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March 12, 2026

Via Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**

**Mar 12 2026**

**SC Court of Appeals**

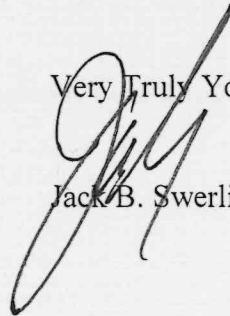
Re: **The State v. Mark Winchell**  
Case No.: 2021A3210202813, -16, -24

Dear Ms. Kitchings:

Please find enclosed the Order denying the Appellant's Motion for Reconsideration and Motion for a New Trial, pursuant to the Deficiency Letter dated December 12, 2025.

Very Truly Yours,

Jack B. Swerling



STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON -2 PM 3:59

The State of South Carolina  
CLERK OF COURT  
LEXINGTON SC

v.

Mark A. Winchell,

Defendant.

) IN THE COURT OF GENERAL SESSIONS  
)  
) FOR THE ELEVENTH JUDICIAL CIRCUIT  
)

) Warrant Nos: 2021A3210202813,-16,-24  
)

) **ORDER DENYING DEFENDANT'S**  
) **MOTION FOR RECONSIDERATION AND**  
) **FOR A NEW TRIAL**  
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**PROCEDURAL HISTORY**

THIS MATTER COMES BEFORE THE COURT on the defendant's Motion for Reconsideration and for a New Trial filed on November 17, 2025. The defendant Mark A. Winchell was tried for attempted dissemination of obscene material to a minor, criminal solicitation of a minor, and attempted first-degree sexual exploitation of a minor in the Lexington County Court of General Sessions between November 5 and 7, 2025. The defendant was represented by Jack Swerling, Esq., and Curtis Copeland, Esq. Assistant Attorney Generals Camille Guthrie, Esq., and Anna Sharpe, Esq. were present on behalf of the State. On November 7, 2025, a Lexington County Jury convicted the defendant, and this Court imposed a twenty-year sentence. The Defendant filed a Motion for Reconsideration and for a New Trial.

**MOTION FOR A NEW TRIAL**

This Court has thoroughly reviewed the trial record, including all evidence presented, witness testimony, and procedural rulings, alongside the specific grounds raised in the defendant's Motion for a New Trial. After careful consideration, this Court concludes that no such errors occurred. The pretrial suppression hearing fully addressed and resolved the warrant challenges, with the warrants upheld as valid under the Fourth Amendment and South Carolina law.

It is well settled that the grant or refusal of a new trial is within the sound discretion of the trial judge. *State v. Simmons*, 279 S.C. 165, 303 S.E.2d 857 (1983); see also *State v. Mercer*, 381 S.C. 149, 166, 672 S.E.2d 556,565 (2009). Accordingly, the motion is denied, and the verdict stands.

### **MOTION FOR RECONSIDERATION OF SENTENCING**

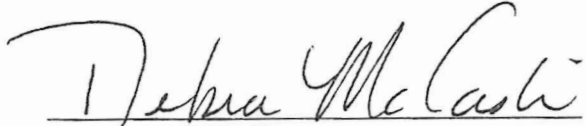
The defendant moved for reconsideration of sentencing in the alternative, contending a sentence totaling twenty years of incarceration is excessive considering the nature and circumstances of the offense and the history and characteristics of the defendant. This Court disagrees.

“The authority to change a sentence rests solely and exclusively” within the discretion of the sentencing judge. *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.” *State v. Hicks*, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008).

Having fully considered the statutory guidelines under S.C. Code Ann. § 16-3-655 and the gravity of the offenses, the Court finds the sentence proportionate. The convictions include one count of attempted sexual exploitation of a minor in the first degree (3-20 years, consecutive to other charges), one count of attempted dissemination of obscene material to a person under 18 (up to 10 years), and one count of criminal solicitation of a minor (up to 10 years). These exposed the defendant to a total of 3 to 40 years. The aggregate twenty-year sentence falls directly in the middle. It is just and necessary to protect the public and deter similar conduct, despite the defendant's prior criminal history and the mitigating factors presented. The motion for reconsideration of sentencing is therefore denied.

**ORDER**

Therefore, after carefully reviewing the defendant's motions, it is ordered that the defendant's Motion for Reconsideration and for a New Trial is hereby DENIED.



Debra R. McCaslin  
Chief Administrative Judge-GS  
Eleventh Judicial Circuit

Lexington, South Carolina  
December 2, 2025

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of General Sessions

Debra R. McCaslin, Circuit Court Judge

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Case No. 2021A3210202813, -16, -24

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The State,

Respondent,

v.

Mark A. Winchell,

Appellant.

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**PROOF OF SERVICE**

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I certify that I have served an Order Denying the Appellant's Motion for Reconsideration and Motion for a New Trial by depositing through Electron Mail, on March 12, 2026, addressed to the following:

The Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Melody J. Brown  
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Grace Moscoso, Paralegal to Jack B. Swerling