

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

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Certiorari to Clarendon County

Honorable Edgar W. Dickson, Circuit Court Judge

—————
MICHAEL T. LAWYER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000558

—————
SUPPLEMENTAL APPENDIX
—————

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SENTENCING TRANSCRIPT DATED JANUARY 5, 2022.....1

STATE OF SOUTH CAROLINA)
 COUNTY OF CLARENDON) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
 20-GS-14-0283

MICHAEL T. LAWYER,)

DEFENDANT.)

January 5, 2022
 Manning, South Carolina

B E F O R E :

THE HONORABLE KRISTI F. CURTIS, JUDGE

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

ERNEST A. FINNEY, III, ESQ.
 Solicitor of the Third Circuit
 PHILIP D. LITTLE, ESQ.
 Assistant Solicitor

L. KING CUTTER, ESQ.
 Attorney for Defendant

FRANCES B. RAY, RPR
 Circuit Court Reporter

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1 MR. LITTLE: The next matter is the
2 State of South Carolina v. Michael Terrance
3 Lawyer, indictment 2020-GS-14-0283. This is a
4 Clarendon County matter. Mr. Lawyer, my
5 understanding, pled guilty to criminal sexual
6 conduct in the third degree in front of Your Honor
7 on November 29th of last year. This case is
8 Darla, Ms. Darla Pierce's case. I'm standing in
9 for her today for the sentencing hearing, Your
10 Honor. At that hearing, Your Honor continued the
11 sentencing to give Mr. Lawyer a chance to go home
12 to settle his affairs over Christmas and to come
13 back for sentencing in January. And I can go over
14 the factual background if Your Honor needs --
15 needs it, but, but I've also got his criminal
16 record. And it's my understanding that the State
17 would ask -- asking for active time, but not any
18 specific amount of time. That's my understanding
19 from Ms. Pierce. Mr. Cutter can probably clarify
20 that a little bit.

21 The other thing is, Ms. Pierce told me
22 that because of current issues she said it may be
23 beneficial Mr. Lawyer is given a date this week to
24 turn himself in to the Clarendon County Detention
25 Center. She said that she doesn't have any

1 problem with that because he has always come back
2 to court as he's supposed to. He has showed up
3 like he is supposed to, and he -- he's come back
4 to court today knowing that he's going to prison
5 so we don't have any problem with him turning
6 himself in to the Clarendon County Detention
7 Center sometime this week.

8 THE COURT: Mr. Little, y'all complied
9 with notification of the victim for today's
10 hearing?

11 MR. LITTLE: We did. She did not wish
12 to be present, but she was notified that the
13 hearing would be held today and she had nothing
14 she needed to add to the Court.

15 THE COURT: Okay. Mr. King, I'm glad
16 to hear from you and then I'll hear from you,
17 Mr. Little.

18 MR. CUTTER: Thank you, Your Honor.
19 I -- you remember November 29th Mr. Lawyer was in
20 front of you. He pled guilty and you -- you
21 graciously let him to stay out through the
22 holidays; and throughout the holidays, he's been
23 in contact with me and showed up. I called -- I
24 called him Monday and told him about court
25 Wednesday and he said sure. And once he was -- I

1 think he was here right at 9:30 this morning.

2 But a little bit about him. He is 51
3 years old. He lives on Cedar Street in Manning
4 right by Stephen's Funeral Home right downtown
5 with Ms. Mary Lawyer. Your Honor, he's not
6 married. He does have two -- two adult children,
7 25 and 27. Went to Scott's Branch High School
8 where he grew up in Summerton, went to tenth grade
9 and then got his -- got his GED. Your Honor, he
10 was working when he was out on -- out on bond, at
11 Allied Air Enterprises over in Orangeburg; but
12 he's also worked in the past at Pilgrim's Pride,
13 Trimaco, and also, most recently, he's worked at
14 McDonalds for a while.

