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**Feb 23 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Dorchester County

Honorable Dale E. Van Slambrook, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

JOHN LESLIE MCLAUGHLIN, II,

APPELLANT

APPELLATE CASE NO. 2025-002016

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ANDERS BRIEF OF APPELLANT

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W. CHANDLER NORVILLE  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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**STATEMENT OF ISSUE ON APPEAL**

Whether the circuit court abused its discretion by revoking probation and imposing a maximum sentence when the underlying sentence was substantively unreasonable and Appellant had already served fifteen months of probation?

## **STATEMENT OF THE CASE**

At its January 18, 2024 term, the Dorchester County grand jury indicted Appellant for domestic violence in the third degree, a charge to which Appellant pleaded guilty on January 25, 2024. R. 35-36. Appellant was sentenced to ninety (90) days' imprisonment, suspended upon the service of probation for eighteen (18) months. R. 37. Appellant was cited for a probation violation and appeared before the Honorable Dale Van Slambrook on September 15, 2025. R. 19. Michael F. Moyer represented Appellant; the state was represented by a probation agent. R. 19. Judge Van Slambrook ordered that Appellant's probation be revoked in full. R. 32, l. 5.

This appeal follows.

### STANDARD OF REVIEW

“The determination of whether to revoke probation in whole or part rests within the sound discretion of the trial court.” *State v. Allen*, 370 S.C. 88, 94, 634 S.E.2d 653, 655 (2006) (citing, *inter alia*, *State v. Miller*, 122 S.C. 468, 474-75, 115 S.E. 742, 745 (1923)). “The trial court must determine whether the state has presented sufficient evidence to establish that a probationer has violated the conditions of his probation.” *Id.* (citing, *inter alia*, *State v. White*, 218 S.C. 130, 135, 61 S.E.2d 754, 756 (1950)). “While probation is a matter of grace, the probationer is entitled to fair treatment and is not to be made the victim of whim or caprice.” *White*, 218 S.C. at 136, 61 S.E.2d at 756.

## ARGUMENT

The circuit court abused its discretion by revoking probation and imposing a maximum sentence because the underlying sentence was substantively unreasonable and Appellant had already served fifteen months of probation.

### **Relevant Facts**

Appellant pleaded guilty to domestic violence in the third degree on January 25, 2024, before the Honorable Diane S. Goodstein. R. 4, ll. 15-18. The solicitor stated that Appellant “was intoxicated and...slapped the victim in this case.” R. 9, ll. 9-11. Nothing in the record indicates that Appellant had any prior criminal history. Appellant pleaded guilty in exchange for the state’s recommendation of “Prob & CADA PTUP.”<sup>1</sup> R. 37. Judge Goodstein sentenced Appellant to ninety (90) days’ incarceration, suspended to eighteen (18) months’ probation. *Id.*

The Department of Probation, Parole, and Pardon Services (PPP) cited Appellant for two violations, on April 7 and June 19, 2025, and brought a revocation proceeding against Appellant. R. 15-18. PPP alleged that Appellant failed to comply with a drug treatment plan that was a condition of his probation, used drugs, failed to follow the advice and instructions of his agent, and had a financial arrearage. R. 22, ll. 20-23; 5, ll. 4-15. According to PPP, Appellant had been removed from his probation-ordered substance abuse class after compiling four (4) absences and breaking the “confidentiality rule.” R. 23, ll. 13-15. Further, at an administrative hearing for that violation, Appellant was drug tested and tested positive for Buprenorphine. R. 24, ll. 1-7.

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<sup>1</sup> “PTUP” is an acronym for “Probation Terminates Upon Payment.” While a PTUP provision is typically used to terminate probation after the probationer meets certain financial obligations, such as restitution, it is also sometimes used to terminate probation upon the completion of a non-monetary condition, such as substance abuse treatment classes. *See, e.g.*, S.C. Dept. of Probation, Parole, & Pardon Svs., *Glossary*, <https://ppp.sc.gov/glossary> (last accessed Feb. 5, 2026).

Appellant countered that his absences from the substance abuse class were not due to his literal absence but his failure to complete the assigned homework. R. 27, ll. 1-3. Appellant was present at the classes but was not credited for his presence. R. 27, ll. 1-3. Further, the positive drug test was a result of Appellant attempting to self-medicate for his drug addiction, as Buprenorphine is a drug commonly used to treat drug dependency. R. 27, ll. 13-16. In his own defense, Appellant apologized and stated that eighteen months of probation was “harsh,” and he “should have took the 90 days when [he] first got it.” R. 31, ll. 11-12.

