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Sep 15 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
The Honorable B. Alex Hyman, Circuit Court Judge

Appellate Case No.: 2026-000834
Trial Count Case No.'s: 2021-GS-26-01198; 2024-GS-26-03534

Christopher Dontell.....Appellant,

v.

The State of South Carolina.....Respondent.

INITIAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

Table of Contents.....	i
Table of Authorities.....	ii
Statement of Issues on Appeal.....	1
Statement of The Case.....	2
Statement of Facts.....	3
Standard Of Review.....	7
Argument.....	8
I. THE TRIAL COURT ABUSED ITS DISCRETION AND RELIED ON AN INACCURATE PREMISE BY TREATING THE ENTIRE PERIOD BETWEEN THE OFFENSE AND APPELLANT'S GUILTY PLEA AS EVIDENCE OF PERSONAL DISHONESTY.....	8
A. The Trial Court's Central Rationale for Rejecting Leniency Rested on an Incomplete Account of the State's Own Charging Timeline.	8
B. This Court Should Vacate and Remand for Resentencing Free of This Inaccurate Premise.	9
II. THE TRIAL COURT VIOLATED APPELLANT'S DUE PROCESS RIGHTS BY BASING ITS SENTENCE ON A PERCEIVED PLEA BENEFIT THAT THE RECORD DOES NOT SUPPORT.....	10
A. The Trial Court Treated Appellant's Unnegotiated Plea as Though It Were Consideration for His Later Cooperation.	10
B. This Materially Inaccurate Premise Requires Resentencing.....	13
III. THE TRIAL COURT IMPROPERLY TREATED DIFFERENCES BETWEEN APPELLANT'S PLEA-STAGE ADMISSIONS AND HIS LATER TRIAL TESTIMONY AS EVIDENCE OF CONTINUED DISHONESTY, WITHOUT ACCOUNTING FOR THE INCREMENTAL NATURE OF HIS DISCLOSURES AND HIS STATED FEAR OF RETALIATION.	14
A. The Record Contains an Unrebutted, Legitimate Explanation for the Incremental Pace of Disclosure.	14
B. <u>Grayson</u> Is Distinguishable.	14
CONCLUSION.....	15

TABLE OF AUTHORITIES

CASES

<u>Brooks v. State</u> , 325 S.C. 269, 271–72, 481 S.E.2d 712, 713 (1997).....	3, 6–7
<u>Castro v. State</u> , 417 S.C. 77, 81, 789 S.E.2d 44, 46 (2016).....	7
<u>Commonwealth v. Johnson</u> , 27 Mass. App. Ct. 746, 543 N.E.2d 22 (1989).....	13
<u>Corbitt v. New Jersey</u> , 439 U.S. 212, 99 S. Ct. 492, 58 L. Ed. 2d 466 (1978)	12–13
<u>Davis v. State</u> , 336 S.C. 329, 520 S.E.2d 801 (1999).....	7
<u>Gajdos v. State</u> , 462 N.E.2d 1017 (Ind. 1984).....	12
<u>State v. Blakely</u> , 402 S.C. 650, 741 S.E.2d 726 (Ct. App. 2013).....	11–12
<u>State v. Brouwer</u> , 346 S.C. 375, 388, 550 S.E.2d 915, 922 (Ct. App. 2001).....	8–9
<u>State v. Follin</u> , 352 S.C. 235, 257–58, 573 S.E.2d 812, 824 (Ct. App. 2002)	7
<u>State v. Fuller</u> , 346 S.C. 477, 552 S.E.2d 282 (2001).....	11
<u>State v. Good</u> , 315 S.C. 135, 432 S.E.2d 463 (1993)	11
<u>State v. Goodall</u> , 221 S.C. 175, 178, 69 S.E.2d 915, 916 (1952)	7
<u>State v. Hazel</u> , 317 S.C. 368, 453 S.E.2d 879 (1995).....	7, 9
<u>State v. Legette</u> , 285 S.C. 465, 466–67, 330 S.E.2d 293, 294 (1985)	11
<u>State v. Manning</u> , 329 S.C. 1, 7, 495 S.E.2d 191, 194 (1997).....	7
<u>State v. McDonald</u> , 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000)	7
<u>Townsend v. Burke</u> , 334 U.S. 736, 741 (1948).....	8, 10
<u>United States v. Grayson</u> , 438 U.S. 41 (1978).....	14–15
<u>United States v. Jansen</u> , 475 F.2d 312 (7th Cir.), cert. denied, 414 U.S. 826, 94 S. Ct. 130, 38 L. Ed. 2d 59 (1973)	13
<u>United States v. Tucker</u> , 404 U.S. 443, 446–49 (1972)	9–10, 13

OTHER AUTHORITIES

<u>U.S. Sentencing Guidelines</u> § 3E1.1 cmt. n.2.....	9
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STATEMENT OF ISSUES ON APPEAL

- I. Whether the trial court abused its discretion and relied on an inaccurate premise by treating the entire period between the offense and Appellant's guilty plea as evidence of personal dishonesty, where the State did not indict Appellant on the offense to which he ultimately pled guilty, accessory after the fact, until June 12, 2024, more than three years after it first indicted him only for murder and criminal conspiracy to commit murder, and where Appellant pled guilty within approximately six months of that indictment, on the day his trial was set to begin.
- II. Whether the trial court violated Appellant's due process rights by basing its sentence on a perceived plea benefit.
- III. Whether the trial court improperly treated differences between Appellant's admissions at his guilty plea and his later trial testimony against his co-defendant as evidence of continued dishonesty, without accounting for the incremental nature of his disclosures and his stated fear of retaliation against his family.

STATEMENT OF THE CASE

This is an appeal from a sentence imposed following a guilty plea in the Horry County Court of General Sessions. Appellant Christopher Dontell was indicted for murder (2021-GS-26-01197), criminal conspiracy to commit murder (2021-GS-26-01198), conspiracy to commit kidnapping (2024-GS-26-03535)¹, and accessory after the fact to murder (2024-GS-26-03534²), in connection with the death of Gregory Rice. (Indictments)

On December 4, 2024, as the parties stood ready to proceed to trial and a jury had been selected and sworn, Appellant pled guilty, without any negotiated recommendation from the State to criminal conspiracy to commit murder and accessory after the fact to murder. (Plea Tr. 2:8-21). Appellant agreed to testify for the State at the trial of his codefendant, Meagan Jackson, and the parties agreed that sentencing would be held in abeyance until after that trial. (Plea Tr. 2:16-21).

Meagan Jackson, Dontell's codefendant, was tried by a jury and convicted of murder on June 18, 2025. Appellant testified against her at that trial. (Order Denying Mot. to Reconsider at 2).

On July 14, 2025, the trial court held a sentencing hearing. The State took no position on sentencing given Appellant's cooperation against his codefendant, leaving the matter to the court's discretion. (Sent. Tr. 7:1-6). Defense counsel requested a probationary sentence and presented mitigation and victim-impact letters, family testimony, and argument regarding Appellant's cooperation, remorse, and personal history. (Sent. Tr. 7-24). The court sentenced Appellant to the statutory maximum on each charge; fifteen years for accessory after the fact and

¹ There was a second set of indictments presented ten (10) days before the case was to be tried which resulted in a continuance to the December 2024 term.

² Which was sworn to a grand jury and contrary facts to what the State swore under oath in the Murder indictment.

five years for criminal conspiracy; with the sentences to run consecutively, for an aggregate sentence of twenty years, less credit for time served. (Sent. Tr. 27:5-9).

On July 23, 2025, Appellant timely moved to reconsider the sentence, arguing that the court had not given appropriate weight to his substantial cooperation with the State. On March 24, 2026, the trial court denied the motion, holding that the sentence was within statutory limits and that there was no allegation of prejudice against Appellant. (Order Denying Mot. to Reconsider at 3, citing Brooks v. State, 325 S.C. 269, 271-72, 481 S.E.2d 712, 713 (1997)).

This appeal followed. Notice of Appeal was filed April 3, 2026, and an Explanation of Appeal was filed April 20, 2026.

STATEMENT OF FACTS

Appellant worked as a Deputy Coroner for Horry County. While so employed, he began an extramarital affair with his co-defendant, Meagan Jackson, who worked as a body transport person and had four children with the victim, Gregory Rice. (Plea Tr. 7:16 - 9:9). Over the following months, Jackson took an increasingly controlling role in Appellant's life, including, according to Appellant's wife and to defense counsel's presentation at sentencing, threatening Appellant and his family and pressuring him to continue concealing their relationship and, later, his knowledge of the offense. (Plea Tr. 7:16 - 9:9).

