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Jan 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SAMANTHA GWEN WATTS,

APPELLANT

APPELLATE CASE NO. 2025-001500

ANDERS BRIEF OF APPELLANT

SARAH E. SHIPE
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the plea court err denying Appellant's motion to reconsider her sentence where defense counsel argued the court misapprehended the underlying facts of the charge and Appellant's involvement in the crime?

STATEMENT OF THE CASE

On March 22, 2023, a Horry County grand jury indicted Appellant for murder. R. 37-38. On July 10, 2025, Appellant pled guilty as indicted before the Honorable Michael Nettles. R. 1. Scott Graustein represented Appellant. R. 1. Nancy Livesay and Brandon Lanier prosecuted for the State. R. 1.

On July 14, 2025, Judge Nettles sentenced Appellant to forty-five years' imprisonment for murder. R. 15; 25, ll. 2-4. Subsequently Appellant moved to reconsider her sentence. On July 17, 2025, a hearing on Appellant's motion was heard before Judge Nettles. R. 27-34. Judge Nettles denied the motion. R. 33, l. 25—34, l. 1.

This appeal follows.

STANDARD OF REVIEW

“In criminal cases, the appellate court sits to review errors of law only.” *State v. Vick*, 384 S.C. 189, 197, 682 S.E.2d 275, 279 (Ct. App. 2009) (quoting *State v. Wilson*, 345 S.C. 1, 5-6, 545 S.E.2d 827, 829 (2001)). The appellate court is “bound by the trial court’s factual findings unless they are clearly erroneous.” *Id.* (quoting *Wilson*, 345 S.C. at 5-6, 545 S.E.2d at 829). The reviewing court “does not re-evaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial court’s ruling is supported by any evidence.” *State v. Slocumb*, 412 S.C. 88, 91, 770 S.E.2d 436, 438 (Ct. App. 2015). “A sentence will not be overturned absent an abuse of discretion when the ruling is based on an error of law or a factual conclusion without evidentiary support.” *In re M.B.H.*, 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010).

ARGUMENT

The plea court erred denying Appellant's motion to reconsider her sentence where defense counsel argued the court misapprehended Appellant's involvement in the crime.

Relevant facts

At the guilty plea the State alleged Appellant and her sixteen-year-old son struck the victim eight times in the back of the head with a blunt object while he was in a wheelchair ultimately killing him. They further stated Appellant, and her son got rid of the body together. R. 5, ll. 5-14. The court accepted the guilty plea, and sentencing was scheduled for the following Monday, July 14. R. 13, ll. 6-12.

During the sentencing hearing the State again recited the facts this time in more detail. The State claimed Appellant “put into motion a string of events that led to the murder of [victim] in the early morning hours on January 9.” R. 17, ll. 5-9. This time the prosecutor specified that Appellant was charged under the hand of one hand of all theory for being present when her son beat the victim to death. R. 17, ll. 13-19. The prosecutor went on to tell the court Appellant “ran a drug trafficking enterprise” and “had complete control of everything that everyone did in that area.” R. 17, ll. 20-24.

In mitigation defense counsel offered that Appellant was “nowhere around when any of this was happening” and challenged the State’s assertion that Appellant was in control of the situation leading to the victim’s death. R. 19, l. 17—20, l. 3. Defense counsel acknowledged Appellant’s participation in getting rid of the body. R. 20, ll. 4-12. Counsel averred Appellant’s guilty plea was in effort to protect her children from further negative consequences. R. 21, ll. 4-15; 21, l. 22—22, l. 16.

During sentencing the court stated, “one of the things that we’re always called upon to do

is to discern between the wicked and the wayward” and later “I would probably take the position that you, on the spectrum between wicked and wayward, would lean towards the wicked.” R. 24, ll. 9-12; 24, l. 24—25, l. 1. The court then sentenced Appellant to forty-five years’ imprisonment. R. 25, ll. 2-4.

During the hearing on reconsideration defense counsel explained the reason for moving for reconsideration of sentence was to make clear that during the time from the initial assault of the victim until about an hour before death the victim’s wife was present with a car and victim refused to leave and seek medical attention. Counsel wanted to clarify that there was no evidence that victim was not allowed to leave. R. 29, l. 15—30, l. 10. He went on to state that there was no “interaction between [Appellant] and victim during that period and wanted the court to reconsider her sentence based on that and Appellant’s lack of any prior criminal record. R. 30, ll. 11-17.

