THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
Honorable Debra R. McCaslin, Circuit Court Judge
Appellate Case No. 2025-000368

The State, Appellant,

v.

Chad Eugene Gibbs, Respondent.

AMENDED FINAL BRIEF OF RESPONDENT

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TABLE OF AUTHORITIES

CASES

STATUTES

STATEMENT OF THE CASE

On February 15, 2020, Respondent Gibbs was arrested following allegations of sexual exploitation of a minor. He was later indicted on multiple counts of first-degree sexual exploitation of a minor and related offenses. Gibbs was released on bond with conditions, including continuous GPS monitoring. (Bond Order, Feb. 2020). At no point was Gibbs's bond revoked, and he remained under electronic monitoring and strenuous restrictions until the resolution of his case. (Bond Orders, July 2020; Aug. 2020; Feb. 2021).

On February 24, 2025, Respondent entered guilty pleas to two counts of second-degree sexual exploitation of a minor. The court sentenced Gibbs to an aggregate term of eight years' imprisonment. Exercising her discretion, the plea judge, Hon. Debra R. McCaslin ("Judge McCaslin") awarded Respondent 1,831 days of credit for time served. In doing so, the judge acknowledged the State's argument but determined that Respondent's bond conditions warranted credit.

The State now argues that because Respondent's bond conditions did not expressly state that he was placed on "monitored house arrest," the plea judge exceeded her authority under S.C. Code Ann. § 24-13-40. Respondent submits Judge McCaslin's sentence was well within statutory limits, the credit determination was a matter of judicial discretion upon a totality review of the facts and mitigation, and under settled South Carolina law, such a sentence is not subject to appellate disturbance absent illegality or abuse of discretion.

STANDARD OF REVIEW

Questions of statutory interpretation are reviewed de novo. *State v. Sweat*, 386 S.C. 339, 345, 688 S.E.2d 569, 572 (2010). However, where a statute vests discretion in the trial court — such as whether to award credit for time served — appellate review is for abuse of discretion. *State v. Varner*, 310 S.C. 264, 266, 423 S.E.2d 133, 134 (1992). An abuse of discretion occurs only when the ruling is based on an error of law or is without evidentiary support. *State v. Williams*, 301 S.C. 369, 392 S.E.2d 181 (1990).

Thus, even if this Court reviews the meaning of "monitored house arrest" de novo, it must defer to the plea judge's discretionary application of the statute unless the ruling clearly exceeded statutory authority.

ARGUMENT IN REPLY

I. THE STATE'S "PLAIN MEANING" ARGUMENT OVERLOOKS THE BREADTH OF TRIAL COURT DISCRETION.

The State maintains that S.C. Code Ann. § 24-13-40 only permits credit for the literal phrasing "monitored house arrest." That interpretation reads the statute too narrowly and ignores this Court's consistent recognition that trial judges retain broad sentencing discretion. *See State v. Varner*, 310 S.C. 264, 266, 423 S.E.2d 133, 134 (1992) ("A sentencing judge is given ***wide discretion*** within statutory limits.") (emphasis added); *State v. Williams*, 301 S.C. 369, 392 S.E.2d 181 (1990) (credit for time served requires a fact-specific inquiry into restrictions on liberty).

S.C. Code Ann. § 24-13-40 specifically states, "In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served before trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served before trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned before trial was an escapee from another penal institution; (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence 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."

When interpreting the statute in question, this Court will look to the original meaning and intent of the legislature that drafted and passed the law. *See Reese v. Talbert*, 237 S.C. 356, 358 (1960); *In re Hosp. Pricing Litig., King v. AnMed Health*, 377 S.C. 48, 54 (2008) ("The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. All rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in light of the

intended purpose of the statute. The history of the period in which the statute was passed may be considered in interpreting the statute.") (citations omitted).

*A. **Appellant's argument concerning statutory construction favors Respondent.***

While Appellant cites cases requiring adherence to "plain meaning," courts do not interpret statutes in ways that defeat legislative purpose. *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). The legislative aim of § 24-13-40 is fairness in the sentencing of a defendant. The statute clearly provides for full credit of "monitored house arrest", subject to the listed exceptions, which do not apply to Respondent.

It is important to note, upon a review of state statute and case law, there does not appear to be any legal authority expressly defining the term "house arrest". Appellant concedes Respondent remained on GPS monitor. Appellant seems to be seeking specifically the phrase "house arrest" as it pertains to Respondent's bond restrictions, while ignoring the reality and effect of his bond restrictions. For example, on or about February 10, 2021, Respondent was ordered to comply with the following restrictions:

