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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAWRENCE MENDEL BREWER, JR.,

APPELLANT

APPELLATE CASE NO. 2026-000018

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

The trial court abused its discretion in denying appellant all time served credit in the case.

STATEMENT OF THE CASE

Appellant Lawrence Brewer pled guilty to possession of methamphetamine during the December 2025 term of the Pickens County General Session Court before Judge Perry H. Gravely and was sentenced to imprisonment for a period of eighteen years. Attorney Stephen T. Snow represented appellant at trial, and Assistant Solicitor John E. Gardner prosecuted the case.

Appellant appealed. This brief follows.

STANDARD OF REVIEW

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

ARGUMENT

The trial court abused its discretion in denying appellant all time served credit in the case.

A traffic stop of appellant's vehicle on May 10, 2024, in Pickens County resulted in a search that led to the discovery of methamphetamine found therein. Tr. 7, lines 6-20. At the plea proceeding whereinafter the eighteen-year sentence was imposed, the following colloquy occurred regarding time served credit:

Court: There's credit for how many days? 72...79?

Defense Counsel: 381

Court: I'm...well, he got picked up on another charge. I'm not going to give him...I'm going to give him 79.

Here, the trial judge failed to inquire into and make findings on information regarding appellant's alleged "another charge" that would have been relevant to the issue of the grant of all time served credit in the case, which in turn violated S.C. Code Ann. § 24-13-40 (2013).

The computation of time served credit statute reads as follows:

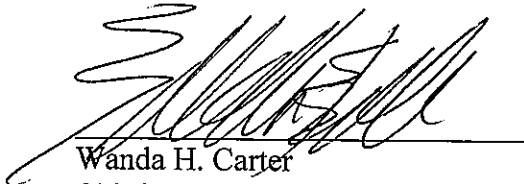
[F]rom the date of the commencement of the service of the sentence...in every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.

Appellant was improperly denied all time served credit in his case because no full inquiry was conducted into the matter. Thus, the trial court's abuse of discretion regarding the issuance

of all time served credit was obvious. The requirements of procedural due process apply to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property; and therefore, the statutory right to sentence related credits would be a protected "liberty" interest under the Fourteenth Amendment entitling an inmate to due process to ensure that such state created rights are not arbitrarily abrogated. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000), citing to Board of Regents of State College v. Roth, 408 U.S. 564 (1972). The length of an inmate's incarceration implicates a constitutional liberty interest. Tant v. S.C. Dept. of Corrections, 408 S.C. 334, 759 S.E.2d 398 (2014), citing to Greenholtz v. Inmates of Neb Penal and Correctional Complex, 442 U.S. 1 (1979). The trial court erred in denying all time served credit to appellant in the case.

CONCLUSION

Based on the foregoing argument, counsel for appellant would request that the case be remanded for a new sentencing hearing.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 26th day of August, 2026.