STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2024-001821

The State, ...Respondent,

v.

Terrance Christopher Dukquan Abrams, ...Appellant.

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Assistant Attorney General
S.C. Bar No. 8729
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit
Post Office Box 516
Greenwood, South Carolina 29648
(864) 942-8800

ATTORNEYS FOR RESPONDENT

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RESPONDENT'S STATEMENT OF ISSUE ON APPEAL

1. Whether the plea court properly declined to award Appellant credit for time served prior to trial and sentencing for the time he spent on monitored home detention [273 days] where the court's refusal to award such credit was within the discretion of the court and because the requested credit was *not* denied under the mandate of section 24-13-40(3), as asserted by Appellant, on grounds that he committed a subsequent crime while out on bond.

STATEMENT OF THE CASE

Terrance Christopher Dukquan Abrams (Appellant) was indicted at the December 2020 term of the grand jury for Newberry County for murder. (2020-GS-36-00808). He was represented by E. Deon O'Neil, Esquire. Respondent (the State) was represented by Deputy Solicitor Taylor W. Daniel of the Eighth Circuit Solicitor's Office. On March 19, 2024, Appellant appeared in the Greenwood County Courthouse before the Honorable Frank R. Addy, Jr., waived venue, and entered a guilty plea to voluntary manslaughter. He was sentenced to eighteen years' imprisonment. (Indictment and Sentencing Sheet; Tr.p.1-p.2; p.35-p.40). A brief was subsequently submitted in support of Appellant's appeal by Interim Chief Appellate Defender Wanda H. Carter of the South Carolina Commission on Indigent Defense. This Brief of Respondent on behalf of the State now follows.

STATEMENT OF FACTS

Arrest, Bond and Release Proceedings

Appellant was first arrested by the Newberry Police Department on September 28, 2020, for murder. (Arrest Warrant No. 2020A3620200392). The following day, a magistrate judge issued an order denying bond after finding it was a non-bailable offense (Order dated September 29, 2020) and Appellant remained in confinement. In a subsequent order dated February 12, 2021, and filed February 17, 2021, the Court of General Sessions approved setting bond on the murder charge and the matter was returned to the magistrate to complete the necessary paperwork. (Order dated February 12, 2021). On February 18, 2021, a magistrate judge set a $100,000 surety bond which included the following bond conditions: (1) that he "be of good behavior" and (2) he be "on house [arrest] by electronic monitoring except for gainful

employment, legal and medical appointments and religious services." (Order dated February 18, 2021). On March 10, 2021, **163 days** after his first arrest, Appellant posted bond and was released. Appellant was subsequently arrested on December 7, 2021, **273 days** after his release, by the Newberry County Sheriff's Office for unlawful conduct toward a child (Arrest Warrant No. 2021A3610100852). Bond was denied on the second arrest. Appellant's bond on his first arrest was subsequently revoked by order of the Honorable R. Scott Sprouse on April 5, 2022. (Order dated April 5, 2022). Appellant remained in pretrial detention until the date of his plea on March 19, 2024, **833 days** after his second arrest. (Tr.p.25).

Plea Proceedings

Appellant appeared in the Greenwood County Courthouse before the Honorable Frank R. Addy, Jr., on March 19, 2024. (Tr.p.1). When the case was called, the solicitor announced that Appellant had been indicted for murder but was pleading down to voluntary manslaughter in exchange for a "straight-up" plea. The solicitor further announced that on an unrelated charge Appellant had been indicted for unlawful conduct towards a child and was pleading down to cruelty to children. Finally, the solicitor noted Appellant was waiving venue in order to have his Newberry charges handled in Greenwood County. (Tr.p.4). The plea court then questioned Appellant's Counsel about the charges, possible sentences, and collateral consequences of the convictions, and confirmed Counsel agreed with Appellant's decision to enter a plea and believed the State had sufficient credible evidence to prove Appellant's guilt beyond a reasonable doubt. (Tr.p.5-p.6).

Appellant was then sworn in by the clerk of court. (Tr.p.6). The court explained Appellant's sentence exposure and various collateral consequences of his convictions in detail, all of which Appellant testified he understood. (Tr.p.6-8). Appellant then testified he was not on

any medication and was not under the influence of any alcohol or other substances, he understood what was going on, and he wanted to plead guilty. (Tr.p.6-p.9). The solicitor recited the facts of the underlying charges, the evidence the State intended to use in the event of a trial, and Appellant's criminal history. In regard to the indicted murder, Appellant participated in a drive-by shooting resulting in the death of a seventy-two-year-old woman who was not the intended target. In regard to the unlawful conduct charge, Appellant left a .22 pistol unattended in a house he shared with his four-year old child, resulting in a self-inflicted gunshot wound to the child. Appellant testified he *agreed that the facts* recited by the State were true and *admitted* he was involved in the two crimes in the ways described. (Tr.p.9-p.14) (emphasis added).

The court next explained that by entering a guilty plea Appellant was waiving venue and agreeing to have the case heard in Greenwood rather than Newberry and was giving up certain constitutional rights, including the right to a jury trial where he could call and confront witnesses, subpoena witnesses to testify on his behalf, challenge any evidence submitted at trial, and assert any defenses he might have. Appellant testified he understood his rights, did not need any more time to talk to his attorneys about those rights, and wanted to give up those rights and plead guilty. (Tr.p.14-p.18) (emphasis added). Counsel said he was satisfied with the discovery response from the State and had shared and reviewed that discovery with Appellant. (Tr.p.19). Appellant then testified he was satisfied with the way his attorneys had represented him, he had had enough time to talk with them and understood their conversations, his attorneys had done everything he wanted them to do, and he had no complaints against his attorneys, the solicitor, law enforcement, court personnel, or anybody else involved in his case. (Tr.p.19-p.20).

Appellant testified that besides the plea judge's prior assurance that the court was considering a sentence in the range of 14 to 20 years, he had not been promised anything to get

him to plead guilty. He also testified he had not been threatened, forced, or coerced in any way to get him to plead guilty and that he was pleading guilty of his own free will because he did commit the offenses. Appellant concluded by testifying there was nothing else he needed to ask the court or his attorney about what they had discussed and that he was sure he wanted to plead guilty. (Tr.p.20-p.22). Based on Appellant's testimony, the court accepted the plea as having a factual basis and found his decision to plead guilty had been made freely, voluntarily, knowingly, and intelligently with the assistance of counsel with whom he was satisfied. (Tr.p.22),

The plea court then proceeded with sentencing, hearing from: (1) the victim's daughter; (2) Officer Kennedy from the Newberry Police Department; (3) the solicitor; (4) defense counsel; (5) Appellant's mother; and (6) Appellant himself, before announcing the eighteen-year sentence. (Tr.p.22-p.35). In regard to the credit for time served, the solicitor explained: (1) Appellant was initially arrested for murder on September 28, 2020, but had posted bond and been released on March 10, 2021, **163 days** later, and (2) Appellant was rearrested for unlawful conduct towards a child on December 7, 2021, and remained incarcerated until the date of the plea, **833 days** after the second arrest. He further explained that these two periods of pretrial confinement totaled 996 days and therefore the State agreed Appellant would be entitled to credit for those **996 days**; however, Counsel "has a different position on that." (Tr.p.25, lines 12-25).

Counsel responded:

> Your Honor, I wanted to ask the Court to consider when it comes to the time credit, to give my client credit for **1,269 days** [996 days plus 273 days]. He - - he bonded out, but when bonded out he was on house arrest and ankle monitor and I think this Court actually put him on house arrest and ankle monitor for that period of time and other than the fact that basically the neglect as it relates to the firearm, the warrant on the other charge, he didn't have any concerns or any problems while he was on bond at that time, your

> Honor. He didn't pick up - - he didn't get into anything else. He was relegated to house arrest, and I think he performed without any incident other than the charge that he picked up here. So, I would ask the Court to consider giving him credit for the full time, that would be the **1,269 days** on house arrest.

(Tr.p.27, lines 7-23) (emphasis added). Counsel did not contend the plea court was *required* to award the additional 273 days of credit while Appellant was on monitored house arrest or that Appellant was somehow *entitled* to that credit as a matter of law. He also did not contend the additional credit was being denied by operation of section 24-13-40(3), which did not become effective until June of 2023. Instead, Counsel appeared to be asking the plea court to exercise its discretion to award an additional 273 days of credit for monitored home detention per the terms of 24-13-40 that existed prior to 2023.

The court ultimately sentenced Appellant to eighteen years' imprisonment for voluntary manslaughter and thirty days' imprisonment for cruelty to children. In regard to the additional 273 days requested by Appellant, the plea judge said:

> In terms of credit for the time that you served, I've given you credit for **996 days** against that 18-year sentence. My policy and the law says it's discretionary whether house arrest is credited toward time served, but it's discretionary, first of all, and second of all, you know, if you hadn't have left that .22 around and by the time you were charged with this case, I mean you knew what guns can do. You knew how many - - how dangerous they can be. I'm not giving you credit for the house arrest time against that 18-year sentence, 'cause you shouldn't have left that gun out and you got in more trouble after you were out on bond.

