

James Hubbard

WITNESSES

Lexington County Sheriff

TYLER JARRETT DOUGLAS - Lexington County S

Law Enforcement Case #: 25009747

SJS

ARREST WARRANT NUMBER

2025A3210500041

ACTION OF GRAND JURY

**TRUE BILL**

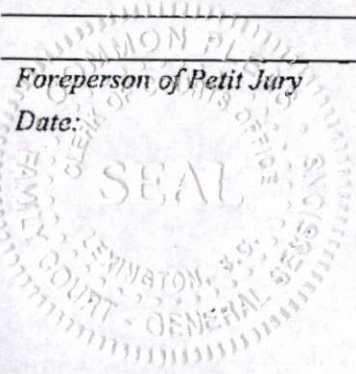
Foreperson of Grand Jury

Date: 8-4-25

VERDICT

Foreperson of Petit Jury

Date:



A TRUE COPY

Lex. Co. C.O.C.P., G.B. & H.C.

DOCKET NO. 2025GS3203119

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

August Term 2025

THE STATE

vs.

Michael Todd Roberts, Jr.

Indictment For

Domestic Violence - 2nd Degree

as charged

SC Code: §16-25-20(C)(3), 16-25-20(A)(1)

CDR Code: 3812

Class A Misdemeanor

S.R. Hubbard III, Solicitor

RECEIVED  
NOV 10 2025  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
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INDICTMENT FOR  
**Domestic Violence - 2nd Degree**  
§16-25-20(C)(3), 16-25-20(A)(1)

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NOV 10 2025

SC Court of Appeals

At a Court of General Sessions, convened on August 4, 2025, the Grand Jurors of Lexington County present upon their oath:

**Domestic Violence - 2nd Degree**

That in Lexington County, South Carolina, on or about **May 31, 2025**, the Defendant, **Michael Todd Roberts, Jr.**, did cause physical harm or injury to, [REDACTED] a household member of Michael Todd Roberts, Jr., and Michael Todd Roberts, Jr. has at least one prior conviction for domestic violence in the past ten years from the current offense, to wit:

Domestic Violence, 3rd Degree, on 6/8/23, in Lexington County Domestic Violence Court, of 16-25-200(D) in 2021A3210202282, all in violation of Section 16-25-20(C)(3), 16-25-20(A)(1), *et al.*, of the Code of Laws of South Carolina.

To wit, on or about May 31, 2025, in the Leesville area of Lexington County, the defendant did push and slap the victim in the face during a verbal argument, resulting in injury, and the defendant has one prior conviction for Domestic Violence, 3rd Degree.

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

*Suzanne J. Shaw*

Assistant Solicitor

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & P.S.

COUNTY OF Lexington

RECEIVED

INDICTMENT/CASE#: 2025GS3203119

STATE vs. Michael Todd Roberts, Jr.

NOV 10 2025

AW#: 2025A3210500041

SC Court of Appeals

AKA: \_\_\_\_\_ SSN: XXX-XX-XXXX

Date of Offense: 05/31/2025

S.C. Code §: 16-25-20(C)(3), 16-25-20(A)(1)

CDR Code#: 3812

RACE: White SEX: Male DOB: \_\_\_\_\_

Range of Offense: 0-3y/\$2,500-5,000

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

TO: Domestic Violence - 2nd Degree Range of Offense Pled 0-3y/\$2,500-5,000

In violation of § 16-25-20(C)(3), 16-25-20(A)(1) of the S.C. Code of Laws, bearing CDR Code # 3812

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  MANDATORY GPS  § 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

Suzi J. Shaw 104745 Holladay, James V. 66591

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  YOA NTE \_\_\_\_\_ 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. 14 days/months  To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

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

RESTITUTION See Separate Order

	Restitution	\$
§ 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 (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)		
<input type="checkbox"/> Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk		
<input type="checkbox"/> § 14-3-45 (B) Unpaid Application Fee to be paid to the Public Defender Fund		

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

FINE: \$ \_\_\_\_\_  
TOTAL 125.00

Melinda Jones  
Clerk of Court/Deputy Clerk  
Court Reporter

2797  
Judge Code

10-29-25  
Sentence Date

Vernon F. Jumper  
Presiding Judge

.STATE OF SOUTH CAROLINA )  
 )  
 )  
STATE )  
 )  
 )  
vs. )  
 )  
 )  
MICHAEL TODD ROBERTS JR, )  
 )  
 )  
Appellant. )  
\_\_\_\_\_ )

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Indictment No(s): 2025-GS-32-03481

RECEIVED  
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**RULE 203(d)(1)(B)(iv) EXPLANATION**

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that he does have a good faith basis to believe that legal issues are properly before the Court of Appeals, and the undersigned did object to the sentence at the time of sentencing. The undersigned has filed a motion to reconsider the sentence.

The undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant’s request. *See Frazer v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> Cir. 2005) (“A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as ‘an active advocate on behalf of his client.’”) (Quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

On 29 October 2025, the Defendant pled guilty to: 2024GS32003481 – Domestic Violence in the second degree carrying a 0-3 year range of sentence.

The Defendant received a three (3) year sentence on the Domestic Violence second degree. The Plea Judge specifically noted that the Defendant had already served one hundred and twenty six days (126) days in the Lexington County Detention Center which he noted on the

Sentencing Sheet, but failed to check the box that the Defendant be given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the South Carolina Department of Corrections. The Plea Judge further wrote a note on the Sentencing Sheet that “Bond was Revoked”. The State put on the record that the Defendant’s bond had been revoked on 30 June 2025. In explaining why the Sentence Sheets were specifically filled out this way, the Plea Judge noted that pursuant to S.C. Code Ann.24-13-40, as issued by the State Legislature, the Defendant may not be allowed to receive credit for his incarcerated time. The statute provides:

In every case in computing the time served by a prisoner, *full credit* against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; (2) when the prisoner is serving a sentence for one offense and is awaiting trial or sentencing for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

S.C. Code Ann. 24-13-40 (2023).

Prior to 01 June 2023, this statute did not include the exceptions (3) and (4), as the statute was recently amended by the State Legislature. *See* 2023 Act No. 83 (H.3532) Section 8. The Defendant submits the application of sections (3) and (4) would be unconstitutional if applied in this case. Applying these sections would amount to “double jeopardy” because the Defendant would essentially be punished twice for the same offense, by serving time on two separate occasions: before conviction as well as after conviction.

The Double Jeopardy Clause prohibits exacting multiple punishments and multiple convictions for the same offense. *Ex Parte Lange*, 85 U.S. 163, 178 (1873); *Durkin v. Davis*, 538 F.2d. 1037, 1042 (4<sup>th</sup> Cir. 1976). In upholding this constitutional guarantee, the Court in

*Halper* held that “the imposition of ‘punishment’ of any kind was subject to double jeopardy constraints, and whether a sanction constituted ‘punishment’ depended primarily on whether it served the traditional ‘goals of punishment,’ namely ‘retribution and deterrence.’” *United States v. Halper*, 490 U.S. 435, 448 (1989). There is no question that incarceration serves the “traditional goals” of retribution and deterrence: the Court has even explicitly stated that “[p]retrial detention is nothing less than punishment.” *Parker v. Bounds*, 329 F.Supp. 1400, 1401 (D.C.N.C. 1971) (quoting *Culp v. Bounds*, 325 F.Supp. 416, 419 (W.D.N.C. 1971)). Under this premise, such punishment is subject to double jeopardy constraints. Furthermore, in *North Carolina v. Pearce*, the Court unanimously held “that (1) the constitutional guaranty against multiple punishments provided by the double jeopardy clause . . . requires that punishment already exacted must be fully ‘credited’ in imposing sentence upon a new conviction for the same offense . . . “ 395 U.S. 711, 713 (1969). In other words, “the Double Jeopardy Clause prohibits the denial of credit for time already served.” *Id.*

*Benton v. Maryland* has long decided that the “Double Jeopardy Clause of the Fifth Amendment is applicable to the States through the Fourteenth Amendment” of the U.S. Constitution. 395 U.S. 784 (1969). In abiding by this precedent, Article One of the South Carolina Constitution states, “No person shall be subject for the same offense twice put in jeopardy of life or liberty.” S.C. Const. Art. 1, Section 12. Therefore, the State Legislature cannot create or enforce a sentencing law which, as drafted and applied in this case, requires the Defendant to serve his time twice.

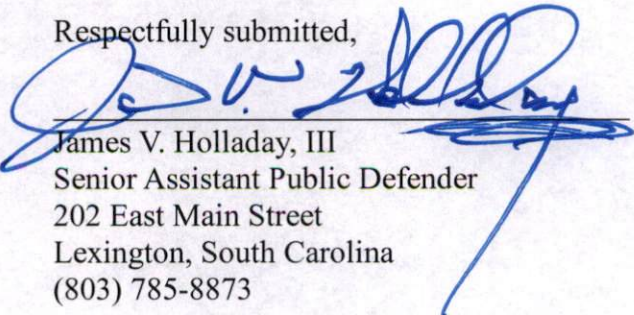
Here, in this case, the Defendant was subject to incarceration in the Lexington County Detention Center for one hundred and twenty six (126) days prior to pleading guilty. The Defendant asserts that he is entitled to credit for the one hundred and twenty six (126) days he

spent in pre-guilty plea incarceration. Each of these one hundred and twenty six (126) days deprived the Defendant of his liberty and were imposed upon him as a punishment as understood in the Fifth Amendment context. For the reasons outlined above, to not credit the Defendant for these one hundred and twenty six (126) days would be unconstitutional pursuant to the Double Jeopardy Clause of the U.S. Constitution as well as the South Carolina Constitution.

The Defendant would further assert that on 30 June 2025, his bonds were revoked on the following Warrants: 2025A3210500041 – Domestic Violence, 2nd Degree. At the time of the Defendant’s bond revocation on this Warrant, the State Legislature had not yet adopted sections (3) and (4) of referenced S.C. Code Ann. 24-13-40 (2023). The Defendant asserts that S.C. Code Ann. 24-13-40 as Amended in June 2023 is being applied ex post facto in violation of the Defendant’s constitutional rights.

Separate provisions of the U.S. Constitution ban enactment of ex post facto laws by the Federal Government and the states, respectively. U.S. Const. art. 1, sec. 9, cl. 3; art.1, sec. 10, cl. 1. The Court has construed both clauses to ban legislatures from enacting laws that impose criminal liability or increase criminal punishment retroactively. *Peugh v. United States*, 569 U.S. 530, 532-33 (2013). In this case, section (4) of S.C. Code Ann. 24-13-40 is being applied retroactively to increase the criminal punishment for the Defendant. .

Respectfully submitted,



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Lexington, South Carolina  
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Lexington, South Carolina

Date: 04/NOV/2025