Judge Van Slambrook ordered that Appellant’s probation be revoked in full. R. 32, ll. 3-5. Appellant requested that he be allowed to serve the ninety-day sentence on weekends. R. 32, ll. 8-9. Judge Van Slambrook refused, because “that’s not doing him any favors.” R. 32, l. 10. This appeal follows.

### **Discussion**

Eighteen months of probation is a substantively unreasonable sentence for a first offense, misdemeanor crime that carries a maximum penalty of 90 days’ imprisonment. Appellant had been on probation for slightly less than fifteen months at the time of the first operative probation citation. That was plenty. The trial court abused its discretion by revoking Appellant’s probation, forcing him to serve a statutory maximum jail sentence after already serving fifteen months of probation. This Court should reverse.

“While probation is a matter of grace, the probationer is entitled to *fair* treatment and is not to be made the victim of whim or caprice.” *White*, 218 S.C. at 136, 61 S.E.2d at 756. In South Carolina, a criminal sentence is not excessive as long as “it is within statutory limitations and there are no facts supporting an allegation of prejudice against [the defendant].” *Garrett v. State*, 320 S.C. 353, 356, 465 S.E.2d 349, 350 (1995). In federal court, however, a criminal

sentence can be reversed on appeal if it is “substantively unreasonable,” which means “it is longer than necessary to serve the purposes of sentencing.” *United States v. Swain*, 49 F.4th 398, 402 (4th Cir. 2022) (quoting *United States v. Fowler*, 948 F.3d 663, 668 (4th Cir. 2020)). This Court does not need to adopt the federal standard to resolve the issue presented in this case. But the trial court, when exercising its broad discretion “to revoke probation in whole or part,” *Allen*, 370 S.C. at 94, 634 S.E.2d at 655, should consider both the reasonableness of the underlying sentence and the amount of time that a probationer has already spent on probation when determining whether to revoke probation in full, partially revoke probation, or terminate probation. *See* S.C. Code Ann. § 24-21-460 (establishing authority of trial court when presiding over probation violations).

Here, Appellant pleaded guilty to domestic violence in the third degree which carries a maximum penalty of 90 days’ incarceration or a \$2,500 fine or both. *See* S.C. Code Ann. § 16-25-20(D)(1) (establishing penalty for domestic violence, third degree). He was sentenced to a maximum sentence, 90 days, suspended to a probation term of eighteen months—a full six times longer than the maximum sentence. Prior to the issuance of the first operative probation citation, Appellant had been serving probation for nearly fifteen months, five times longer than the maximum sentence for domestic violence, third degree.

The underlying sentence, while technically lawful, was excessive to an extreme degree. When establishing a maximum prison term of 90 days, the General Assembly cannot have intended a person to serve eighteen months of probation. Probation is intended as “a matter of grace.” *See White*, 218 S.C. at 136, 61 S.E.2d at 756. The fact that Appellant told the trial court he “should have took the 90 days,” a *maximum sentence* for the crime he pleaded guilty to, shows that, in this case, probation was decidedly not graceful. Rather, Appellant was required to

serve the entirety of the 90-day maximum sentence, but after serving fifteen months of probation. The trial court, prior to fully revoking his probation, should have taken these circumstances into account.

Accordingly, the trial court abused its discretion by fully revoking Appellant's probation. Its order should be reversed.

**CONCLUSION**

For the foregoing reasons, Appellant's probation revocation and sentence should be reversed.



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W. Chandler Norville  
Appellate Defender

ATTORNEY FOR APPELLANT

This 23rd day of February, 2026.

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\_\_\_\_\_

PETITION TO BE RELIEVED AS COUNSEL  
\_\_\_\_\_

Counsel for John Mclaughlin states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge The Hon. Dale E Van Slambrook, which was held on , and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He 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, he asks the Court to relieve him as counsel for John Mclaughlin.

Respectfully Submitted,



\_\_\_\_\_  
W. Chandler Norville  
Appellate Defender

ATTORNEY FOR APPELLANT

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

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

- (1) Indictment 2023-GS-18-00288;
- (2) Sentencing Sheet;
- (3) Signed Standard Conditions of Probation and Conditions of Supervision for Domestic Violence Offenders;
- (4) September 15, 2025 probation violation hearing transcript;
- (5) January 25, 2024 guilty plea hearing transcript;
- (6) April 7 & June 19, 2025 Probation citations;
- (7) Order Revoking Probation.

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



---

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(803) 734-1330  
ATTORNEY FOR APPELLANT

This 23rd day of February, 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."



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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 Matthew C. Buchanan, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on John McLaughlin, at his private residence via US Mail, this 23rd day of February, 2026.



W. Chandler Norville  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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