(Tr.p.39, lines 6-19).

STANDARD OF REVIEW

In criminal cases, an appellate court sits to review only errors of law, and it is bound by the trial court's factual findings unless they are clearly erroneous. *State v. Brown*, 401 S.C. 82,

87, 736 S.E.2d 263, 265 (2012); *State v. Wharton*, 381 S.C. 209, 213, 672 S.E.2d 786, 788 (2009). A sentence will not be overturned absent an abuse of discretion when the ruling is based on an error of law. *State v. Jacobs*, 393 S.C. 584, 586, 713 S.E.2d 621, 622 (2011); *In re M.B.H.*, 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010).

The appellate court has a limited scope of review in cases involving a constitutional challenge to a statute because all statutes are presumed constitutional and, if possible, will be construed to render them valid. *State v. German*, 439 S.C. 449, 460, 887 S.E.2d 912, 917 (2023); *Curtis v. State*, 345 S.C. 557, 569, 549 S.E.2d 591, 597 (2001); *State v. Bouye*, 325 S.C. 260, 265, 484 S.E.2d 461, 463-64 (1997). Further, a legislative act will not be declared unconstitutional unless its repugnance to the Constitution is clear and beyond a reasonable doubt. *German* at 460, 887 S.E.2d at 917; *Curtis.* at 570, 549 S.E.2d at 597. Appellants have the burden of proving the statute unconstitutional. *State v. Conyers*, 326 S.C. 263, 266, 487 S.E.2d 181, 183 (1997); *Bouye*, 325 S.C. at 265, 484 S.E.2d at 464 (1997); *Home Health Serv., Inc. v. S.C. Tax Comm'n,* 312 S.C. 324, 440 S.E.2d 375 (1994).

ARGUMENT

I.

The plea court appropriately declined to award Appellant credit for time served prior to trial and sentencing for the time he spent on monitored home detention [263 days] because the court's refusal to award such credit was within the discretion of the court and because the requested credit was *not* denied under the mandate of section 24-13-40(3), as asserted by Appellant, on grounds that he committed a subsequent crime while out on bond.

Appellant argues the trial court erred by denying him time served credit that he accrued during his house arrest, on the ground that he was rearrested and charged on a separate offense during that time period, because there was no adjudication of guilt for that charge prior to the

plea proceeding. He seems to contend that when the plea court denied his request for 273 days of monitored home detention credit in addition to the 996 days of jail credit the parties agreed he should be given, that denial of credit was a result of the application of subsection 24-13-40(3), which provides that: "credit for time served prior to trial and sentencing shall not be given . . . when the prisoner commits a subsequent crime while out on bond." S.C. Code Ann. § 24-13-40(3) (2023). Appellant goes on to argue that: (1) where the length of an inmate's incarceration implicates a constitutional liberty interest under the Fourteenth Amendment, (2) where section 24-13-40(3) was arbitrarily applied to deny his statutory right to sentence related credits, and (3) where he was never convicted of committing a subsequent crime, the plea court violated his constitutional right to procedural due process by denying the requested credit for time served on monitored home detention. (Brief of Appellant, p.4-p.6). The State disagrees and submits this argument should be denied and dismissed for a host of reasons.

First and foremost, while the plea court's discretionary decision to *not* award credit for monitored home detention seems to have been based in part on Appellant's failure to comply with the terms of his bond by getting arrested for a new crime, that decision does *not* appear to have been based in any way upon section 24-13-40(3) of the Code. Indeed, Judge Addy acknowledged the decision of whether to award credit for time served on house arrest was discretionary and simply noted how dangerous it was for Appellant to have left a gun unattended when he "knew what guns can do." The judge further stated: "you shouldn't have left that gun out and you got in more trouble after you were out on bond." (Tr.p.39, lines 6-19). Judge Addy made no reference whatsoever to section 24-13-40(3) and certainly never claimed he was *prohibited* from awarding credit due Appellant's commission of a subsequent crime—which would have been the effect of the statute if it was applied.

Second, despite his claim to the contrary, Appellant was in fact *convicted* of cruelty to children at the time he was sentenced because he pled guilty to both crimes at the same proceeding. Where there was actually a conviction in place at the time the home detention credit was denied, there could not have been a procedural due process violation for a sentencing court to base that denial on the commission of that subsequent crime.