The victim was last seen on October 2, 2020, the same night Appellant and Jackson spent together traveling between several locations, including Lewis Ocean Bay Heritage Preserve. (R. at 49). Jackson reported the victim missing on October 5, 2020, and law enforcement's investigation soon focused on her and Appellant. (Plea Tr. 7:16 - 9:9).

Appellant was interviewed by law enforcement four times before his arrest on November 11, 2020, and denied any knowledge of Rice's whereabouts in each interview. After retaining

counsel, Appellant entered a proffer agreement and, on June 29, 2021, acknowledged some limited participation in Rice's disappearance and death. The State terminated the proffer agreement after Appellant declined to submit to a polygraph examination. (Order Denying Mot. to Reconsider at 2).

Appellant's bond was revoked on September 9, 2021. (Fifteenth Judicial Circuit Public Index-Christopher Dontell-Indictment No.: 2021GS2601197-(Murder)). Multiple motions to compel for discovery were filed. (Fifteenth Judicial Circuit Public Index-Christopher Dontell-Indictment No.: 2021GS2601197-(Murder)).

On May 13, 2022, Appellant secured new counsel. (Fifteenth Judicial Circuit Public Index-Christopher Dontell-Indictment No.: 2021GS2601197-(Murder)). Multiple bond and discovery motions were argued. (Fifteenth Judicial Circuit Public Index-Christopher Dontell-Indictment No.: 2021GS2601197-(Murder)).

Appellant was set for trial on the June 2024, roster. Ten days before trial was set to begin, The State presented additional indictments charging Appellant with Accessory After the Fact, with the indictment stating that he knew "Jackson had murdered Rice." (Indictment-Accessory After the Fact) as well as Conspiracy to Kidnap. (Indictment-Conspiracy to Kidnap). Motions regarding the new/late/contradictory filings were argued and the trial was continued. Appellant and Jackson were set for trial in December 2024. After Jackson was granted a continuance over the State's objection, the State proceeded against Appellant alone. A jury was selected and sworn, and as the State was about to begin its opening statement, Appellant indicated he wished to plead guilty as charged to accessory after the fact to murder. He entered his plea the following day, December 4, 2024, also pleading guilty to criminal conspiracy to

commit murder, and agreed to testify against Jackson. (Order Denying Mot. to Reconsider at 2-3; Plea Tr. 2:8-21).

At the plea hearing, the State represented, and Appellant did not dispute, that it was Jackson who had shot Rice, and that Appellant's role was to assist in disposing of the body and concealing what had occurred. (Plea Tr. 12:2-5 (Appellant's affirmation, under oath, that he did not kill Gregory Rice)).

Appellant testified against Jackson at her trial in June 2025. His testimony described, in detail, driving Jackson to the victim's location, Jackson shooting the victim multiple times, and the subsequent disposal of the victim's body, including Appellant's own role in retrieving, wrapping, and disposing of the body in the Little Pee Dee River. (Sentencing). Jackson was convicted of murder and sentenced to life imprisonment. (Sentencing). The prosecutor acknowledged at sentencing that Appellant's cooperation was material to that result, and the trial court itself credited Appellant's testimony as a basis for comparing his conduct to Jackson's. (Sentencing). Jackson was convicted of murder by a jury on June 18, 2025, following Appellant's trial testimony against her. (Order Denying Mot. to Reconsider at 3).

At the July 14, 2025, sentencing hearing, the State expressly declined to argue for any particular sentence, noting that when one codefendant testifies against another, the State's position is that sentencing is left to the trial court's discretion. (Sent. Tr. 7:1-6). The victim's daughter, Savannah Rice, addressed the court and asked that Appellant receive the maximum sentence. (Sent. Tr. 5:17 - 6:9). Defense counsel presented approximately nineteen letters of support from clergy, professionals, and community members, argued that Appellant's cooperation had been material to securing Jackson's conviction, noted a comparable case in which a similarly-situated cooperating codefendant received a time-served, non-probationary

sentence, and requested a suspended sentence with an intensive five-year term of probation. (Sent. Tr. 7-11, 21-23). Appellant's wife, Erica Dontell, and Appellant himself each addressed the court, expressing remorse and describing the impact of the case on both families. (Sent. Tr. 13-20).

In imposing sentence, the trial court acknowledged defense counsel's presentation as "remarkable," but focused on the fact that approximately 1,500³ days elapsed between the murder and Appellant's full, truthful account of his role, and noted that Appellant's testimony at Jackson's trial differed in some respects from what he had previously admitted at his own plea⁴. (Sent. Tr. 25:23 - 26:16). The court stated that Appellant's plea to the lesser charges of accessory after the fact and criminal conspiracy, rather than murder, already reflected the benefit of his cooperation.⁵ (Sent. Tr. 26:23-27:2). The court then imposed the maximum sentence on both charges, consecutively, with credit for time served⁶. (Sent. Tr. 27:5-9).

Appellant timely moved to reconsider the sentence, arguing that the trial court failed to properly weigh his substantial cooperation, which was material and directly responsible for Jackson's conviction. (Motion to Reconsider at 1-3). The trial court denied the motion by written order, relying on the general proposition that a sentence within statutory limits is not excessive absent a showing of prejudice. (Order Denying Mot. to Reconsider at 3) (citing Brooks v. State, 325 S.C. 269, 271–272, 481 S.E.2d 712, 713 (1997)).

³ The time between arrest of Appellant (11/11/2021) and his proffer with the State (12/9/2024) results in 1125 days.

⁴ As appellant stated numerous times, he was in fear from the codefendant, which is why it wasn't until **after** his plea that he cooperated and gave a full statement to the State, which was the basis for the testimony at codefendant's trial. (*emphasis added*)

⁵ This is absolutely not a benefit as Appellant was indicted for those charges so there was no benefit. (*emphasis added*)

⁶ As required by Statute.

STANDARD OF REVIEW

A trial court is allowed broad discretion in sentencing within statutory limits, and a sentence is not excessive if it is within statutory limitations and there are no facts supporting an allegation of prejudice against a defendant. Brooks v. State, 325 S.C. 269, 271-72, 481 S.E.2d 712, 713 (1997). This Court has no jurisdiction to review a sentence, provided it is within the limits set by statute for the trial court's discretion, unless that discretion was exercised arbitrarily, for reasons clearly untenable or unreasonable, or as the result of prejudice, oppression, or corrupt motive. State v. Goodall, 221 S.C. 175, 178, 69 S.E.2d 915, 916 (1952).

An abuse of discretion occurs when the trial court's ruling is controlled by an error of law or is based on factual findings without evidentiary support. State v. McDonald, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000); State v. Manning, 329 S.C. 1, 7, 495 S.E.2d 191, 194 (1997). Consistent with these principles, this Court and the Supreme Court have repeatedly held that a sentence within otherwise lawful limits will still be reversed where the record shows the trial court's stated rationale does not withstand scrutiny. For example, where the court penalizes a defendant for exercising a constitutional right or fails to draw any meaningful distinction between defendants whose conduct and cooperation differed materially. See Castro v. State, 417 S.C. 77, 81, 789 S.E.2d 44, 46 (2016) (sentencing court abused its discretion by considering petitioner's decision to proceed to trial, and remanding for resentencing); Davis v. State, 336 S.C. 329, 520 S.E.2d 801 (1999) (counsel ineffective for failing to object where trial judge stated he sentenced Davis more harshly than similarly situated codefendants because, unlike Davis, they had pled guilty and admitted responsibility); State v. Hazel, 317 S.C. 368, 453 S.E.2d 879 (1995) (abuse of discretion where trial judge considered defendant's decision not to plead guilty in declining youthful-offender sentencing); State v. Follin, 352 S.C. 235, 257-58, 573 S.E.2d 812,

824 (Ct. App. 2002) (cautioning that a sentencing court abuses its discretion when an improper factor infects its stated reasoning). A trial court's mere disavowal of an improper motive does not cure the problem where the record fails to reflect an otherwise adequate, individualized basis for the sentence actually imposed. State v. Brouwer, 346 S.C. 375, 388, 550 S.E.2d 915, 922 (Ct. App. 2001).

ARGUMENT

I. THE TRIAL COURT ABUSED ITS DISCRETION AND RELIED ON AN INACCURATE PREMISE BY TREATING THE ENTIRE PERIOD BETWEEN THE OFFENSE AND APPELLANT'S GUILTY PLEA AS EVIDENCE OF PERSONAL DISHONESTY.

A. The Trial Court's Central Rationale for Rejecting Leniency Rested on an Incomplete Account of the State's Own Charging Timeline.

