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May 14 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chesterfield County

Honorable R. Lawton McIntosh, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ADRIAN MCMANUS,

APPELLANT

APPELLATE CASE NO. 2025-001544

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ANDERS BRIEF OF APPELLANT

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**TABLE OF CONTENTS**

TABLE OF CONTENTS.....i

TABLE OF AUTHORITIES ..... ii

STATEMENT OF ISSUE ON APPEAL.....1

STATEMENT OF THE CASE .....2

STANDARD OF REVIEW .....3

ARGUMENT

**The probation judge erred in revoking probation in full when  
the victim paid the outstanding fees and did not want  
Appellant to be revoked. ....4**

CONCLUSION.....5

PETITION TO BE RELIEVED AS COUNSEL.....6

## TABLE OF AUTHORITIES

### **Cases**

<u>State v. Allen</u> , 370 S.C. 88, 634 S.E.2d 653 (2006) .....	3
<u>State v. Hamilton</u> , 333 S.C. 642, 511 S.E.2d 94 (Ct. App. 1999) .....	3, 4
<u>State v. Proctor</u> , 345 S.C. 299, 546 S.E.2d 673 (Ct.App. 2001).....	4
<u>State v. Spare</u> , 374 S.C. 264, 647 S.E.2d 706 (Ct. App. 2007) .....	3

**STATEMENT OF ISSUE ON APPEAL**

Did the probation judge err in revoking probation in full when the victim paid the outstanding fees and did not want Appellant to be revoked?

### STATEMENT OF THE CASE

On January 4, 2023, Appellant, Adrian McManus, pled guilty to domestic violence of a high and aggravated nature and was sentenced to four (4) years suspended upon the service of three (3) years of probation. (R. p. 11-12). On July 24, 2023, a probation violation arrest warrant was issued. (R. p. 16). The arrest warrant was served on March 19, 2025. (R. p. 17). On July 25, 2025, Appellant appeared before the Honorable R. Lawton McIntosh for a probation revocation hearing. Richard Logan Wallace represented Appellant at the revocation hearing. Agent Funderburk represented PPP. Judge McIntosh revoked In full. A timely notice of intent to appeal was filed on July 31, 2025. This appeal follows.

### **STANDARD OF REVIEW**

“The decision to revoke probation is addressed to the sound discretion of the trial court.” State v. Spare, 374 S.C. 264, 268, 647 S.E.2d 706, 708 (Ct. App. 2007)(citing State v. Allen, 370 S.C. 88, 94, 634 S.E.2d 653, 655 (2006)). The appellate court’s ““authority to review such a decision is confined to correcting errors of law unless the lack of a legal or evidentiary basis indicates the circuit judge’s decision was arbitrary and capricious.”” Id. (quoting State v. Hamilton, 333 S.C. 642, 647, 511 S.E.2d 94, 96 (Ct. App. 1999)).

## ARGUMENT


**The probation judge erred in revoking probation in full when the victim paid the outstanding fees and did not want Appellant to be revoked.**

During the probation revocation hearing the probation agent told the judge, “Your Honor, when – after he was arrested, his wife, who was the victim of the case, she came forward to our office. She paid off all his money. She requested if there was any possible way that we could term – you know, he could get out of jail and get the case terminated.” (R. p. 5, lines 15-20). The probation agent told the judge he considered the request from Appellant’s wife until he learned Appellant had been arrested on new charges. (R. p. 5, lines 21-24). Counsel for Appellant told the judge, “I would just ask that you consider the briefest sentence that you can on this probation violation.” (R. p. 7, lines 2-3). Instead, the judge revoked in full stating, “Mr. McManus, you had been here before. If this was the first time, I might give you a break, but I’m not – you’re not going to take advantage of what has been given to you. So I’m going to let you serve your time, the rest of your sentence. I’m going to revoke in full.” (R. p. 7, lines 8-12). The judge appeared to rely on a former unrelated probation case in which Appellant was revoked. (R. p. 5, lines 1-9). The probation judge abused his discretion in refusing to consider the wishes of the victim and revoking in full.

The determination of whether or not to revoke probation is within the trial court’s discretion. State v. Proctor, 345 S.C. 299, 301, 546 S.E.2d 673, 674 (Ct.App.2001). “This court’s authority to review such a decision is confined to correcting errors of law unless the lack of a legal or evidentiary basis indicates the circuit judge’s decision was arbitrary and capricious.” State v. Hamilton, 333 S.C. 642, 647, 511 S.E.2d 94, 96 (Ct.App.1999). The probation judge provided no explanation for failing to consider the wishes of the victim.

**CONCLUSION**

Based on the above argument this Court should reverse the revocation of probation and remand for new probation revocation hearing.

  
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Kathrine H. Hudgins  
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 14<sup>th</sup> day of May, 2026.

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

Counsel for Adrian Mcmanus states:

1. She is Senior 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 R. Lawton McIntosh, which was held on July 25, 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 Adrian Mcmanus.

Respectfully Submitted,

  
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Kathrine H. Hudgins  
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 14<sup>th</sup> day of May, 2026.

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**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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