Finally, and most relevant to the portion of section 24-13-40 that *was applied* by the plea court, the court's refusal to award credit for time served prior to trial and sentencing for the time Appellant spent on monitored home detention was within the sound discretion of the court and did not constitute an abuse of discretion. Section 24-13-40 of the South Carolina Code provides that "[i]n 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." (emphasis added). "A sentence will not be overturned absent an abuse of discretion." *State v. King*, 367 S.C. 131, 136, 623 S.E.2d 865, 868 (Ct. App. 2005) (quotation omitted). "An abuse of discretion occurs when the decision by the [plea court] is based on an error of law." *In re M.B.H.*, 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010).

As noted in his oral ruling, Judge Addy simply recited the information the court had at its disposal, which the plea court considered in making its decision. *See In re M.B.H.*, 387 S.C. at 326, 692 S.E.2d at 542 ("A judge must be permitted to consider any and all information that reasonably might bear on the proper sentence for a particular defendant. . . . A trial judge has broad discretion in sentencing within statutory limits."). Credit for time spent on monitored home detention is within the discretion of the sentencing judge. S.C. Code Ann. § 24-13-40. As the trial court noted, it considered the information presented to it—including Appellant's commission of a crime while he was on monitored home detention—before exercising its

discretion to decline to award Appellant credit for time spent on monitored home detention. Nothing in the transcript indicates the court abused its discretion in denying appellant credit for time spent on home detention. Judge Addy was the same judge who presided over the proceeding to direct the magistrate to grant Appellant bond. He then sentenced Appellant to 18 years' imprisonment, which is well within the statutory sentencing range and 12 years below the 30-year statutory maximum sentence for voluntary manslaughter. See S.C. Code Ann. § 16-3-50 (2020) (setting forth a sentencing range of 2 to 30 years' imprisonment for a person convicted on voluntary manslaughter). In light of all this information, the trial court properly exercised its discretion by deciding *not* to grant Appellant credit for time spent on monitored home detention because, while Appellant was eligible for such credit, he was not entitled to it. As the decision to grant credit for time served on monitored home detention was solely within the trial court's discretion and was not based on an error of law, the trial court did not abuse its discretion in denying Appellant credit for time spent on home detention.

Appellant's argument should be denied and dismissed. The plea court's refusal to award credit was within the discretion of the court; the requested credit was *not* denied under section 24-13-40(3) on grounds that he committed a subsequent crime while out on bond; and (3) even if 24-13-40(3) was applied, Appellant was in fact *convicted* of committing a subsequent crime while out on bond when the credit was denied. For these reasons, and our Supreme Court's previous holding that pretrial detention is *not* part of the punishment for the crime, *State v. Sanders*, 251 S.C. 431, 445-46, 163 S.E.2d 220, 228 (1968), Appellant's argument should be rejected.

CONCLUSION

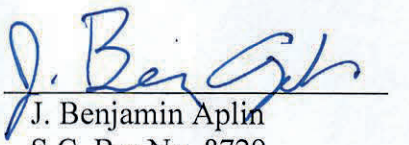
For all of the foregoing reasons, the State submits this appeal should be denied and dismissed and the denial of credit should be affirmed. To the extent this Court disagrees and finds there was a constitutional or other error in the circuit court applying section 24-13-40 and denying the 273 days of credit, the State submits any grant of relief must include a remand for an entirely new sentencing proceeding with reconsideration of the term of years imposed *and* the credit awarded.

Respectfully submitted,

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Assistant Attorney General

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit

BY: 
J. Benjamin Aplin
S.C. Bar No. 8729

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
February 6, 2026

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STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2024-001821

The State, ...Respondent,

v.

Terrance Christopher Dukquan Abrams, ...Appellant.

PROOF OF SERVICE

I, Susan Spencer, Legal Assistant, hereby certify that I have served the *Initial Brief of Respondent* and *Designation of Matter*, both dated February 6, 2026, on Appellant by sending an electronic copy via email to Wanda H. Carter, counsel of record for Appellant, at the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served. This 6th day of February, 2026.

Susan Spencer

Susan Spencer
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

Susan Spencer

From: Susan Spencer
Sent: Friday, February 6, 2026 3:04 PM
To: Carter, Wanda
Cc: Ben Aplin; Leverett, Scott
Subject: The State v. Terrance Abrams (2024-001821)
Attachments: ABRAMS Terrance - Initial Brief of Respondent.pdf

Good afternoon Ms. Carter,

Attached please find the Initial Brief of Respondent and Designation of Matter in The State v. Terrance Abrams (2024-001821). This Brief will be filled today with the Court of Appeals via the AIS OneDrive system. If you will, please confirm receipt.

Thank you.

SUSAN SPENCER, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3219 | susanspencer@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov