

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)
)
THE STATE,)
)
VS.)
)
Dewone Delawrence Dixon)
)
Defendant.)
_____)

IN THE SOUTH CAROLINA
COURT OF APPEALS

STATEMENT OF APPELLANT'S COUNSEL
REGARDING REQUEST FOR APPEAL
OF GUILTY PLEA

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SC Court of Appeals

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CHESTER CO S.C.

Appellant's Statement of Facts

The defendant was charged in Chester County General Sessions Court with one count of MDP Sch I/II Third or Subsequent Offense, subsequent to that charge but prior to that warrant being served the defendant was charged with Distribution Methamphetamine Third or Subsequent Offense and Possession of a Firearm by a Person Convicted of a PWID. The drug charges were erroneously charged as third offenses as Mr. Dixon was barely a true second and proceeded on a Possession Methamphetamine, Second offense. The drug report was 1.35 grams of methamphetamine, and there was no indicia of sale related to the case. The other two charges were dismissed pursuant to the plea.

The defendant, after consultation with his attorney, agreed to enter a plea of guilty on June 16, 2025 to Possession of Methamphetamine Second Offense with a recommended sentence by the state of 3 years in the Department of Corrections. The defense asked for a time-served sentence. At the plea both sides learned the credit was in dispute. The state argued that Mr. Dixon was only entitled to 85 days and the defense argued he was entitled to 229. Initially Judge Morgan ordered only 85 days. On Tuesday June 17, 2025 defense made a Motion to Reconsider the sentence to include 229 days credit as well as renewing defense's request to order a time-served sentence as the basis for imposing a three year sentence was seemingly due to a previous conviction on which Mr. Dixon "maxed out" his time. The Honorable G.D. Morgan, Jr. reversed his decision as to credit and ordered 229 days but did not reconsider the three year sentence and a three year sentence with credit for 229 days was imposed on June 20, 2025 and the sentencing sheet was amended to the credit, though the date still reflected the plea date of June 16, 2025.

Issues on Appeal

Subsequent to his guilty plea, the defendant requested her counsel to file an appeal regarding this plea. Pursuant to Rule 203(b)(2) and(d) SCACR, defendant's counsel is filing this appeal.

However, after a review of the facts of this case and guilty plea, defendant's counsel finds there is no legal issue for appeal as the sentencing is within the judges' discretion. However, regardless of merit Mr. Dixon has requested an appellate review of the sentencing hearing following the plea, as well as the hearing on the motion to consider. Mr. Dixon is requesting the appellate court review the transcript for

the entire day as he believes his plea was treated unfairly and unjustly. He also argues pursuant to defense motion to consider regarding the sentencing of three years that the Judge Morgan erred when he failed to consider the 18 months "max out" that Mr. Dixon did on a previous and unrelated Domestic Violence 2nd degree from 2021, but Judge Morgan considered it seemingly as the basis for a three year sentence on what otherwise defense recalls the court stating at the plea an otherwise time-served type case.

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CHESTER CO S.C.

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Amber Holt
PO Box 132
Chester SC 29706
Phone (803) 385-3232
ATTORNEY FOR APPELLANT

STATE vs.

Dewone Delawrence Dixon

AKA: Dewon Dixon

RACE: B

SEX: M

SSN: _____

DOB: _____

) INDICTMENT/CASE#: 2024-GS-12-00744

) AW#: 2024A1210100427

) Date of Offense: 06/17/2024

) S.C Code§: 44-53-375(B)

) CDR Code #: 3200

) Range of Offense: 0

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 BETTY JO LAWSON
 CLERK OF COURT
 CHESTER COUNTY, S.C.

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Poss Meth/Cocaine Base 2nd Offense

In violation of § 44-53-375(A) of the S.C. Code of Laws, bearing CDR Code # 3017
Range of Offense Pled: (NMT 5 YEARS & OR \$7,500)

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

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury
The plea is: w/o Rec/Negotiations Negotiated Recommendation 3 years active

/s Julia Soprano 105542 /s Amber B Holt 103192
Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program
for a determinate term of 3 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: _____
 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
229 days/months To include time spent on monitored house arrest prior to trial and sentencing

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SPECIAL CONDITIONS:

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

<input type="checkbox"/> RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))	Restitution	\$ _____
§14-1-206 (Assessments 107.5%)	FINE:	\$ _____
§14-1-211 (A)(1) Conv. Surcharge		\$ _____
§14-1-211 (A)(2)(DUI Surcharge)		\$ <u>100</u>
§56-5-1995 (DUI Assessment)		\$ _____
§56-1-286 (DUI Breath Test)		\$ _____
§14-1-212 (Law Enforcement Funding)		\$ _____
§14-1-213 (Drug Court Surcharge)		\$ <u>25</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$ <u>150</u>
§50-21-114 (BUI Breath Test Fee)		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$ _____
3% to County (if paid in installments)		\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees	TBD	\$ <u>9.45</u>
<input checked="" type="checkbox"/> §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund	\$500	\$ _____
	\$40	\$ <u>40</u>
	TOTAL	\$ <u>324.45</u>

/s Betty Jo Lawson
Clerk of Court/Deputy Clerk

Court Reporter

03-2773
Judge Code

June 16, 2025
Sentence Date

[Signature]
Presiding Judge

SCCA217B
01/27/2025

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CLERK OF COURT
S.C.