

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Eugene C. Griffith, Circuit Court Judge

Case Nos. 2022-GS-46-02262, 2023-GS-46-02774

The State,

Appellant,

v.

Brenden Demarkus Johnson,

Respondent.

NOTICE OF APPEAL

The State hereby appeals the grant of time served credit by the court on these two indictments. The Honorable Eugene C. Griffith imposed the sentences on September 14th, 2026, granting the defendant credit from his arrest on April 19th, 2023 while he was on bond for other charges. The State asserts the defendant should not receive credit from June 20, 2023 due to the legislative change in S.C. Code Ann. 24-13-40. The State moved the court to reconsider the grant of time served credit on September 16th, 2026, which the court denied in open court on the record contemporaneously.

September 21st, 2026

s/ Daniel K. Porter
Senior Assistant Solicitor
16th Circuit Solicitor's Office
1675 York Highway,
York, SC, 29745
803-628-3020

Attorney for Appellant

CC: J. Todd Rutherford
1315 Blanding St.
Columbia, South
Carolina 29201
(803) 256-3003

Ugonna Udogwu
Assistant Public Defender
1675 1-E York Highway
York, SC 29745
(803)628-3031

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CLERK OF COURT
YORK COUNTY, SC

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Eugene C. Griffith, Circuit Court Judge

Case Nos. 2022-GS-46-02262, 2023-GS-46-02774

The State

Appellant,

v.

Brenden Demarkus Johnson,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Respondent's attorneys Ugonna Udogwu and J. Todd Rutherford by depositing a copy of it in the United States Mail, postage prepaid, on September 21st, 2026 addressed to his attorneys of record, Ugonna Udogwu at 1675 1-E York Highway, York, SC, 29745 and J. Todd Rutherford at 1315 Blanding St, Columbia, SC, 29201.

September 21st, 2026

s/ Daniel K. Porter
1675 1-A York Highway
York, South Carolina 29745
(803) 628-3020
Attorney for Appellant

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CLERK OF COURT
YORK COUNTY, SC

Hon. Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211



KEVIN S. BRACKETT
SOLICITOR

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SC Court of Appeals

VIA FIRST CLASS MAIL

Hon. Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

VIA INTER-DEPARTMENTAL DELIVERY

Hon. Angie M. Bryant, Clerk of Court
York County Court of General Sessions
PO Box 649 - 1675 1-G York Highway
York, South Carolina 29745

Re: State v. Brenden Demarkus Johnson, 2022-GS-46-02262, 2023-GS-46-02774

Dear Ms. Kitchings and Ms. Bryant:

Please find enclosed an original and one copy of the Notice of Appeal and Proof of Service in the above-referenced matter. Please file the original and return a clocked copy to me in the enclosed self-addressed stamped envelope (or via inter-departmental delivery, for York County Clerk of Court), in accordance with your normal procedures.

Since this Appeal is being pursued by the State of South Carolina, I am informed that no filing fee is necessary. As always, please do not hesitate to contact me at (803) 628-3020 should you have any questions or concerns.

Sincerely,

Daniel K. Porter

Enclosures as stated

Cc: J. Todd Rutherford, Ugonna Udogwu (*via mail delivery*)
M. Farthing, Senior Assistant Deputy Attorney General (*via email*)

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ANGIE M. BRYANT
CLERK OF COURT
YORK COUNTY, SC

KEVIN S. BRACKETT
SOLICITOR
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1675-1A YORK HIGHWAY
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