15 Your Honor, when this case happened,
16 the first words Mr. Lawyer told -- well, just, I
17 mean, there are -- there's four people. There's a
18 family connection here, close family friends.
19 They're all drinking and watching a basketball
20 game and they, I think BAC was taken of one of
21 them, of one of them, and it was the next -- many
22 more the next day and it was substantially above
23 the legal limit. They're all -- they were all
24 drinking and basically getting drunk for lack of
25 better term, and they -- and they passed out.

1 And, you know, Mr. Lawyer and this victim, he, his
2 contention was that there was some consensual
3 relationship going on at that moment. It turns
4 out it was not according to the victim after. And
5 as soon as -- so that, that happened. And law
6 enforc-- the three people also just beat him up.
7 I mean, he -- he was -- his video, he's got cuts
8 and bruises all over. They were trying to take --
9 do street justice, and then it, I mean, it
10 escalated to the actual road and law enforcement
11 saw it. So law -- that -- there was no like 9-1-1
12 call. This is an active, you know, thing that and
13 then law enforcement, law enforcement saw this.
14 They brought in, interviewed people, and Mr. -- I
15 mean, everyone still kind of intoxicated. Mr.
16 Lawyer's first words is, you know, I just messed
17 up. And from there he's been nothing but
18 cooperative with -- with law enforcement, with me
19 throughout. Your Honor, I mean, his history is
20 typically with drunk -- when he gets drunk or when
21 he's around alcohol he tends to -- he tends to act
22 out.

23 I do have a letter he gave me this
24 morning I'll pass up. It's from a family friend
25 of theirs, an Eaton Servance (ph). He just -- and

1 details how he's been doing better with his
2 alcoholism. And he's, you know, taking care of
3 sick family members, going to church and doing
4 better with that. But he's, he's here today and
5 he, I mean, he told me, he said Mr. Cutter, I'd
6 like for like you to ask for probation. I told
7 him, I mean, I, that's prob-- that's not going to
8 happen. So he knows he's going, he's probably
9 going to the Department of Corrections. He did
10 serve 90 days in the county jail prior to bonding
11 out. But what, what we would ask for, Your Honor,
12 is some sort of split sentence at some point.
13 He's fif-- like, he's 51 years old. If he were to
14 get maxed out I guess that, you know, he would --
15 he's kind of end of his time. I still think
16 there's some redemption left in Michael. I know
17 him well enough to know he's -- he means well, he
18 just -- he gets drunk and makes mistakes. I mean,
19 every -- he's got four, I mean, four total charges
20 on his record, and most of them are involved
21 around alcohol. So we would ask the Court for
22 some sort of split sentence in Your Honor's
23 discretion and allow him to turn himself in on
24 Friday of this week. I have no doubt in my mind
25 he will turn himself in; and if not, he lives

1 prob-- he lives two blocks away from jail and we
2 can go -- heck, I'll go pick him up on Friday.
3 That's, that's where we are, Your Honor.

4 THE COURT: Okay. Mr. Little.

5 MR. LITTLE: Yes, Your Honor. His
6 criminal record is a 19-- in 1989 he has a
7 conviction of malicious injury to personal
8 property. He was put on probation for that. In
9 1991 he was convicted of disorderly conduct,
10 resisting arrest, and driving under suspension.
11 In 1998 he was convicted of criminal sexual
12 conduct with a minor less than 16 years old second
13 degree, and he was convicted to 10 years suspended
14 to 4 years followed by three years probation so he
15 got a split sentence on that one, Your Honor. And
16 then in 2006 he was convicted of attempted lewd
17 act on a child less than 16, and he was sentenced
18 to 5 years in prison on that. It's my
19 understanding that he pled straight up without
20 recommendation from the State.

21 MR. CUTTER: Other than -- there
22 wasn't any ...

23 (Attorneys confer.)

24 THE COURT: Does he get credit for
25 any -- did he spend any time in jail?

1 MR. CUTTER: Ninety days, Your Honor.

2 THE COURT: I'm going to read this
3 letter if y'all will give me just a minute here.

4 (Pause.)

5 THE COURT: Okay. I've read the
6 letter from Ms. Severance, or Ms. Servance, and it
7 sounds like, Mr. Lawyer, that like a lot of
8 people, you've got a good side and you've got a
9 not-so-good side. But the sentence I'm giving you
10 is 5 years. I'm just doing a straight sentence.
11 I am gonna recommend the Addiction Treatment Unit.
12 I'm concerned that this, this seems to be a
13 pattern that you keep falling back in to. I have
14 no doubt that it -- they're exacerbated or fueled
15 by alcohol. If you don't get that figured out, if
16 you have to come in front of a judge again on the
17 fourth incident that involves any kind of sexual
18 overtones, you're gonna be looking at substantial
19 prison time.

20 It sounds like there's a lot of people
21 in the community who think a lot of you and even
22 the solicitor's office and your attorney who feel
23 that you're pretty dependable and do everything
24 you're supposed to do as far as making it to your
25 court appearances. You got to quit drinking or

1 you're gonna spend the rest of your life much like
2 you're gonna spend the next couple of years, and
3 that's behind bars. So I don't know how else to
4 tell you. I'm recommending the Addiction
5 Treatment Unit. I don't know if you'll be there
6 long enough for them to get you assigned to that
7 because, frankly, 90 percent of people who are in
8 prison probably need to be in the Addiction
9 Treatment Unit. We need to make the whole prison
10 an Addiction Treatment Unit.

11 So it doesn't give me any pleasure to
12 send you to prison, but I don't know that I really
13 have any choice given the fact that you -- you had
14 a previous four year sentence, you know, a
15 previous five year sentence. I cannot find it in
16 me to go any lower than that previous sentence
17 given that we're back here in the same position
18 so. I wish you the best and for your sake and the
19 sake of everybody that cares about you, I hope
20 that you'll quit drinking.

21 MR. LITTLE: Your Honor.

22 THE COURT: And I'll let you turn
23 yourself in on Friday.

24 MR. LITTLE: If -- if he does not turn
25 himself in on Friday -- I have no doubt that he

1 will -- would we be able to come back and ask for
2 the sentence to be amended?

3 MR. CUTTER: Yeah, we don't -- that's
4 usually how it works. I mean, that's the leverage
5 that the judge has, and we're -- we're fine with
6 that.

7 THE COURT: Yeah. So, otherwise, if I
8 just said you have to do something on Friday and
9 you still have the same sentence, there'd be no
10 extra incentive for you to come on Friday because
11 we know you're gonna go for five years anyway. So
12 if you don't show up on Friday, then all bets are
13 off. And you understand you're looking at a ten
14 year sentence that's hanging over your head. But
15 I'm gonna put on here that I sentenced you on
16 January 5th and that you have until noon on
17 Friday? What time you want me to put on here?

18 MR. CUTTER: Your Honor, I think for
19 week-- when they do weekend time they usually let
20 them come in Friday at 4:00. If we -- if you
21 don't mind.

22 THE COURT: All right. I'm gonna put
23 before 4 p.m. At the Clarendon Detention Center?

24 MR. CUTTER: Yes, Your Honor.

25 THE COURT: And so Friday will be the

1 7th. Okay.

2 MR. CUTTER: Thank you, Your Honor.

3 THE DEFENDANT: I want to thank you
4 for letting me enjoy the holidays, ma'am.

5 THE COURT: Yes, sir. Good luck to
6 you.

7 THE DEFENDANT: All right.

8 MR. CUTTER: Thank you, Your Honor.

9 MR. FINNEY: Judge, did you give him
10 credit for the 90 days?

11 THE COURT: I did. I put that on the
12 sentencing sheet.

13

14 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

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C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 4th day of January, 2023.

Frances B. Ray

FRANCES B. RAY, RPR