

Dec 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 STATE OF SOUTH CAROLINA,)
)
 Plaintiff,)
 -versus-)
)
 MARK DWAYNE WALTON,)
)
 Defendant.)

IN THE GENERAL SESSIONS COURT
 FOR THE NINTH JUDICIAL CIRCUIT
 INDICTMENT NUMBERS: 2024-GS-10-04730
 2024-GS-10-04731

MOTION TO RECONSIDER
 SENTENCE OF THE COURT

2025 NOV 18 PM 4:03
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY
 MY

FILED

COMES NOW, the Defendant, Mark Walton ("Walton"), by and through his undersigned attorneys asking this Honorable Court to reconsider the 15-year sentence followed by a consecutive 10-year sentence imposed on November 10, 2025, after a week-long jury trial – the maximum allowed under South Carolina law for the two offenses for which Walton was convicted. A consecutive sentence for a criminal defendant such as Walton who served honorably in the United States Army, was thereafter diagnosed with post-traumatic stress disorder (PTSD) and deemed 100% permanently disabled by the United States Department of Veterans Affairs, and who has only one conviction on his criminal record for misdemeanor violation of a town ordinance (see enclosed SLED criminal history) is an unfairly excessive sentence regardless of whether it comes after a guilty plea or at the conclusion of his Constitutional right to a jury trial.

In State v. Brouwer, 346 S.C. 375, 389 (S.C. Ct. App. 2001), in his dissent, Justice Anderson offered guidance on the relevant sentencing factors a trial court should consider when sentencing a defendant.

The goals of sentencing are to reflect the seriousness of the offense, promote respect for the law, provide appropriate punishment, deter criminal conduct, protect the public from the defendant's criminal conduct, and provide the defendant with the needed care or treatment. Punishment serves several purposes: retribution, rehabilitation, deterrence, and prevention. It is the responsibility of the trial judge to determine the priority and relationship of sentencing objectives in any particular case. The primary criterion in sentencing is good order and protection of the public and society, and all other factors must be subservient to that end.

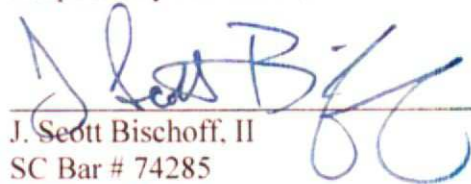
(citing United States v. Gomez-Villa, 59 F.3d 119 (11th Cir. 1995) and referencing 18 U.S.C.A. § 3553(a)(2), the Federal Sentencing Factors).

Additionally, “[i]n imposing sentence, the court should consider the various goals of punishment.” (citing 24 C.J.S. Criminal Law § 1460). At sentencing, a judge has an obligation to consider information material to punishment. A sentencing judge may appropriately conduct an inquiry broad in scope, largely unlimited as to either the kind of information he may consider or the source from which it may come. Hayden v. State, 283 S.C. 121, 322 S.E.2d 14 (1984). In determining a proper sentence, a defendant’s history, character, and rehabilitative potential, along with the seriousness of the offense, the need to protect society, and the need for deterrence and punishment, must be equally weighed. Brouwer, 346 S.C. 375, 390 (citing People v. Hernandez, 319 Ill. App. 3d 520, 745 N.E. 2d 673 (Ill. App. Ct. 2001) (emphasis added)).

On Walton’s behalf undersigned counsel respectfully asks this Honorable Court to reconsider its sentence by changing the sentence from a “consecutive” sentence to a “concurrent” sentence and simultaneously eliminate any credit for Walton pursuant to South Carolina Code of Laws §24-13-40 for time served, or in the alternative, and at a minimum, not issue a ruling on this Motion to Reconsider, but rather allow undersigned counsel 90-days from the filing of this Motion to obtain data from the South Carolina Court Administration regarding sentences in similar cases that may support a finding Walton’s consecutive sentence violates the Eighth Amendment’s protection against disproportionate sentences for similarly situated criminal defendants in South Carolina.

FILED
2025 NOV 18 PM 4:03
JULIE J. ARMSTRONG
CLERK OF COURT
BY mk

Respectfully submitted,



J. Scott Bischoff, II
SC Bar # 74285
William McGuire
Attorneys for Mark Walton

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This 18th day of November, 2025
Charleston, South Carolina

SLED CATCH

CITIZENS ACCESS TO CRIMINAL HISTORIES RESULTS

[REDACTED]

Date Requested 11/18/2025 3:26 PM

First Name Mark
Middle Name Dwayne
Last Name Walton
Sex M
Maiden Name
SSN [REDACTED]
Date of Birth 1983-11-05

ARREST RECORD

In Accordance With Search Criteria Submitted
S.C. LAW ENFORCEMENT DIVISION
SLED cannot guarantee that this information
concerns the individual in which you are interested.

The record is based on a search using the criteria furnished. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

***** CRIMINAL HISTORY RECORD *****

Data As Of 11/18/2025

***** Introduction *****

This rap sheet was produced in response to the following request:

State Id Number [REDACTED]
Purpose Code [REDACTED]

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THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED (SC)

***** IDENTIFICATION *****

Subject Name(s)

WALTON, MARK DWAYNE
[REDACTED]

Comment(s) Palmprints Available
Comment(s) Photograph Available
Charge 01
Charge Tracking Number DR10112346
Statute CONTEMPT OF FAMILY COURT BY ADULT(CIVIL
██████████ SC)
Severity Misdemeanor

===== Cycle 003 =====

Tracking Number 18C200005253
Earliest Event Date 2015-01-01

Arrest Date 2015-01-01
Arrest Case Number 15000029
Arresting Agency SC0180200 SUMMERVILLE PD
Subject's Name WALTON, MARK DWAYNE
Charge 01
Charge Tracking Number 21155GY
Statute VIOLATION TOWN ORDINANCE (N/A SC)
NCIC Offense Code 7399
State Offense Code ██████████ 9704
Severity Misdemeanor

Court Disposition (Cycle 003)
Court Case Number 18
Court Agency
Subject's Name WALTON, MARK DWAYNE
Charge 01
Charge Tracking Number 21155GY
Statute VIOLATION OF CITY ORDINANCE (N/A SC)
NCIC Offense Code 7399
State Offense Code 9000
Severity Misdemeanor
Disposition (2016-02-25; NON-CONVICTION)
Court Comment Court Provision: NOT GUILTY/BENCH TRIAL

===== Cycle 004 =====

Tracking Number 08D000582429
Earliest Event Date 2018-11-01 Incident Date 2018-11-01

Arrest Date ██████████
Arrest Case Number ██████████ 01811086814
Arresting Agency SC0080000 BERKELEY CNTY SO
Subject's Name WALTON, MARK DWAYNE
Comment(s) Palmprints Available
Comment(s) Photograph Available
Charge 02
Charge Tracking Number 6102P0437062
Statute VIOLATION OF COUNTY ORDINANCE (N/A SC)
NCIC Offense Code 7399
State Offense Code 9733
Severity Misdemeanor

Court Disposition (Cycle 004)
Court Case Number 08
Court Agency
Subject's Name WALTON, MARK DWAYNE
Charge 02
Charge Tracking Number 6102P0437062
Statute VIOLATION OF COUNTY ORDINANCE (SC)
NCIC Offense Code 7399
State Offense Code 0900

Severity Misdemeanor
Disposition (2018-12-12; CONVICTED)
Court Comment Court Provision: Fine

=====
Tracking Number 10D100919793
Earliest Event Date [REDACTED]

Arrest Date 2020-03-03
Arrest Case Number 2020002983
Arresting Agency SC0100100 CHARLESTON POLICE DE
Subject's Name WALTON, MARK DWAYNE
Comment(s) Palmprints Available
Comment(s) Photograph Available
Charge 01
Charge Tracking Number 2020A1010201265
Statute ACC AFTER THE FACT TO FELONY A B C OR MURDER
(16-1-55 SC)
NCIC Offense Code 7599
State Offense Code 2413
Severity Felony

Court Disposition (Cycle 005)
Court Case Number 00GS10
Court Agency
Subject's Name WALTON, MARK DWAYNE
Charge 01
Charge Tracking Number 2020A1010201265
Statute ACC AFTER THE FACT TO FELONY A,B,C OR MURDER
(16-1-55 SC)
NCIC Offense Code 7599
State Offense Code 0241
Severity No Type
Disposition (2020-04-07; NON-CONVICTION)
Court Comment Court Provision: DISMISSED AT PRELIM

=====
Tracking Number 10D100921608
Earliest Event Date 2020-04-07 Incident Date 2020-04-07

Arrest Date [REDACTED]
Arrest Case Number 020002983
Arresting Agency SC0100100 CHARLESTON POLICE DE
Subject's Name WALTON, MARK DWAYNE
Comment(s) Palmprints Available
Comment(s) Photograph Available
Charge 01
Charge Tracking Number K684964
Statute MURDER/MURDER (16-03-0010; 16-03-0020 SC)
NCIC Offense Code 0999
State Offense Code 0116
Severity Felony

=====
Tracking Number 10D101011486
Earliest Event Date 2025-11-03 Incident Date 2025-11-03

Arrest Date 2025-11-03
Arrest Case Number 2025101103
Arresting Agency SC0100000 CHARLESTON CNTY SO
Subject's Name WALTON, MARK DWAYNE
Comment(s) Palmprints Available
Comment(s) Photograph Available

Charge 01
Charge Tracking Number DI1004731
Statute DESTRUCTION OR REMOVAL OF HUMAN REMAINS
(16-17-600(A) SC)
NCIC Offense Code 2999
State Offense Code [REDACTED]
Severity Felony

=====
Tracking Number 50D300040767
Earliest Event Date 2025-11-13

Arrest Case Number 00399218
Arresting Agency SC040185C KIRKLAND RECPT & EV

Court Disposition (Cycle 008)
Court Agency'
Subject's Name WALTON, MARK DWAYNE
Charge 01
Statute ACC AFTER THE FACT TO FELONY A B C OR MURDER
(16-1-55 SC)
NCIC Offense Code 7599
State Offense Code 2413
Severity Felony
Disposition (CONVICTED)
Court Comment Court Provision: 15 YRS CS

Court Disposition (Cycle 008)
Court Agency
Subject's Name WALTON, MARK DWAYNE
Charge 02
Statute DESTRUCTION OR REMOVAL OF HUMAN REMAINS
(16-17-600(A) SC)
NCIC Offense Code 2999
State Offense Code 0471
Severity Felony
Disposition (CONVICTED)
Court Comment Court Provision: 10 YRS CS

***** INDEX OF AGENCIES *****

Agency [REDACTED] HARLESTON CNTY SO; SC0100000;

Agency SUMMERVILLE PD; SC0180200;

Agency BERKELEY CNTY SO; SC0080000;

Agency CHARLESTON POLICE DE; SC0100100;

Agency KIRKLAND RECPT & EV; SC040185C;

* * * END OF RECORD * * *

[REDACTED]

[REDACTED]

[REDACTED]

