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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Honorable Debra R. McCaslin

Case No. 2025GS3204302, 2025GS3204303
2025GS3204304, 2018GS4008002

The State,.....Respondent,

v.

Jason Cooke Boney,.....Appellant.

**STATEMENT OF BASIS FOR APPEAL FROM
GUILTY PLEA PURSUANT TO RULE 203(d)(1)(B)**

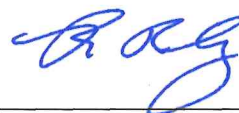
Pursuant to South Carolina Appellate Court Rule 203(d)(1)(B), the Defendant had reached a negotiated and concurrent ten (10) year non-violent sentence under North Carolina vs .Alford with the Attorney General's Office, and this sentence resolved two different cases that exposed the Defendant to a Life Without Parole Sentence. Upon presenting this negotiated plea to the trial Judge, Shawn Graham, he declined to accept the plea as he believed it was too lenient. He believed that the case should proceed to trial and defense counsel objected under the Separation of Powers, Article III and Article II respectively. Judge Graham asked for research on this issue and also allowed defense counsel to seek out another General Sessions judge to see if they would accept the plea. Judge Graham also revealed, after looking at prior indictments for this Defendant, that he recognized his signature on one of the prior indictments. This caused both defense counsel and the prosecution to have concerns about a possible conflict of interest. The only other General Sessions Judge was Chief Administrative Judge Debra McCaslin, who was holding plea court on a different floor. The situation was explained to Judge McCaslin regarding Judge Graham's refusal to accept the plea, and the assistant attorney general also brought up the potential conflict issue. We asked if she would consider taking the plea. Judge McCaslin said that because it was his trial date the Defendant needed to have a trial. Given the potential conflict with Judge Graham, she stated that "she was the trial judge now," and she ordered us from her third floor courtroom to

report upstairs to Judge Graham's fourth floor courtroom. When we got up there she asked if we had motions for the trial. Defense counsel advised it had submitted no motions, as the negotiated plea agreement was struck Friday prior to trial, and the trial judge had been informed of the resolution. Both the State and Defense asked her if she would consider accepting the plea offer. She listened to the offer for concurrent 10 years non-violent; however, based on hearing the facts of the allegations, coupled with the Defendant's prior record, she declined to accept the offer. She then insisted that his trial would need to begin. Defense counsel again asserted, as was previously asserted to Judge Graham, that this would be a violation of the separation of powers. The fact that a plea judge refused to accept a negotiated plea agreement between the defense and prosecution did not automatically convert in the Defendant being forced into a trial. In support, defense counsel cited, (1) Harden v. State, 276 S.C. 249 (1981), (2) State v. Thrift, 312 S.C. 282 (1994), (3) State v. Needs, 333 S.C. 134 (1998), the Due Process Provisions of the Fourteenth Amendment, and various judicial canons. Judge McCaslin insisted she disagreed with those cases, and pursuant to rule Rule 18, SCRCrimP, defense counsel believed it was futile and/or inappropriate to continue to object.

Judge McCaslin called defense counsel and the assistant attorney general to her bench, and advised we would need to present her with a new plea offer or be prepared to start trial, with the Defendant facing life without parole, immediately. She advised us that she would consider a consecutive offer for a cap of eighteen years acceptable. As this was late in the afternoon, this was hurriedly discussed with the Defendant, and he begrudgingly agreed to the plea only to avoid a scenario where he was facing life without parole. Judge McCaslin sentenced him to ten (10) years concurrent on two counts of Sexual Exploitation of a Minor 2nd Degree, followed by a six (6) year consecutive sentence on one count of Assault and Battery First Degree. The plea was not under North Carolina vs. Alford. After the plea Judge McCaslin called the prosecution up to the bench while defense counsel was in holding with the Defendant, and she could be heard scolding the prosecution for negotiation such a lenient plea offer. She advised them that she "fixed it," and she admonished the stating "how can you sleep at night."

This appeal follows.

This 10th day of August, 2026



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