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Jun 22 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL ANTON YOUNG, JR.,

APPELLANT

APPELLATE CASE NO. 2025-002566

ANDERS BRIEF OF APPELLANT

KATHRINE H. HUDGINS
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the plea judge err in sentencing Appellant above the negotiated cap of six years?

STATEMENT OF THE CASE

In November of 2025, the Lexington County Grand Jury indicted Appellant, Michael Anton Young, Jr., for domestic violence first degree, indictment #2025-GS-32-05057. On December 2, 2025, Appellant appeared before the Honorable Debra R. McCaslin and pled guilty as charged. Aakash Vipul Patel represented Appellant. Melissa Byars Moon represented the State. Although the plea was entered for a negotiated sentencing cap of six (6) years, Judge McCaslin sentenced Appellant to ten (10) years provided upon the service of six (6) years with three (3) years of probation.

STANDARD OF REVIEW

“In criminal cases, the appellate court sits to review errors of law only.” State v. Nesbitt, 411 S.C. 194, 199, 768 S.E.2d 67, 70 (2015) (quoting State v. Jacobs, 393 S.C. 584, 586, 713 S.E.2d 621, 622 (2011)).

ARGUMENT

The plea judge erred in sentencing Appellant above the negotiated cap of six years.

Appellant pled guilty to domestic violence first degree for a negotiated cap of six (6) years. (R. p. 14). During the plea the judge told Appellant, “And also this is a negotiated – a negotiated cap of six years, so that means I can’t give you over six years. You understand?” (R. p. 6, lines 12-14). Appellant answered, “Yes, ma’am.” (R. p. 6, line 15).

The judge, however, sentenced Appellant to ten (10) years provided upon the service of six (6) years with three (3) years of probation. (R. p. 14). The judge told Appellant:

Should have stayed in New York. Since [sic] to the Court. I got 10 years provided upon the service of six years. So I – that’s your cap. He’s going to do the full six. Then I’m going to put him on probation for three years. The first year is going to be intensive probation. He is going to do the batterers program and there will be no tolerance for any violation. And I will keep – I think I’ll still be on the bench. I don’t have to retire until I’m 72, so I think I’ll be here. So I’m going to keep jurisdiction of this case. So you violated – you’re coming back in front of me. And then I’m going to put you in jail for 10 years. That’s what I call keeping my eyes on you.

(R. p. 9, lines 12-24). The plea judge erred. The ten-year suspended sentence exceeded the six year negotiated cap.

In the context of post-conviction relief the Court in Roddy v. State, 339 S.C. 29, 36, 528 S.E.2d 418, 422 (2000) wrote:

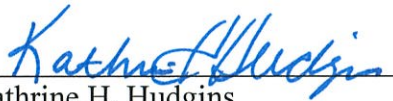
We hold that where the plea judge satisfies the requirements of Boykin, he is not further required to tell a defendant the court is not bound by a negotiated plea agreement. However, in order to prevent situations similar to the instant case and ensure defendants are aware of the consequences of their guilty plea, attorneys should advise defendants of the possibility that the plea judge may deviate from the sentence recommendation. See Holland, supra (attorney advising defendant of the possibility that the judge may not accept the recommendation that the sentences run concurrently rendered plea voluntary).

In Roddy the Court found the guilty plea was not rendered involuntary when the judge did not order concurrent sentences in accordance with the plea agreement. The Court in Roddy found that the defendant was aware that he could receive consecutive rather than concurrent sentences. In contrast, in the present case the judge advised Appellant she could not sentence him to more than six years. (R. p. 6, lines 12-14). Importantly, this was a negotiated sentencing cap rather than a recommendation. Holland v. State, 322 S.C. 111, 470 S.E.2d 378, (1996), cited in Roddy, involved a recommendation as to sentencing rather than a negotiated sentencing cap.

The judge erred by exceeding the negotiated cap of six years. While the judge advised Appellant the charge carried up to ten years (R. p. 3, lines 8-15), the negotiation did not consider the possibility of a suspended sentence. The negotiation reflects that both the State and Appellant expected a sentence that did not exceed six years, not a ten-year suspended sentence.

CONCLUSION

Based on the above argument this Court should remand for resentencing in accordance with the negotiated plea agreement.



Kathrine H. Hudgins
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 22nd day of June, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for Michael Anton Young 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 Debra R. Mccaslin, which was held on Dec. 2, 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 Michael Anton Young.

Respectfully Submitted,


Kathrine H. Hudgins
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 22nd day of June, 2026.

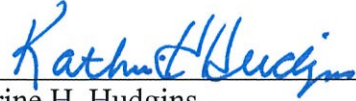
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CERTIFICATE OF COUNSEL

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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