: No.

5 THE COURT: You're not scared of him?

6 MS. FALLON: No.

7 THE COURT: You're not concern about him?

8 MS. FALLON: No, sir.

9 THE COURT: All right. You're not worried about  
10 him doing this again?

11 MS. FALLON: No, sir.

12 THE COURT: You doing meth, is that what was  
13 going on?

14 MR. WOODSON: I was. I'm three years clean now.  
15 Not at that moment, I was drinking. I've been three  
16 years clean on meth, haven't drink since this  
17 incident. I've been working at the same place for 15  
18 years. I made mistakes in my life. Like he said, it  
19 was an accident. I turned around, pointing my  
20 finger, poked her in the eye. I don't -- and the  
21 other three incidents is something different.

22 THE COURT: All right, I'm going to put you on  
23 this DV protocol because you've been there before.

24 MR. WOODSON: Yes, sir.

25 THE COURT: I'm going -- I hear you, I'm glad

1           you straightened up, you're not drinking and doing  
2           meth. Stay on that, all right.

3           MR. WOODSON: Yes, sir.

4           THE COURT: All right, I'm going to put you on  
5           just to make sure that you're on the up and up.

6           Anything else from The Defendant?

7           MR. DEMAIIO: Just really, they'd still like to  
8           be able to see each other, Judge.

9           THE COURT: Yeah, I said that -- well, I may not  
10          have said it.

11          You okay with that, right?

12          MS. FALLON: Yes, sir.

13          THE COURT: All right, I will allow contact.

14          MR. DEMAIIO: Thank you, Your Honor.

15          THE COURT: All right.

16          How many days credit he's got?

17          MS. GUMPert: 87 days, Your Honor.

18          THE COURT: All right, 2024-GS-23-5878, sentence  
19          of The Court is three years in the department of  
20          corrections, that's suspended on the 87 days he's  
21          done, followed by three years of probation with DV  
22          protocol. He's got 87 days credit, ten days to  
23          appeal. Also, signing the firearms order as well.  
24          All right, got ten days to appeal.

25          All right, now, Mr. Woodson, let's not see you

1 back here again. Let's stay away from that meth and  
2 drinking like you been doing, all right.

3 MR. WOODSON: I will.

4 THE COURT: All right. You been at that job 15  
5 years?

6 MR. WOODSON: Yes, sir.

7 THE COURT: That goes -- that says something  
8 about it, that's good you're staying in the same  
9 place.

10 MR. WOODSON: I love working on cars.

11 THE COURT: That's good. All right, good luck  
12 to you.

13 MR. WOODSON: Thank you.

14 THE COURT: Okay, Mr. Neal, you got indictments  
15 here stalking, allegedly occurred on October 10th and  
16 October 12th, 2023. Stalking Andrea Brown. You,  
17 also, have an indictment possession of  
18 methamphetamine on December 25th, 2023. And you are  
19 waiving presentment of these charges to the grand  
20 jury. Is all that correct?

21 MR. NEAL: Yes, sir.

22 THE COURT: Counsel, have you advised Mr. Neal,  
23 the minimum, maximum he's facing and the elements of  
24 the charge?

25 MR. DEMAIO: Yes, Judge.

1 THE COURT: And if he went to trial, most likely  
2 would be convicted?

3 MR. DEMAIO: Yes, Judge.

4 THE COURT: Do you understand the minimum to  
5 maximum you could receive here today?

6 MR. NEAL: Yes, sir, I do.

7 THE COURT: Let's hear from The State.

8 MS. GUMPERT: Your Honor, October -- in October  
9 of 2023, the victim received unwanted messages, phone  
10 calls and voice messages from this Defendant, after  
11 being prohibited from doing so by a court order. The  
12 content of The Defendant's communication was  
13 threatening to kill the victim's fiance, to destroy  
14 the victim's personal property and overall disturb  
15 her everyday expectation of safety, peace and  
16 privacy. The Defendant, also, came to the victim's  
17 residence multiple times in the nighttime hours.  
18 These acts occurred in Greenville County. The  
19 Defendant and the victim were former boyfriend and  
20 girlfriend. And The Defendant's actions stem from  
21 their break up two years prior. And there have been  
22 multiple restraining orders addressing his behavior.  
23 When The Defendant was arrested for stalking  
24 charge on December 25th, 2023, .47 grams of meth was  
25 found in his left pocket upon search of his person

1 incident to arrest.

2 This Defendant does have a prior record. The  
3 State's recommendation is time served.

4 THE COURT: All right. Mr. Neal, you heard the  
5 solicitor there, is that what happened?

6 MR. NEAL: Yes, sir, I'm good.

7 THE COURT: All right. Has anybody promised you  
8 anything, threatened you or forced you to come and  
9 plead guilty?

10 MR. NEAL: No, sir.

11 THE COURT: Had a chance to speak with your  
12 lawyer?

13 MR. NEAL: Yes, sir, I have.

14 THE COURT: Understood everything he's said?

15 MR. NEAL: Yes, sir, I do.

16 THE COURT: Satisfied with his advice and  
17 representation?

18 MR. NEAL: Yes, sir.

19 THE COURT: And are you pleading guilty because  
20 you are guilty?

21 MR. NEAL: I am.

22 THE COURT: All right, I accept the plea. I  
23 find The Defendant's freely, voluntarily,  
24 intelligently pleading guilty with the advice of his  
25 attorney, satisfied with that advice. And The State

1 has the facts to support the plea.

2 All right, Mr. Demaio.

3 MR. DEMAIO: Not too much, Judge. He was strung  
4 out a little bit on drugs, at the time. Obviously,  
5 there was a relationship that ended previously,  
6 poorly, between the victim and The Defendant in this  
7 case. We've talked extensively, certainly, about  
8 that. I've talked with his family. He's really a  
9 different person when he's not on drugs, Judge. And  
10 he spent over eight months in jail on this, Judge.  
11 Which is quite a lot, quite frankly, on what's going  
12 on. He's got to use that time to get clean and he's  
13 out and about these days. Now that he's broken his  
14 foot, he's not running after anybody, Judge. But we  
15 just ask that you go along with the recommendation,  
16 in this case. I think he shaped up his act and  
17 they're not -- he's not -- he's promised, at least  
18 me, and I think I trust him, that he's not going to  
19 be anywhere involved in this stuff anymore.

20 THE COURT: How many days credit, 225?

21 MS. GUMPERT: Yes, Your Honor.

22 THE COURT: Okay. All right, 2024-GS-23-4007,  
23 I'll go along with the recommendation. The sentence  
24 of The Court is time served, 225 days. Under --

25 Has the Victims Rights Act been complied with?

1 MS. GUMPERT: Yes, Your Honor.

2 THE COURT: Okay.

3 Under 2024-GS-23-5877, sentence of The Court is  
4 time served, 225 days. These are to run concurrent.  
5 He does have that credit, 225 days, ten days to  
6 appeal.

7 MR. DEMAIO: Thank you, Judge.

8 THE COURT: All right, Mr. Garrison, you have an  
9 indictment here for possession of a firearm by a  
10 person convicted of possession with intent to  
11 distribute, which occurred on September the 9th of  
12 2023, and you're pleading guilty to that and waiving  
13 presentment of this to the grand jury. Is all that  
14 correct?

15 MR. GARRISON: Yes, sir.

16 THE COURT: Counsel, have you advised  
17 Mr. Garrison the minimum, maximum range of sentence  
18 he faces and the elements of the charge?

19 MR. MARTINEZ: Yes, Your Honor.

20 THE COURT: And if went to trial, most likely  
21 would be convicted?

22 MR. MARTINEZ: Yes, Your Honor.

23 THE COURT: You understand the minimum to  
24 maximum range you could receive?

25 MR. GARRISON: Yes, sir.

1 THE COURT: All right, let me hear from The  
2 State.

3 MS. GUMPERT: Your Honor, on or about  
4 September 9th, 2023, this Defendant possessed a  
5 handgun on Pleasantburg Drive in Greenville County,  
6 which was discovered as a result of a traffic  
7 collision. This Defendant was previously convicted  
8 of PWID narcotic drug on May 4th, 2025 [verbatim],  
9 which makes this a possession of a handgun a felony  
10 under 44-53-379 of S.C. code.

11 This Defendant does have a prior record, The  
12 State's recommendation is five years, suspended on 13  
13 months probation with random drug and alcohol testing  
14 and substance abuse counseling.

15 THE COURT: All right, I think the PWID in the  
16 summary is 2005.

17 MR. MARTINEZ: Yes, Your Honor.

18 MS. GUMPERT: Yes, Your Honor.

19 THE COURT: I think you said 2025.

20 MS. GUMPERT: I -- I meant 2005.

21 THE COURT: Maybe I misunderstood you.

22 MS. GUMPERT: My apologies, Your Honor.

23 THE COURT: Haven't got there yet, we're almost  
24 there. We're almost there.

25 All right, Mr. Garrison, you heard The State, is

1 that what happened?

2 MR. GARRISON: Yes, sir. And it wasn't a  
3 collision, it was -- I had just bought a car, it had  
4 new tags on it.

5 MR. MARTINEZ: It was a traffic stop, Your  
6 Honor, I think that's his only contention.

7 THE COURT: All right.

8 All right, anybody promised you anything,  
9 threatened you or forced you to come in and plead  
10 guilty?

11 MR. GARRISON: No, sir.

12 THE COURT: You had a chance to speak with your  
13 lawyer?

14 MR. GARRISON: Yes, sir.

15 THE COURT: Understood everything he has told  
16 you?

17 MR. GARRISON: Absolutely, yes, sir.

18 THE COURT: Satisfied with his advice and  
19 representation?

20 MR. GARRISON: Yes, sir.

21 THE COURT: Are you pleading guilty here today  
22 because you are guilty?

23 MR. GARRISON: Yes, sir.

24 THE COURT: Just come on up here for a second.

25 (WHEREUPON, an off-the-record bench conference

1           was held.)

2           THE COURT: All right, I accept the plea. I  
3 find The Defendant's freely, voluntarily and  
4 intelligently pleading guilty with advice of his  
5 attorney, satisfied with that advice and --

6           I did ask you, nobody's promised you, threatened  
7 or forced you --

8           MR. GARRISON: No, sir.

9           THE COURT: You talked to your lawyer?

10          MR. GARRISON: Yes, sir.

11          THE COURT: Understood everything he said?

12          MR. GARRISON: Absolutely.

13          THE COURT: Satisfied with advice and  
14 representation?

15          MR. GARRISON: Yes, sir.

16          THE COURT: All right.

17                 I accept the plea. I find The Defendant's  
18 freely, voluntarily and intelligently pleading guilty  
19 with the advice of his attorney, he's satisfied with  
20 that advice and The State has the facts to support  
21 the plea.

22                 All right, Mr. Martinez.

23                 MR. MARTINEZ: Thank you, Your Honor, may it  
24 please The court. Your Honor, I would ask, Your  
25 Honor, to consider a time served sentence here. And

1 here's the reasons. This offense, the possession  
2 with intent to distribute -- or I'm sorry, the  
3 possession of firearm with a prior conviction of  
4 possession with intent to distribute, came into --  
5 was enacted in June of 2023. Frankly, I wasn't fully  
6 aware of this statute. Certainly, ignorance of the  
7 law is not a defense. But he understands now that he  
8 is prohibited from possessing a firearm. The  
9 predicate offense was from 2005. As you can see he's  
10 got a very limited record.

11 And, you know, so I do think that probation with  
12 drug counseling and random drug and alcohol testing  
13 is not actually necessary for him. There's no  
14 indication here of any sort of substance abuse issue  
15 that needs to be addressed or monitored. Yes, he's  
16 got a drug conviction but it's from 20 plus years  
17 ago, nearly 20 years ago. He's a single father of  
18 six, he tells me, Your Honor. He's got a job driving  
19 a maintenance truck for the City of Greenville --

20 MR. GARRISON: Greenville Maintenance Services.

21 MR. MARTINEZ: You know, so I think that -- I  
22 don't believe probation is necessary here. He  
23 understands now that possessing a firearm is against  
24 the law. And the prior -- I know he got a unlawful  
25 carry before but that was -- in reviewing the prior

1 charging documents, it was inside a backpack in a  
2 car. He was uncounseled for that, for that offense,  
3 Your Honor.

4 THE COURT: And he's got a child cruelty too,  
5 2016.

6 MR. MARTINEZ: And, Your Honor, I would just  
7 note that that is a eight year old conviction.

8 THE COURT: I know but it's --

9 All right, so the recommendation is what, five  
10 years suspended -- kind of marked through--

11 MR. MARTINEZ: To, I believe--

12 MS. GUMPERT: Thirteen months prohibition --

13 MR. MARTINEZ: -- thirteen months of probation,  
14 Your Honor.

15 THE COURT: All right, anything else,  
16 Mr. Martinez?

17 MR. MARTINEZ: That's it, Your Honor.

18 THE COURT: All right, I'm not going to require  
19 him to do substance abuse counseling and random drug  
20 and alcohol testing. I don't see anything that  
21 requires him to do that. I mean, PWID was 20 years  
22 ago.

