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Jun 18 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ABDULLAH SEIFULLAH,

APPELLANT

APPELLATE CASE NO. 2025-001199

ANDERS BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

1. Did the trial judge err in refusing to dismiss the indictments when the State failed to call the case for trial within 180 days as provided by the Interstate Agreement on Detainers Act?
2. Did the trial judge err in sentencing Appellant to five years for possession of a weapon during the commission of a violent crime in violation of S.C. Code §16-23-490 when the judge also sentenced Appellant to life in prison for murder?

STATEMENT OF THE CASE

In April of 2025, the Horry County Grand Jury indicted Appellant, Abdullah Seifullah, for murder and possession of a weapon during the commission of a violent crime, indictments #2025-GS-26-02862, 02863. (R. pp. 458-461). On May 29, 2025, Appellant appeared before the Honorable Michael G. Nettles moved to dismiss the charges based on a violation of the Interstate Agreement of Detainers Act. (R. pp. 1 - 12). Johnny Gardner represented Appellant. Leigh Andrew Waller represented the State. Judge Nettles denied the motion to dismiss. (R. p. 9, lines 3-13). On June 2, 2025, Appellant proceeded to jury trial before Judge Nettles. Johnny Gardner again represented Appellant. Leigh Andrew Waller and George Henry Martin represented the State. The jury found Appellant guilty. Judge Nettles sentenced Appellant to life in prison for murder and five (5) years concurrent for the weapon charge. A timely notice of intent to appeal was served on June 11, 2025. This appeal follows.

ARGUMENTS

- 1. The trial judge erred in refusing to dismiss the indictments when the State failed to call the case for trial within 180 days as provided by the Interstate Agreement on Detainers Act.**

Standard of Review

“In criminal cases, the appellate court sits to review errors of law only.” State v. Wharton, 381 S.C. 209, 213, 672 S.E.2d 786, 788 (2009). Therefore, “[appellate courts are] bound by the [circuit] court's factual findings unless they are clearly erroneous.” State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006).

Argument

The jury found Appellant guilty of the shooting death of David Roldan Dimas in front of the Planet Fitness gym in the Carolina Forest area of Horry County on June 19, 2023. Appellant and co-defendant Brandon Huertas arrived in Myrtle Beach from Connecticut a few days earlier. (R. p. 147, line 12 – p. 148, lines 1-18). Almost two years later, on May 29, 2025, Appellant appeared before the Honorable Michael G. Nettles and moved for dismissal of the charges based on a violation of the Interstate Agreement on Detainers Act [IAD]. (R. pp. 1-12). Judge Nettles denied the motion to dismiss and the case proceeded to jury trial on June 2, 2025.

During the May hearing Appellant entered Court’s exhibits #1 and #2¹ in support of the motion to dismiss. (R. p. 464-493). Exhibit #1 included correspondence related to the IAD. Exhibit #2 was copy of the IAD found in S.C. Code §17-11-10. Counsel for Appellant argued that the start date for purposes of the IAD was November 20, 2024, the date Appellant pled

¹ The original Court’s exhibits #1 and #2 could not be located. The parties by consent entered copies of the exhibits at a hearing on May 28, 2026, before Judge Nettles. (R. p. 463 - Receipt for Exhibits).

guilty to charges in Connecticut. (R. p. 3, line 12 – p. 4, lines 1-22). Counsel referenced a Governor’s Warrant and advised the judge, “They [the State of South Carolina] tried to get him in 2023, for a reason they didn’t get him in 2023, they didn’t get him in 2024, but they should have known that he pled guilty in November, on November 20th, on or about of 2024, that way he was available then at that time. They should have brought him then, they should have brought him to trial no later than May 19th. Those numbers work, and that’s our case, and I don’t see any other alternative but to grant the motion to dismiss.” (R. p. 4, lines 14-22).

The State acknowledged it attempted to obtain custody of Appellant through the Governor’s Warrant process but was advised Connecticut wanted to resolve their charges first. (R. p. 5, lines 2-15). The State argued that Appellant requested disposition of the South Carolina charges pursuant to the IAD in forms post marked January 6, 2025. The State asserted that the 180-day time frame provided by the IAD to try the case started on January 6, 2025, and the trial scheduled for June was within the timeframe. (R. p. 6, lines 2-16). Alternatively, the State argued even if the request had been made by the State, rather than Appellant, pursuant to the IAD, that timeframe started when the defendant arrived in South Carolina. According to the State, Appellant arrived in South Carolina on February 14, 2025. The June trial date would still be within the 120-day time frame provided by this section of the IAD. (R. p. 6, line 17 – p. 7, lines 1-9).

Counsel for Appellant argued that Appellant had been requesting the IAD paperwork for over a year and had no control over when the prison provided him with the IAD paperwork. (R. p. 7, lines 10-25). Counsel continued to argue that the 180-day time frame to try the case pursuant to the IAD started on November 20, 2024. (R. p. 8, lines 1-13). The judge denied the motion to dismiss. (R. p.9, lines 3-13). The judge erred.

