

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM LANCASTER COUNTY
Court of General Sessions**

Brian M. Gibbons, Circuit Court Judge

Case No(s).: W-29-23-0018

The State of South Carolina,

v.

Jarius Marquill Sanders

FILED
OFFICE OF CLERK
OF COURT

2023 MAY 24 PM 1:26

CLERK OF COURT
LANCASTER, SC

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JUN 06 2023

SC COURT OF APPEALS

Appellant.

STATEMENT PURSUANT TO RULE 203(d)(1)(B)(iv)

Appellant was found to be in violation of his community release supervision by the Honorable Brian M. Gibbons on May 24, 2023. Undersigned counsel files this appeal at the request of Appellant and pursuant to In re Anonymous Member of the Bar, 303 S.C. 306, 400 S.E.2d 483 (1991). Appellant argues that the Court erred in revoking his community release supervision for one year because Appellant's one year prison sentence would extend Appellant's sentence longer than the 8 years that was imposed when Appellant's probation was revoked and terminated originally.

Date: May 24, 2023


Michael Ryan Payne
Assistant Public Defender
Sixth Circuit Public Defender's Office
PO BOX 575
Heath Springs, SC 29058
Attorney for Appellant
(803) 285-5585

Other Counsel of Record:
Mark Chapman
Lancaster County Probation Agent
PO Box 1809

Lancaster, SC 29721
(803)-416-9958

Matthew Buchanan
General Counsel
South Carolina Department of Probation, Parole and Pardon Services
PO Box 207
Columbia, SC 29202
(803)-734-9012

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Chester

VS.

Jarius Marquil Sanders

FILED
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INDICTMENT/CASE#: 2015GS12487

A/W#: 2015A1210400167

Date of Offense: 7/6/2015

S.C. Code §: 16-03-0029

CDR Code #: 3410

AKA:

Race: BLACK

Sex: M

Age: 17

DOB:

SS#: 6

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault and Battery of a High and Aggravated Nature

☐ CONVICTED OF or☒ PLEADS

in violation of § 16-03-0600(B)(1)

of the S.C. Code of Laws, bearing CDR Code #

3411

☐ NON-VIOLENT☒ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Fryar, Karen

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of

10

days/months/years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$ 500.00

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments)

TOTAL 18.90 225.00 243.90

Clerk of Court/ Deputy Clerk

Court Reporter: Mike Watkins

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date: 2/23/16

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk during probation.

Other: NINE

Other special conditions approved

SENTENCE SHEET

JUN 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Chester

STATE VS.

Jarius Marquill Sanders

AKA: _____

Race: B Sex: M

DOB: _____

SSN: _____

SID#: 07738855

Indictment Number:

2015 -GS- 12 - 487Probation C/W#s: W-12-16-016C-12-16-015Name of Original Offense: ARIANOriginal A/W#: 2015A1210400167Date of Original Offense: 7-6-2015Conviction S.C. Code §: 16-03-0200(B)(1)Conviction CDR Code #: 3, 4, 1, 1Original Sentence: 10 yrs, balance suspended**ORDER 3yrs probation**

The above named defendant has been charged with violating the conditions of probation ordered on 2/23/16 in the Court of General Sessions of Chester County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 2-5-17-2011 7-26-2016. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

2, 3, 4, 6, 10 & attached special conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 8 months/years the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

☒ Financial Obligations: Order satisfies: ☐ Department fees (arrearage) ☐ Fines and other fees (arrearage/balance) ☐ Restitution (and 20%) (arrearage/balance)

Civil judgment: ☐ Department fees ☐ Fines and other fees ☐ Restitution (and 20%)

☒ Additional Conditions ordered by the Court:Concurrent w/ 2015-GS-12-488.☒ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☐ The defendant has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)

☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 19 day of September, 2016
Chester, SC

Ken [Signature]
Presiding Judge 6th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature Jarius SandersWitnessed by [Signature]

Signed this 19 day of September, 2016, at Chester SC
Day Month Year City

FILED
OFFICE OF CLERK OF COURT IN THE COURT OF GENERAL SESSIONS
FOR LANCASTER COUNTY
LANCASTER COUNTY
LANCASTER, SC

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

STATE
-vs-

JARIUS MARQUIL SANDERS

Defendant

02238855

SID #

00369945

SCDC # or DOB

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15-GS-1200487
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CLERK OF COURT
Community Supervision
REVOCATION ORDER

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JUN 06 2023
SC Court of App.

This matter was brought before me on the 5/24/23 day of May, pursuant to a [warrant ~~arrest~~] charging the Defendant with violating the Defendant's Community Supervision Program and asking the Court to revoke the Defendant's community supervision. I find:

1. The terms of the Community Supervision Program are fair and reasonable;
2. The Defendant has not complied with all terms of the Community Supervision Program;
3. The Defendant has willfully violated terms of the Community Supervision Program;
4. The Defendant should not be continued in the Community Supervision Program under its current terms or under other terms and conditions;

IT IS ORDERED that the Defendant be in the custody of the South Carolina Department of Corrections for a term of 20 days months 1 year (total may not exceed one (1) year).

20 days CTS

This 5/24/23 day of May

Lancaster

S.C.

Presiding Judge

Judicial Circuit

This is to certify that I have received this order.

Offender's Signature

X Refused to Sign

Witnessed by

[Signature]

Signed this 24th day of May, 2023, at Lancaster, SC

**SIXTH JUDICIAL CIRCUIT
PUBLIC DEFENDER'S OFFICE**

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104 N. Main Street * Post Office Box 1809
Lancaster, South Carolina 29721
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CLERK OF COURT
LANCASTER, SC

May 24, 2023

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SC Court of Appeals

Mr. Jarius Sanders
Lancaster County Detention Center
1941 Pageland Hwy.
Lancaster, SC 29720

RE: Your Appeal

Dear Mr. Sanders:

I have filed your appeal from your community supervision violation hearing. In addition to filing the Notice of Appeal, the South Carolina Rules of Appellate Procedure require me to file "a written explanation showing that there is an issue which can be reviewed on appeal." Enclosed is a copy of the Notice of Appeal, my Statement Pursuant to Rule 203(d)(1)(B)(iv), the Proof of Service and a copy of correspondence received from the Court of Appeals. As you can see, you have (20) days from the date of this letter to inform the Court of Appeals in writing of any additional arguable basis that there are issues preserved for appeal. You are to write the Court at the following address:

South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29221

Additionally, Appellate Defense will likely be appointed to represent you on your appeal. I have copied the Chief Appellate Defender, Robert Dudek to this letter as well.

Sincerely,



Ryan Payne

Enclosures

cc: Jenny Abbot Kitchings, Clerk
South Carolina Court of Appeals

Robert M. Dudek, Chief Appellate Defender
South Carolina Commission on Indigent Defense