The trial court's stated basis for imposing the maximum sentence rested heavily on the amount of time "about 1500 days" that passed between the murder and Appellant's guilty plea, which the court treated as evidence that Appellant chose to "withhold the truth." (Sentencing). That characterization does not account for an undisputed fact squarely in this record: the State did not indict Appellant for accessory after the fact, the offense to which he ultimately, and accurately, pled guilty, until June 12, 2024, more than three years after it first indicted him only for murder and criminal conspiracy to commit murder. (Public Index, Indictments).

Appellant could not have pled guilty to an offense that did not yet exist on the indictment. For the period from March 2021 to June 2024, the great majority of the "1500 days" the trial court cited, Appellant stood charged with murder, a charge the State never proved and never pursued to conviction against him. He was entitled to hold the State to its burden on that charge, or to require it to charge him accurately, without having that period held against him at sentencing as if it reflected nothing more than personal recalcitrance. See Townsend v. Burke,

334 U.S. 736, 741 (1948) (a sentence resting on assumptions about the record that are “materially untrue,” whether through carelessness or design, is inconsistent with due process); United States v. Tucker, 404 U.S. 443, 447–449 (1972) (vacating a sentence founded “at least in part upon misinformation of constitutional magnitude” and remanding for resentencing without reliance on the inaccurate premise).

This principle is reinforced by the settled rule, applicable in South Carolina, that a sentencing court may not penalize a defendant's lawful exercise of the right to require the State to prove its charges. See State v. Hazel, 317 S.C. 368, 453 S.E.2d 879 (1995); State v. Brouwer, 346 S.C. 375, 550 S.E.2d 915 (Ct. App. 2001) (reversing and remanding for resentencing where the trial court’s own comments showed it had considered the defendant’s decision to proceed to trial rather than plead guilty). Although Appellant ultimately resolved this case by plea rather than verdict, the same principle applies with equal force to the period during which he lawfully contested the murder charge: he cannot be penalized, in the form of an inflated “delay,” for the years during which the State itself had not yet brought the charge that accurately described his conduct. Cf. U.S. Sentencing Guidelines § 3E1.1 cmt. n.2 (recognizing, by analogy, that the timeliness of a defendant’s acceptance of responsibility must be assessed against when the defendant was in a position to accept responsibility for the offense actually charged, not merely against the date of the underlying conduct; South Carolina does not follow the federal guidelines, but the principle is instructive).

B. This Court Should Vacate and Remand for Resentencing Free of This Inaccurate Premise.

Appellant pled guilty to the offenses that accurately described his conduct within approximately six months of the State first bringing the accessory-after-the-fact charge, and on the very day his trial was set to begin. (Plea transcript). A sentence that treats the more than three

years before that charge existed as equivalent to willful concealment rests on an inaccurate and incomplete premise and cannot stand. Appellant respectfully requests that this Court vacate the sentence and remand for resentencing before a different judge, with instructions to evaluate the timing of Appellant's plea against the State's own charging timeline rather than against the date of the underlying offense alone.

II. THE TRIAL COURT VIOLATED APPELLANT'S DUE PROCESS RIGHTS BY BASING ITS SENTENCE ON A PERCEIVED PLEA BENEFIT THAT THE RECORD DOES NOT SUPPORT.

A. The Trial Court Treated Appellant's Unnegotiated Plea as Though It Were Consideration for His Later Cooperation.

Whether a sentence rests on a materially false or unsupported premise is a due process question. "It is not the duration or severity of [a] sentence that renders it constitutionally invalid; it is the careless or designed pronouncement of sentence on a foundation so extensively and materially false, which the prisoner had no opportunity to correct . . . that renders the proceedings lacking in due process." Townsend v. Burke, 334 U.S. 736, 741 (1948); accord United States v. Tucker, 404 U.S. 443, 446–449 (1972).

This claim is reviewed independently of the deference ordinarily due a sentence within statutory limits. In declining to give Appellant any additional credit for his cooperation, the trial court told him: "based on your testimony the fact that you pled to an accessory and a co-conspirator is your lesser sentence." (Sentencing). That statement treats the charges Appellant pled to accessory after the fact and criminal conspiracy to commit murder, rather than murder itself as the benefit the State already extended him in exchange for his cooperation, such that no further leniency was warranted.

The record does not support that premise. At sentencing, the prosecutor herself described Appellant's plea as one entered "straight up," meaning "he did so with absolutely no discussions

and no agreements with the State” as to the charges or any sentence recommendation. (Sentencing). Appellant simply pled guilty to the two charges as indicted, on the day the State was prepared to try him on all four. (Plea, Sentencing). The only agreement reflected anywhere in this record is that Appellant “has agreed to be available to testify” against Jackson, with sentencing held in abeyance until after that testimony an agreement that said nothing about what sentence, if any, that testimony would earn him. And Appellant’s testimony against Jackson did not occur until roughly six months after his plea, at her trial in June 2025. (Sentencing).