Article III, subsections (a) and (b) of the IAD found in S.C. Code Ann. § 17-11-10, apply when a prisoner initiates disposition of charges pending while the prisoner is incarcerated in another jurisdiction. Article III, subsections (a) and (b) of S.C. Code Ann. § 17-11-10, provide,

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint; *provided*, that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

In footnote 7 in State v. Hill, 409 S.C. 50, 53, 760 S.E.2d 802, 804 (2014), the South Carolina Supreme Court wrote:

Under the IAD, once the receiving jurisdiction acknowledges receipt of the prisoner's request for disposition, the receiving jurisdiction has 180 days to bring the prisoner to trial, unless a proper continuance is granted by a court of competent jurisdiction. S.C.Code Ann. § 17-11-10 Art. III (2003). Otherwise, the court will dismiss the charges. See State v. Holbrook, 274 S.C. 4, 260 S.E.2d 181 (1979). (holding that the time provisions of the IAD are mandatory and violation of them requires dismissal).

In State v. Allen, 269 S.C. 233, 238–39, 237 S.E.2d 64, 67 (1977), the South Carolina Supreme Court wrote, “The purpose of the Interstate Agreement on Detainers is, as stated in Article I of Section 17-11-10, supra, to encourage and effectuate ‘the expeditious and orderly disposition’ of charges outstanding against prisoners detained in other jurisdictions so as to eliminate ‘uncertainties which obstruct programs of prisoner treatment and rehabilitation.’ This purpose is promoted by requiring the receiving State to expeditiously proceed to a trial of the case.”

The purpose of the act is fulfilled by a finding that the 180-day time frame started on November 20, 2024, when Appellant resolved the Connecticut charges. The case should have been tried by May 19, 2025. The State failed to expeditiously proceed to trial once the Connecticut charges were resolved. The June trial date exceeded the 180-day time frame provided by the IAD. Counsel for Appellant argued the State unsuccessfully attempted to obtain custody of Appellant in 2023. Indictments, however, were not sought until April of 2025. The judge erred in refusing to dismiss the charges.

- 2. The trial judge erred in sentencing Appellant to five years for possession of a weapon during the commission of a violent crime in violation of S.C. Code §16-23-490 when the judge sentenced Appellant to life in prison for murder.**

Standard of Review

“[W]hen a trial court imposes what the State concedes is an illegal sentence, the appellate court may correct that sentence on direct appeal or remand the issue to the trial court even if the defendant did not object to the sentence at trial and even if there is no real threat of incarceration beyond the limits of a legal sentence.” State v. Plumer, 439 S.C. 346, 351, 887 S.E.2d 134, 137 (2023).

Argument

The trial judge sentenced Appellant to life in prison for murder and five years concurrent for possession of a weapon during the commission of a violent crime. (R. p. 454, lines 4-14). The trial judge imposed an illegal sentence when he sentenced Appellant to life in prison for murder and five years in prison for possession of a weapon during the commission of a violent crime. S.C. Code §16-23-490(A) provides, “If a person is in possession of a firearm or visibly displays what appears to be a firearm ... during the commission of a violent crime and is convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, he must be imprisoned five years, in addition to the punishment provided for the principal crime. **This five-year sentence does not apply in cases where the death penalty or a life sentence without parole is imposed for the violent crime.**” (emphasis added). S.C. Code §16-1-60 defines murder as a violent crime.

In State v. Plumer, 439 S.C. 346, 351, 887 S.E.2d 134, 137 (2023), the South Carolina Supreme Court affirmed as modified the decision by the Court of Appeals to vacate the illegal sentence writing:

On occasion, we encounter illegal sentences to which no objection was taken in the trial court. In such cases, it is inefficient and a waste of judicial resources to delay the inevitable by requiring the appellant to file a post-conviction relief action or petition for a writ of habeas corpus. Therefore, we modify Johnston and hold that when a trial court imposes what the State concedes is an illegal sentence, the appellate court may correct that sentence on direct appeal or remand the issue to the trial court even if the defendant did not object to the sentence at trial and even if there is no real threat of incarceration beyond the limits of a legal sentence. However, we do not agree with the court of appeals' conclusion that the correction of the sentence is a function of "criminal equity." Plumer, 433 S.C. at 315, 857 S.E.2d at 803. "The general rule is well settled that equity has no criminal jurisdiction...." State ex rel. McLeod v. Holcomb, 245 S.C. 63, 67, 138 S.E.2d 707, 708 (1964); see Ezell v. Ritholz, 188 S.C. 39, 46-47, 198 S.E. 419, 422 (1938). With that modification, we affirm the court of appeals on this issue.

Pursuant to S.C. Code §16-23-490(A), the five-year sentence imposed for possession of a weapon during the commission of a violent crime is an illegal sentence when the judge also sentenced Appellant to life in prison for murder. Although there was no objection made to the illegal sentence, this Court, based on Plumer, should vacate the illegal sentence.

CONCLUSION

Based on the argument presented in issue one, this Court should dismiss the indictments. Based on the argument presented in issue two, this Court should vacate the five-year sentence for the weapon charge.



Kathrine H. Hudgins
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of June, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for Abdullah Seifullah 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 Michael G. Nettles, which was held on , 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 Abdullah Seifullah.

Respectfully Submitted,


Kathrine H. Hudgins
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of June, 2026.

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SC Court of Appeals

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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This 18th day of June, 2026.