23 You're not doing any drugs now, are you?

24 MR. GARRISON: No.

25 THE COURT: All right, staying away from all of

1 it?

2 MR. GARRISON: No, I don't -- I just went  
3 through a separation--

4 THE COURT: -- PWID --

5 MR. GARRISON: No.

6 THE COURT: All right, I'm going to -- he does  
7 have some prior convictions.

8 He's only got what, one day?

9 MS. GUMPERT: Yes, Your Honor.

10 THE COURT: All right, go along with the  
11 recommendation to some degree. I'll not go along  
12 with all of it. I'm not going to require him to go  
13 through any of those conditions under probation of  
14 substance abuse counseling and random alcohol and  
15 drug testing.

16 So the sentence of The Court, 2024-GS-23-5786,  
17 five years suspended on one day credit and 13 months  
18 probation. And no other conditions there. He's got  
19 one day credit and ten days to appeal.

20 MR. MARTINEZ: Thank you, Your Honor.

21 THE COURT: All right, thank you.

22 MR. GARRISON: Thank you, sir.

23 THE COURT: All right, I'm going to go to him,  
24 then I'm going to come back to you, okay.

25 MR. SNYDER: That sounds good, Judge.

1           THE COURT: All right, Mr. Raines, you have  
2           indictments for domestic violence second degree,  
3           occurring on January 26, 2023, involving Emily Dale.  
4           You, also, have an indictment for unlawful conduct  
5           towards a child December 8, 2022. Child's initials,  
6           G.D. You are, also, waiving presentment of these  
7           charges to the grand jury; is that correct?

8           MR. RAINES: Yes, sir.

9           THE COURT: Is that why you're here today?

10          MR. RAINES: Yes, sir.

11          THE COURT: Counsel, have you advised Mr. Raines  
12          of the minimum to maximum he faces and the elements  
13          of the charge?

14          MR. SNYDER: Yes, sir, I have.

15          THE COURT: All right, if case -- cases went to  
16          trial, most likely he would be convicted?

17          MR. SNYDER: I think there's a pretty good  
18          likelihood, Judge.

19          THE COURT: All right, Mr. Raines, do you  
20          understand the minimum to maximum range sentence you  
21          could receive here today?

22          MR. RAINES: Yes, sir.

23          THE COURT: All right. All right, you, also,  
24          understand the enhancement provision of the domestic  
25          violence provision? Do you understand that?

1 MR. RAINES: Yes, sir.

2 THE COURT: All right.

3 Yes, ma'am.

4 MS. GUMPERT: On December 8th, 2022, in  
5 Greenville County, law enforcement arrived to the  
6 incident location in response to an unconscious  
7 subject. When the officer arrived on scene, they  
8 found The Defendant stumbling around the apartment  
9 and the apartment to be in disarray. The officer,  
10 also, observed The Defendant to have bloodshot eyes,  
11 slurred words when speaking. The Defendant's  
12 children had paint smeared on themselves and one  
13 child had a full diaper that appeared to have not  
14 been changed for a significant period of time.

15 Then or about January 26, 2023, at a residence  
16 in Greenville County, The Defendant had been drinking  
17 and begin to argue with the victim and threatened to  
18 harm the victim. The Defendant, also, prevented the  
19 victim from leaving, causing her to fear for her  
20 safety. She grabbed a knife and cut The Defendant.  
21 The Defendant and the victim were living together at  
22 the time and have a child in common. The Defendant  
23 has a prior DV conviction from 2016 and 2021.

24 THE COURT: What's the recommendation?

25 MS. GUMPERT: The State's recommendation is

1           probation with DV protocol.

2           THE COURT: How many days credit?

3           MS. GUMPERT: He has 58 days credit, Your Honor.

4           THE COURT: Okay, Mr. Raines, you heard the  
5           solicitor there, is that what happened?

6           MR. RAINES: Yes, sir.

7           THE COURT: Anybody promised you anything,  
8           threatened you or forced you to come in and plead  
9           guilty?

10          MR. RAINES: No, sir.

11          THE COURT: Have you had a chance to speak with  
12          your lawyer?

13          MR. RAINES: Yes, sir.

14          THE COURT: Have you understood everything he's  
15          told you?

16          MR. RAINES: Yes, sir.

17          THE COURT: Are you satisfied with his advice  
18          and representation?

19          MR. RAINES: Yes, sir.

20          THE COURT: And are you pleading guilty here  
21          today because you're guilty?

22          MR. RAINES: Yes, sir.

23          THE COURT: All right, I accept the plea, I find  
24          The Defendant's freely, voluntarily and intelligently  
25          pleading guilty with the advice of an attorney,

1 satisfied with that advice and that The State has the  
2 facts to support the plea.

3 All right, yes, sir.

4 MR. SNYDER: Thank you, Judge. I'd like to  
5 point out that you just heard from the solicitor.  
6 She did indicate that the victim in this case stabbed  
7 Mr. Raines. There's a history of violence between  
8 the two parties. I feel like on that incident, she  
9 may be a little more culpable. But they're both at  
10 fault to some degree. However, she was not arrested.  
11 But she has been arrested for this in the past.  
12 These parties, while they have children in common,  
13 they probably don't need to be around each other to  
14 be honest.

15 The child neglect charge, Mr. Raines was  
16 sleeping, he thought -- he thought the mother was  
17 watching the children. She left. And this situation  
18 is what it is, Judge. We'd ask for a very minimum  
19 probation sentence. Again, regarding the domestic  
20 violence, I think both parties are responsible. She  
21 probably was a little more aggressive during this  
22 incident and she wasn't charged. But as I told  
23 Mr. Raines, I don't think those decisions regarding  
24 who to arrest or who not arrest. But he has admitted  
25 that he is responsible for some behavior that he

1 understands is in violation of the law.

2 And we just ask, Your Honor, to take into  
3 consideration the time that he's been in jail. The  
4 reasons that I just gave Your Honor for a minimal  
5 probationary sentence and impose such. Thank you.

6 MS. GUMPERT: Your Honor, I have something else.  
7 The Defendant absconded from his bond on March 25,  
8 2024. And the Greenville County Sheriff's Office is  
9 requesting \$240.93 in restitution for extradition  
10 fees.

11 THE COURT: I saw something about restitution.

12 MS. GUMPERT: Yes, Your Honor.

13 THE COURT: It's a Restitution Order \$240.93.

14 Mr. Snyder?

15 MR. SNYDER: I have not seen a Restitution  
16 Order.

17 THE COURT: Restitution for \$249.93 [verbatim]  
18 to the Greenville County Sheriff's Office. He  
19 absconded on his bond, apparently.

20 MS. GUMPERT: Yes, Your Honor.

21 MR. SNYDER: Yes, sir, we understand.

22 THE COURT: All right, I'm going to give him a  
23 little bit of probation. He's got -- he's got a  
24 couple of DV's in his past. And he absconded.

25 All right, I'll go along with the

1 recommendation. All right.

2 Fifty-eight days credit?

3 MS. GUMPERT: Yes, sir, Your Honor.

4 THE COURT: All right, 2024-GS-23-5857, sentence  
5 of The Court is three years department of  
6 corrections, suspended on 58 days that he served,  
7 followed by three years probation with domestic  
8 violence intervention. Or domestic violence protocol  
9 required. I'll just put the restitution under this  
10 indictment so the restitution will be per the order,  
11 which I have signed. Which is \$240.93 for him when  
12 he absconded. I'm also signing the Firearms  
13 Prohibition Order. 2024-GS-23-5845, the sentence of  
14 The Court is three years, suspended during probation,  
15 58 days credit, ten days to appeal. These are  
16 current. Thank you.

17 MR. SNYDER: Thank you, Your Honor.

18 EXAMINATION

19 BY THE COURT:

20 Q All right, you're Samuel Horton?

21 A Yes, sir.

22 Q All right, you got some indictments here,  
23 Mr. Horton. You got one possession of Fentanyl on or  
24 about July 1st, 2024, pleading to possession more than two  
25 grams second offense. Then you got a resisting arrest on

## SAMUEL HORTON-EXAMINATION BY THE COURT

1 or about July the 1st, 2024. And you got shoplifting  
2 enhancement under an indictment for -- occurring on  
3 July 1st, 2024, at Roses. Hadn't heard that name in a  
4 long time. And then possession of cocaine occurring on  
5 April 19th, 2024. And you are waiving presentment of  
6 these to the grand jury; is all that correct?

7 A Yes, sir.

8 THE COURT: All right, counsel have you advised  
9 Mr. Horton the minimum, maximum he faces and the  
10 elements of the charge?

11 MR. MARTINEZ: Yes, Your Honor.

12 THE COURT: And if each case went to trial, most  
13 likely he would be convicted?

14 MR. MARTINEZ: Yes, Your Honor.

15 BY THE COURT:

16 Q Mr. Horton, you understand the minimum, maximum  
17 range of sentence you could receive here?

18 A Yes, sir.

19 THE COURT: All right, let me hear from The  
20 State.

21 MS. GUMPert: On April 19th, 2024, during a  
22 probable cause search of The Defendant's bag, law  
23 enforcement located a small quantity of cocaine,  
24 which field tested positive for .47 grams of cocaine.  
25 Then on or about July 1st, 2024, The Defendant

## SAMUEL HORTON-EXAMINATION BY THE COURT

1 admitted to shoplifting less than \$2,000 worth of  
2 merchandise from Roses. When law enforcement went to  
3 arrest The Defendant, he actively resisted, after  
4 being told that he was under arrest, .42 grams of  
5 what field tested positive for Fentanyl, was located  
6 where The Defendant had been sitting when law  
7 enforcement located him.

8 These incidents occurred in Greenville County.  
9 This Defendant does have a prior record. The State's  
10 recommendation is probation with random drug and  
11 alcohol testing and substance abuse counseling.

12 BY THE COURT:

13 Q All right, Mr. Horton, you heard the solicitor,  
14 is that what happened?

15 A Yes, sir.

16 Q Has anybody promised you anything, forced you to  
17 come in and plead guilty?

18 A No, sir.

19 Q And have you had a chance to speak with your  
20 lawyer?

21 A Yes, sir.

22 Q Have understood everything he has told you?

23 A Yes, sir.

24 Q Are you satisfied with his advice and  
25 representation?



1           Your Honor, he's 37 years old, he's got a six  
2 year-old son, he's married. When he's been doing  
3 roofing work, basically since the ninth grade. He  
4 relapsed somewhat recently and that's how we ended up  
5 back here.

6           I believe The State has indicated previously  
7 that their position is he gets one day of credit.  
8 I'm asking The Court to provide him 87 days of  
9 credit. And, in fact, just going to make this  
10 argument, Your Honor. The State's position is based  
11 on section 24-13-40, if I can hand the statute up to  
12 The Court. Which, basically, says that credit for  
13 time served shall not be given when a person commits  
14 a subsequent offense while on bond. Mr. Horton is,  
15 obviously, pleading guilty to an offense that  
16 occurred in April, that he was released on bond. And  
17 then the three other offenses occurred in July.

18           Your Honor, that statute was adopted about a  
19 year ago. It's our contention that depriving  
20 inmates, such as Mr. Horton, of credit for the time  
21 that they have served on offenses, violates the  
22 double jeopardy clauses of both the South Carolina  
23 and the United States Constitutions. As well as the  
24 process clauses of each of those Constitutions.  
25 Essentially, that is a multiple punishment for the

1 same offense by forcing him to either spend that same  
2 amount of time that he has already served for the  
3 same offense, or subjecting him to possible service  
4 of that same amount of time through some sort of  
5 suspended sentence.

6 So, Your Honor, we would put those two arguments  
7 on the record as to why the--

8 THE COURT: Do you agree the statute does say  
9 that your argument is it's unconstitutional?

10 MR. MARTINEZ: Yes, Your Honor.

11 THE COURT: I understand. I note your argument  
12 and your argument is made for the record.

13 All right, anything else from The Defendant?

14 MR. MARTINEZ: No, Your Honor.

15 THE COURT: All right.

16 BY THE COURT:

17 Q All right, Mr. Horton, in looking at your file  
18 and hearing the lawyers talk, it's clearly a drug issue  
19 and you need to get control of it. Hopefully, this  
20 program will do so. I think you're in trouble because  
21 you're using drugs and that's it, you need help.

22 A Yes, sir.

23 Q So this is an opportunity for you to get it --  
24 for you to get it, go through the program. And when you  
25 get out of it, you make sure you don't go back.

1 A Yes, sir.

2 Q To drugs, understand?

3 A Yes, sir.

4 Q How old is -- you got a child?

5 A Yes, sir, he's six years old.

6 Q Six years old. Boy or girl?

7 A Boy.

8 Q Boy. You know, you don't need to be messing  
9 with drugs, you got a six year-old boy, they need their  
10 dad. Especially, now.

11 A Yes, sir.

12 Q How old are you, 37?

13 A Thirty-seven.

14 Q Let me tell you, those boys and girls, kids,  
15 they grow up real fast. They with you and all of a sudden  
16 they're gone. And you out there doing drugs, you can't be  
17 with him. So I hope you're successful in getting this  
18 done. Your boy needs you, especially dad. I've got all  
19 girls but girls need their dads, too. But man, young boy  
20 needs dad around. It's important.

21 A Yes, sir.

22 MR. MARTINEZ: Your Honor, if I can, I'm sorry,  
23 I neglected to put one more thing on the record about  
24 the statute. The last thing I would say is, with a  
25 plain reading of the statute, I think the credit for

1 time served shall not be given, would refer to the  
2 first offense, not the subsequent offense. And so if  
3 anything, he would be deprived of the one day in  
4 jail, not the 86 days he has been serving in jail on  
5 the charges that he was arrested on in July. Thank  
6 you, Your Honor.

7 THE COURT: I note your argument, that's good  
8 argument and you may be successful on that. But I  
9 read the statute that he's entitled only to one day.  
10 And that's a matter from a Constitutional standpoint,  
11 if you want to take it up, you certainly have a  
12 opportunity to do so. And it may be something to do.

13 MR. MARTINEZ: Thank you, Your Honor.

14 THE COURT: All right.

15 All right, under 2024-GS-23-5896, sentence of  
16 The Court is six years department of corrections,  
17 suspended on one day time served, and followed by  
18 three years probation. Substance abuse counseling  
19 and random drug and alcohol testing. But we're going  
20 to hold him for residential recovery treatment, hold  
21 him until a bed becomes available. And so  
22 2024-GS-23-5825, sentence of The Court is one year,  
23 suspended during probation. And 2024-GS-23-5874,  
24 sentence of The Court is six years, suspended during  
25 probation. And 2024-GS-23-5873, sentence of The

1 Court is five years, suspended during probation.  
2 These are all to run concurrent. He has the one day  
3 credit, will have ten days to appeal. Again, we'll  
4 hold him for a bed at -- for a residential recovery  
5 treatment, ten days to appeal.

6 THE CLERK: Thank you, Your Honor.

7 THE COURT: Good luck to you, sir.

8 (WHEREUPON, the proceedings were concluded.)  
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA        )  
COUNTY OF GREENVILLE        )

I, APRIL P. HERRON, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 26 day of September, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 10, 2025

\_\_\_\_\_  
APRIL P. HERRON, Court Reporter

DOCKET NO. 2024-GS-23-  
EW 5873

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2024

THE STATE

vs.

SAMUEL SCOTT HORTON

WITNESSES

4/20/2024

ARREST WARRANT NUMBER  
2024A2320601151

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

✓ 3012

Indictment for

POSSESSION OF COCAINE

VIOLATION § 44-53-0370(d)(3)

Foreperson of Petit Jury

Date:

ENTERED ACCT

GM

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

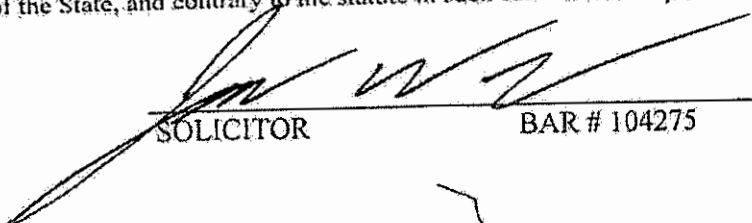
INDICTMENT FOR  
POSSESSION OF COCAINE

At a Court of General Sessions, convened on  
County present upon their oath;

the Grand Jurors of Greenville

That SAMUEL SCOTT HORTON did in Greenville County, on or about the 19th day of April, 2024, willfully and unlawfully have in his possession and under his control a quantity of Cocaine. This is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
SOLICITOR BAR # 104275

DOCKET NO. 2024-GS-23-  
EJW  
5874  
The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2024

THE STATE

vs.

SAMUEL SCOTT HORTON

WITNESSES

Greenville County Sheriff's Office

7/2/2024

ARREST WARRANT NUMBER  
2024A2330206168

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury  
Date:

Indictment for  
V2877

SHOPLIFTING  
(SENTENCING PURSUANT TO § 16-01-0057)

VIOLATION § 16-13-0110

ENTERED ACCT  
2/28

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

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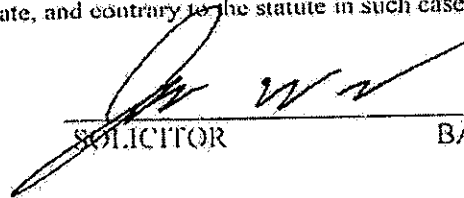
INDICTMENT FOR  
SHOPLIFTING (SENTENCING PURSUANT TO § 16-01-0057)

At a Court of General Sessions, convened on  
County present upon their oath:

the Grand Jurors of Greenville

That SAMUEL SCOTT HORTON did in Greenville County, on or about the day of July, 1 2024, willfully and unlawfully take possession of, carry away, transfer to another person or from one area of a store to another area; alter, transfer, or remove the label or price tag, or any other marking which aids in determining value affixed to any merchandise; transfer from its container to another container; and or willfully conceal certain merchandise to wit: miscellaneous items valued at less than Two Thousand Dollars displayed, held, stored, or offered for sale by ROSES, with the intent of depriving said merchant of the possession, use, or benefit of such merchandise without paying the full retail value. This is in violation of §16-13-0110 and § 16-01-0057 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

BAR # 104275

DOCKET NO. 2024-GS-23-  
EJW

5875

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2024

THE STATE

vs.

SAMUEL SCOTT HORTON

WITNESSES

Greenville County Sheriff's Office

7/2/2024

ARREST WARRANT NUMBER  
2024A2330206160

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

0256

Indictment for

RESISTING ARREST WITH ASSAULT

VIOLATION § 16-09-0320(B)

Foreperson of Petit Jury

Date:

ENTERED ACCT  
GSM

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

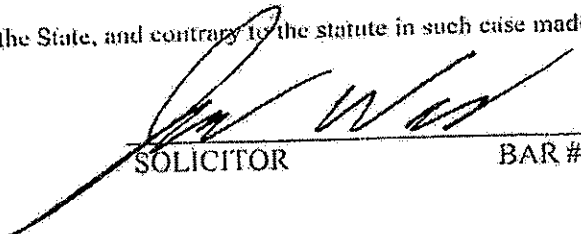
INDICTMENT FOR  
RESISTING ARREST WITH ASSAULT

At a Court of General Sessions, convened on  
County present upon their oath:

the Grand Jurors of Greenville

That SAMUEL SCOTT HORTON did in Greenville County, on or about the 1st day of July, 2024, knowingly and willfully and unlawfully assault, beat or wound JUAN OLALDE with the Greenville County Sheriff's Office while resisting an arrest by one whom he knew or reasonably should have known was a law enforcement officer. This is in violation of §16-09-0320(B) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

BAR # 104275

5876

DOCKET NO. 2024-GS-23-  
EJW

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2024

THE STATE

vs.

SAMUEL SCOTT HORTON

WITNESSES

Greenville County Sheriff's Office

7/2/2024

ARREST WARRANT NUMBER  
2024A2330206169

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

4087

POSSESSION OF FENTANYL

VIOLATION § 44-53-0370

Foreperson of Petit Jury

Date:

ENTERED ACCT *MS*

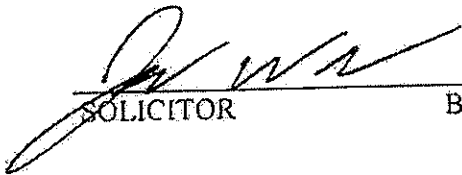
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
POSSESSION OF FENTANYL

At a Court of General Sessions, convened on \_\_\_\_\_ the Grand Jurors of Greenville  
County present upon their oath:

That SAMUEL SCOTT HORTON did in Greenville County, on or about the 1st day of July, 2024,  
willfully and unlawfully have in his possession and under his control a quantity of a schedule II controlled  
substance, FENTANYL. This is in violation of § 44-53-370 of the South Carolina Code of Laws (1976)  
as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

BAR # 104275

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter  
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

**RECEIVED**

**Jun 09 2025**

**SC Court of Appeals**

This 9th day of June, 2025.

**RECEIVED**

**Jun 09 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

SAMUEL SCOTT HORTON,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 9th day of June, 2025.



\_\_\_\_\_  
Wanda H. Carter  
Deputy Chief Appellate Defender