The State changed its theory between the murder indictment and the later accessory-after-the-fact indictment, this would not simply characterize the dismissal of murder and conspiracy to kidnap as a substantial “benefit” of the plea instead this Court should examine what the State actually alleged in the two indictments. (Indictments).

Under South Carolina law, murder/principal liability and accessory after the fact rest on fundamentally different concepts. Accessory after the fact requires that the underlying felony already be completed, that the defendant knows the principal committed it, and that the defendant thereafter harbor or assist the principal for the purpose of helping the principal avoid detection or arrest. State v. Legette, 285 S.C. 465, 466–67, 330 S.E.2d 293, 294 (1985). The Court of Appeals has emphasized that accessory-after-the-fact liability is different from principal liability and that accessory after the fact is not a lesser-included offense of murder. State v. Blakely, 402 S.C. 650, 741 S.E.2d 726 (Ct. App. 2013); State v. Fuller, 346 S.C. 477, 552 S.E.2d 282 (2001); State v. Good, 315 S.C. 135, 432 S.E.2d 463 (1993).

That becomes important if the murder indictment/theory alleged, in substance, participation in the killing, while the later accessory indictment alleged conduct occurring only after the homicide was complete. Blakely expressly recognized this tension. It noted that the State would

have had to take “somewhat inconsistent positions” had murder and accessory after the fact been tried together.

The trial court’s characterization thus conflates two distinct things: (1) the charges Appellant happened to plead to, which were not the product of any negotiated reduction and therefore cannot fairly be called a “benefit” extended in exchange for anything; and (2) Appellant’s substantial, separate act of testifying against Jackson many months later, which is the cooperation actually at issue and which the court’s “you already got your benefit” framing effectively wrote out of the sentencing calculus. A sentence that rests on the premise that an unnegotiated, as-charged plea already constituted the State’s reward for cooperation that had not yet occurred, and would not occur for another six months, rests on a materially inaccurate account of the record.

The State has a legitimate interest in encouraging the entry of guilty pleas. Corbitt v. New Jersey, 439 U.S. 212, 99 S.Ct. 492, 58 L.Ed.2d 466 (1978); Gajdos v. State, 462 N.E.2d 1017 (Ind.1984). A defendant who enters a guilty plea has extended a substantial benefit to the State and deserves to have a substantial benefit extended to him in return. Gajdos, 462 N.E.2d at 1025.

The United States Supreme Court has held a State may encourage a guilty plea by offering substantial benefits in return for the plea. Corbitt, 439 U.S. at 219, 99 S.Ct. at 497, 58 L.Ed.2d at 474. The plea may obtain for the defendant not only the possibility or certainty of a lesser penalty than the sentence that could be imposed after a trial and a verdict of guilty but also of a lesser penalty than that required to be imposed after a guilty verdict by a jury. Id. at 219–20, 99 S.Ct. at 497–98, 58 L.Ed.2d at 474–75.

For those who plead guilty, that fact itself is a constitutionally permissible consideration in sentencing, a consideration that is not present when one is found guilty by a jury. Id. at 223–24,

99 S.Ct. at 500, 58 L.Ed.2d at 477. See also Commonwealth v. Johnson, 27 Mass. App. Ct. 746, 543 N.E.2d 22 (1989)(willingness to admit guilt may be a proper factor justifying more lenient sentencing). It cannot be said that defendants found guilty by a jury are penalized for exercising the right to a jury trial any more than defendants who plead guilty are penalized because they give up the chance of acquittal at trial. Corbitt, 439 U.S. at 226, 99 S.Ct. at 501, 58 L.Ed.2d at 478. In each instance, the defendant faces a multitude of possible outcomes and freely makes his choice. Id. Equal protection does not free those who made a bad assessment of risks or a bad choice from the consequences of their decision. Id. The Supreme Court has unequivocally recognized the constitutional propriety of extending leniency in exchange for a plea of guilty and of not extending leniency to those who have not demonstrated those attributes on which leniency is based. Id. at 224, 99 S.Ct. at 500, 58 L.Ed.2d at 477. See United States v. Jansen, 475 F.2d 312 (7th Cir.), cert. denied, 414 U.S. 826, 94 S.Ct. 130, 38 L.Ed.2d 59 (1973)(policy of leniency following guilty plea properly held by trial court to be inapplicable to situation where defendant puts government to its proof in full trial).