The court denied the motion explaining the sentence was given because of Appellant’s “pattern of conduct” and the manner of death and disposal of the body. R. 33, ll. 9-16; 34, l. 1. The court went on to state that what Appellant put her children through was a factor and a reason for his ruling. R. 33, ll. 21-23.

Discussion

A sentencing judge has great discretion in the kind of evidence they may use to determine the punishment to be imposed. *State v. Quinn*, 430 S.C. 115, 125–26, 843 S.E.2d 355, 360–61 (2020). The judge is obligated to consider information material to punishment and may “exercise a wide discretion in the sources and types of evidence used to assist [her] in determining the kind and extent of punishment to be imposed within limits fixed by law.” *Id.* *State v. Sullivan*, 267 S.C. 610, 618, 230 S.E.2d 621, 625 (1976). *See also Wasman v. United*

States, 468 U.S. 559 (1984) (“The sentencing court ... must be permitted to consider any and all information that reasonably might bear on the proper sentence for a particular defendant”).

While the rules of evidence do not apply in sentencing proceedings, the Constitution “require[s] the evidence to be relevant, reliable and trustworthy.” *State v. Gullede*, 326 S.C. 220, 229, 487 S.E.2d. 590, 594 (1997) (“A court may consider any relevant information without regard to its admissibility under the rules of evidence applicable at trial, provided the information has sufficient indicia of reliability to support its probable accuracy.”).

“The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion.” *State v. Hicks*, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) (citing *State v. Smith*, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). “A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed.” *Id.* (citing *Wasman v. United States*, 468 U.S. 559, 563 (1984)).

In a criminal prosecution, punishment of the offender is recognized as a proper motivation for a sentencing trial judge. *State v. Fletcher*, 322 S.C. 256, 471 S.E.2d 702 (Ct.App.1996). However, another legitimate interest at sentencing is the defendant's prospect for rehabilitation and restoration to a useful place in society. *State v. Tucker*, 324 S.C. 155, 478 S.E.2d 260 (1996). See also 24 C.J.S. Criminal Law § 1460 (rehabilitation is considered to be one purpose of sentencing).

The court erred in its denial of appellant’s motion to reconsider his sentence to reflect the reality of the incident where defense counsel argued Appellant’s involvement was more akin to accessory after the fact than an accomplice and that Appellant was pleading guilty in an effort to

help her children.

The court in this case had limited information before it in determining a just sentence for appellant. However, Appellant chose to plead guilty in this case without any recommendation or negotiation from the state in order to take responsibility for her actions and hopefully secure a lesser sentence for her children. It appears, the court ignored any mitigation or facts as presented by defense counsel. The court viewed Appellant as “wicked” and chose to sentence her harshly based on the State’s allegations that she trafficked drugs and a was bad mother.

CONCLUSION

By reason of the foregoing argument, appellant's sentence should be vacated, and this case remanded for resentencing.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

This 9th day of January, 2026.

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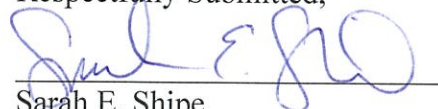
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Samantha Watts states:

1. She is Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge Michael G. Nettles, which was held on July 10-17, 2025, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Samantha Watts.

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

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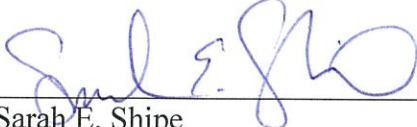
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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Plea Qualification Hearing Transcript dated July 10, 2025;
- (2) Plea Hearing Transcript dated July 14, 2025;
- (3) Hearing Transcript dated July 17, 2025;
- (4) Rule 203 (d)(1)(B)(iv) explanation of basis for appeal;
- (5) Indictment and sentence sheet.

I certify that this designation contains no matter which is irrelevant to this appeal.



Sarah E. Shipe
Appellate Defender

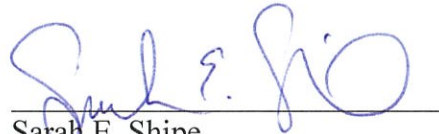
South Carolina Commission on Indigent Defense
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(803) 734-1330

ATTORNEY FOR APPELLANT

This 9th day of January, 2026.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



Sarah E. Shipe
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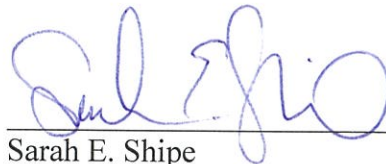
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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Samantha Watts, #398020, at Leath Correctional Institution, 2809 Airport Road, Greenwood, SC 29649, this 9th day of January, 2026.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT
