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Jul 16 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEWONE DELAWRENCE DIXON,

APPELLANT

APPELLATE CASE NO. 2025-001318

ANDERS BRIEF OF APPELLANT

LARA M. CAUDY
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err by sentencing Appellant to three years' imprisonment for possession of methamphetamine, second offense, when the sentence was excessive given the underlying facts of the case and Appellant's prior record?

STATEMENT OF THE CASE

A Chester County grand jury indicted Appellant on October 22, 2024, for distribution of methamphetamine. R. 34-35. On June 16, 2025, Appellant pled guilty to the lesser included offense of possession of methamphetamine, second offense, before the Honorable G.D. Morgan, Jr. R. 1. In exchange for Appellant's plea, the state dismissed Appellant's other pending charges for possession with intent to distribute (PWID) a schedule I or II controlled substance and possession of a firearm or ammunition by a person convicted of PWID. R. 3, ll. 1-15. The state recommended a sentence of three years' imprisonment. R. 3, ll. 7-8. Deputy Solicitor Julia Soprano represented the state. Amber Holt represented Appellant. R. 1.

At the conclusion of the hearing, Judge Morgan sentenced Appellant to three years' imprisonment and ordered Appellant receive credit for eighty-five days' time served. R. 17, ll. 19-21. Appellant filed a motion to reconsider his sentence. On July 18, 2025, a hearing was held on Appellant's motion before Judge Morgan. R. 19. The judge refused to alter Appellant's three year sentence, but ordered Appellant receive credit for two hundred and twenty-nine days' time served. R. 36.

This appeal follows.

STANDARD OF REVIEW

“Our standard of review in criminal cases is limited to correcting errors of law.” State v. Green, 436 S.C. 492, 494, 872 S.E.2d 869, 869 (Ct. App. 2022) (citing State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006)). “We are bound by the facts as the trial court found them, unless they are clearly erroneous.” Id. at 494, 872 S.E.2d at 869-70 (citing Baccus, 367 S.C. at 48, 625 S.E.2d at 220).

ARGUMENT

The trial court erred by sentencing Appellant to three years' imprisonment for possession of methamphetamine, second offense, when the sentence was excessive given the underlying facts of the case and Appellant's prior record.

Relevant Facts

On June 17, 2024, a law enforcement officer saw Appellant outside Danny's Store in Chester. The officer knew Appellant had an outstanding warrant for his arrest. Consequently, the officer approached Appellant as he was standing near his car and placed him under arrest for possession with intent to distribute a schedule I or II controlled substance. Appellant told the officer that he had a firearm in his waistband. The gun was seized and Appellant agreed to forfeit the firearm as part of the plea agreement. When the officer searched Appellant pursuant to his arrest, he found a clear plastic bag in Appellant's pants pocket containing roughly 1.8 grams of a crystal like substance believed to be methamphetamine. The substance was subsequently sent to the South Carolina Law Enforcement Division for analysis and found to be 1.35 grams of methamphetamine. R. 10, l. 14 – 11, l. 6.

While Appellant was indicted for distribution of methamphetamine based on the weight of the methamphetamine Appellant possessed, the state allowed Appellant to plead guilty to possession of methamphetamine with a sentence recommendation of three years. R. 3, ll. 1-8. The deputy solicitor also informed the court that she believed Appellant was entitled to credit for eight-five days' time served. R. 3, ll. 17-18.

Defense counsel argued that Appellant was entitled to credit for two hundred and twenty-nine days' time served and requested the court sentence Appellant to time served. R. 4, ll. 7-22. R. 13, l. 20 – 14, l. 20.

The trial court ultimately sentenced Appellant to three years imprisonment and ordered he be given credit for only eighty-five days' time served. R. 17, ll. 14-22.

Appellant filed a motion to reconsider and a hearing was held two days later. R. 19. Defense counsel again argued at the hearing that Appellant was entitled to credit for two hundred and twenty-nine days' time served. R. 21, l. 5 – 26, l. 23. After a lengthy argument, the trial court took the matter under advisement. R. 31, ll. 22-25. The court ultimately agreed with Appellant and amended his sentence sheet to reflect that he receive credit for two-hundred and twenty-nine days' time served. R. 36.

While the trial court amended Appellant's sentence sheet to provide him with credit for additional days time served, the court refused to alter Appellant's three year sentence despite defense counsel's persuasive arguments. See R. 26, ll. 13-23,

Discussion

The trial court abused its discretion by sentencing Appellant to three years' imprisonment. While the court sentenced Appellant within the statutory range, the sentence imposed must have resulted from partiality or prejudice because it was excessive based on the underlying facts of the case and Appellant's limited prior record. See Brooks v. State, 325 S.C. 269, 271, 481 S.E.2d 712, 713 (1997) ("A plea court is allowed broad discretion in sentencing within statutory limits."); State v. Conally, 227 S.C. 507, 510, 88 S.E.2d 591, 593 (1955) (holding an appellate court has no jurisdiction to disturb, because of alleged excessiveness, a sentence which is within the limits prescribed by statute, unless: (a) the statute is unconstitutional, or (b) the sentence is the result of partiality, prejudice, oppression, or corrupt motive.). Appellant merely possessed a small quantity of methamphetamine on his person. There was no direct or circumstantial evidence that Appellant intended to distribute the

methamphetamine he possessed. The deputy solicitor admitted during the plea proceeding that Appellant had a “fairly minimal drug history” which is why the state allowed Appellant to plead guilty to the lesser included offense of possession of methamphetamine instead of the indicted distribution offense. Additionally, Appellant’s entire prior record consisted only of possession of marijuana, possession of an unlawful substance, possession of marijuana with intent to distribute, and second degree domestic violence. R. 16, ll. 5-15.

Respectfully, because the sentence was excessive, this Court should reverse Appellant’s conviction and sentence and remand for a new trial.

CONCLUSION

Based on the foregoing argument, Appellant respectfully requests this Court reverse his conviction and sentence and remand for a new trial.

Respectfully submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 16th day of July, 2026.

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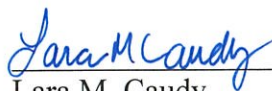
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Dewone Dixon states:

1. She is an 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 guilty plea, which was held on June 16, 2025, before the Honorable G.D. Morgan, Jr., 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 (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 Dewone Dixon.

Respectfully Submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 16th day of July, 2026.

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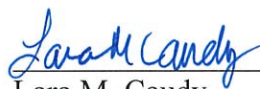
APPELLATE CASE NO. 2025-001318

**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Complete Transcript Dated June 16, 2025;
- (2) Complete Transcript Dated June 18, 2025;
- (3) Indictment;
- (4) Sentence Sheet.

I certify that this designation contains no matter which is irrelevant to this appeal.



Lara M. Caudy
Senior Appellate Defender

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Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

This 16th day of July, 2026.

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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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon Mark R. Farthing, Esquire, at his primary email address listed in the Attorney Information System (AIS); and on Dewone Dixon, at 110 Frazier Drive, Chester SC 29706, this 16th day of July, 2026.



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: [Caroline Collins](#); [Caudy, Lara](#)
Subject: 2025-001318 The State v. Dewone D. Dixon Anders Brief of Appellant and Record on Appeal
Date: Thursday, July 16, 2026 12:28:00 PM
Attachments: 2025-001318 The State v. Dewone D. Dixon Anders Brief of Appellant.pdf
2025-001318 The State v. Dewone D. Dixon Record on Appeal.pdf

Good afternoon Mr. Farthing,

Attached for service in the above-referenced case are the Anders Brief of Appellant and Record on Appeal, which will be filed with the Court of Appeals today, July 16, 2026, via email filing.

Thank you,

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
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