B. This Materially Inaccurate Premise Requires Resentencing.

As in Townsend and Tucker, the question is not whether the sentence imposed was within the statutory range, it was, but whether it was “founded at least in part upon misinformation of constitutional magnitude.” Tucker, 404 U.S. at 447. Because the trial court’s stated reason for withholding further leniency rests on a mischaracterization of an unnegotiated plea as a bargained-for benefit for cooperation that had not yet been given, Appellant respectfully requests that this Court vacate the sentence and remand for resentencing before a different judge, with instructions to evaluate Appellant’s cooperation, principally his trial testimony against Jackson, on its own terms, separate from the charges to which he pled guilty.

III. THE TRIAL COURT IMPROPERLY TREATED DIFFERENCES BETWEEN APPELLANT'S PLEA-STAGE ADMISSIONS AND HIS LATER TRIAL TESTIMONY AS EVIDENCE OF CONTINUED DISHONESTY, WITHOUT ACCOUNTING FOR THE INCREMENTAL NATURE OF HIS DISCLOSURES AND HIS STATED FEAR OF RETALIATION.

A. The Record Contains an Unrebutted, Legitimate Explanation for the Incremental Pace of Disclosure.

A sentencing court has discretion to consider a defendant's candor, but that discretion must be exercised on a complete view of the record. Where a court's aggravating rationale ignores unrebutted, record-based explanations for the very conduct it treats as aggravating, the resulting sentence reflects an abuse of discretion. At sentencing, the trial court stated that Appellant's trial testimony against Jackson "did differ in what you admitted to when you pled guilty," and cited that difference, along with the length of the delay addressed in Issue I, as reasons to reject leniency. (Sentencing). But the record contains an undisputed explanation for why Appellant's account grew more complete over time: fear of retaliation against himself and his family while Jackson remained free on bond and, according to the record, actively attempting to intimidate him. (Sentencing). Defense counsel represented, without contradiction from the State, that Jackson drove past Appellant's home with his wife and children present while out on bond, that the State itself investigated reports that Appellant feared for his safety, and that Appellant's prior counsel had advised him to continue placating Jackson out of fear of what she might do if she learned he intended to cooperate. (Sentencing). Defense counsel further represented that Appellant's cooperation became complete only once protective bond conditions were secured for his family. (Sentencing). None of this was disputed by the State at the hearing.

B. Grayson Is Distinguishable.

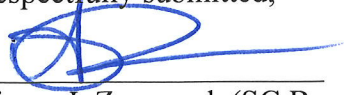
United States v. Grayson, 438 U.S. 41 (1978), holds that a sentencing judge may consider the judge's own observation that a defendant testified falsely at his own trial, because truthfulness bears on rehabilitation prospects. Grayson does not control here. The trial court did not find that Appellant committed perjury at a trial of his own, he had none, having pled guilty before trial began. Rather, the court drew a negative inference from the fact that Appellant's account grew more detailed across a police interview, a failed proffer, a guilty plea, and testimony as a cooperating witness at someone else's trial, without addressing the unrebutted, fear-based explanation for that progression. An incremental, fear-driven disclosure process building toward full cooperation is not the equivalent of the courtroom falsehood Grayson addressed, and the trial court's failure to grapple with the record's explanation for that progression was error. Appellant respectfully requests that this Court vacate the sentence and remand for resentencing before a different judge, with instructions to weigh the pace of Appellant's disclosures against the unrebutted, fear-based explanation the record supplies, rather than treating incremental disclosure as equivalent to calculated dishonesty.

CONCLUSION

Under the totality of the circumstances, the sentence should be vacated. Each of the three grounds above independently supports resentencing. Together, they show a sentencing decision that rested on an inflated account of Appellant's delay, a mischaracterization of an unnegotiated plea as an already-conferred benefit for cooperation that had not yet occurred, and an unexplained rejection of the record's own account of why Appellant's disclosures grew more complete over time all while Appellant's cooperation directly produced a murder conviction against the person the trial court itself recognized as primarily responsible for the victim's death.

Appellant respectfully requests that this Court vacate the sentence imposed on July 14, 2025, and remand for resentencing before a different judge.

Respectfully submitted,



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