> 1) GPS monitoring to monitor the conditions set forth in this order; 2) No contact directly or indirectly with the alleged victim, alleged victim's family and/or potential witnesses for the prosecution, provided advance written notice has been provided to defendant's counsel by the prosecution specifically naming potential witnesses; 3) An exclusionary zone with the GPS monitoring company will be created to ensure that the defendant may not go to incident location; 4) Notification of any intended trips and locations to be approved by the court if outside the required court and attorney meetings and provided to the GPS monitoring company and the Attorney General's Office by defense counsel; 5) Defendant may remain in Pennsylvania at the updated address provided to the court and the Attorney General's office by his counsel as long

as he is not residing with anyone 16 years of age or younger and if his minor nephew comes to visit his mother with whom he resides, that he is not left alone with him or any minor under the age of 16; 6) Defendant must remain in Pennsylvania unless travelling directly to a court related matter or to his attorney's office and returning directly to Pennsylvania, unless already permitted to travel by the court outside of attorney's visits. Monitoring company will be notified in advance of any travel outside Pennsylvania by defense counsel; 7) Any other conditions not listed or amended by these conditions remain in effect; 8) Any violation of this order shall be reported immediately to the Attorney General's Office and the defense counsel of record at the contact information provided below.

See Feb. 2021 Bond Order, pp. 2-3. Further, this bond order stated, "The Defendant understands that he must notify his attorney and the court of any intended trips and locations and that they must be approved by the court, as a standard condition of bond, if outside the required court and attorney meetings and his attorney must provide the court approved changes to the monitoring company or they will be treated as a violation." Id.

It is abundantly clear, Judge McCaslin listened to the facts presented by Appellants, heard arguments by both parties, considered mitigating circumstances, and reasonably concluded Respondent's restrictions were the functional equivalent of monitored house arrest and exercised her discretion accordingly. Respondent was not at liberty to freely move and was effectively on house arrest while residing in the state of Pennsylvania, while on bond. He was continuously tracked through GPS monitoring for nearly five years, subject to immediate State oversight, subject to restrictions upon his movement, required to seek approval for leaving the state for work-related purposes, and was otherwise confined to his residence aside from meeting with legal counsel. Declining to accept the substance and practical effect of bond conditions as amounting to house

arrest simply because a bond form lacks the exact words "house arrest" is to elevate form over substance. Respondent's bond restrictions substantially curtailed liberty, imposed State control, oversight, and monitoring, and ensured accountability. Upon Judge McCaslin's review, she clearly determined that the bond restrictions imposed satisfied the conditions of house arrest. To hold otherwise would render S.C. Code Ann. § 24-13-40 arbitrary and undermine its remedial intent. Appellant has failed to present a detailed showing of what specifically constitutes "house arrest", while claiming Respondent's bond restrictions do not amount to such. Just as on February 24, 2025, Appellant has failed to demonstrate how Judge McCaslin's determination that Respondent was on monitored house arrest is an abuse of her discretion.

II. JUDGE MCCASLIN ACTED WITHIN, NOT BEYOND, HER SENTENCING AUTHORITY.

"A trial judge generally has wide discretion in determining what sentence to impose. It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come." *State v. Franklin*, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976). In *Franklin*, the Supreme Court stated, "this Court has no jurisdiction to review a sentence, provided it is within the limits provided by statute for the discretion of the trial court, and is not the result of prejudice, oppression or corrupt motive." *Franklin*, 267 S.C. 240, 246; *see also State v. Johnson*, 376 S.C. 8, 13, 654 S.E.2d 835, 837 (2007) (Appellate courts will not review a sentence within statutory limits absent a showing of an abuse of discretion).

South Carolina courts repeatedly affirm that "a criminal defendant must be given credit for time served unless one of two exceptions applies." *Allen v. State*, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000). Nothing in § 24-13-40 stripped a judge of discretion to award such credit in circumstances amounting to substantial deprivation of liberty.

The State argues Judge McCaslin "exceeded her authority," amounting to an illegal sentence. However, sentences are illegal when they exceed statutory limits. *State v. Plumer*, 439 S.C. 347, 350 n.3, 887 S.E.2d 134, 137 n.3 (Ct. App. 2023). As Appellant cites, "Only under rare and unusual circumstances will this Court interfere with the discretion of the trial judge in the imposition of a sentence." *State v. Ferguson*, 221 S.C. 300, 307, 70 S.E.2d 355, 358 (1952). Appellants fail to demonstrate in any way how Respondent's sentence by Judge McCaslin is a *'rare and unusual'* circumstance.

Here, Respondent's eight-year sentence was well within the statutory range for second-degree sexual exploitation of a minor. The credit awarded did not enlarge or reduce the statutory maximum or otherwise violate any sentencing statute for such conviction; it reflected the judge's discretionary assessment of custody-related restrictions. Additionally, nothing in the record or presented by Appellant makes a showing that Judge McCaslin acted in a manner that abused her discretion, or that her sentence imposed was the result of prejudice, oppression, or corrupt motive.

CONCLUSION

Appellant's argument reduces § 24-13-40 to a mechanical formula, contrary to this Court's precedent and the statute's purpose. Judge McCaslin acted squarely within her authority in awarding Respondent 1,831 days of credit for time served under his bond conditions.

For these reasons, Respondent respectfully requests that this Court affirm the sentence in full, including the award of time served credit.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

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