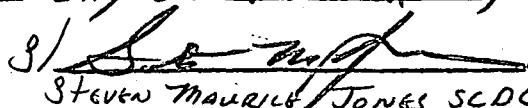


STATE OF SOUTH CAROLINA)
County of GREENVILLE)
THE STATE)
v.)
STEVEN MAURICE JONES)
Defendant.)

THE SOUTH CAROLINA COURT OF APPEALS
RE: THE STATE v. STEVEN M. JONES
APPELLATE CASE No. 2013-002729
ISSUES OF APPEAL: IMPROPER SENTENCING -
INVALID PLEA AGREEMENT

NOW, comes the defendant Steven M. Jones SCDC #263923, acting in his own behalf and also having sound mind and body, will attempt to provide in writing any basis that there are issues preserved for appeal. Defendant does not dispute the issue of his guilt within the area of committing a Burglary, being that he plead guilty and is in fact guilty of Burglary, but it is which degree of Burglary that he is in fact guilty of, and also the violent and/or Non Violent aspects of this crime that he plead to. Defendant will attempt to prove these issues through using the examples of the titles of Shoplifting v. Shoplifting 3rd and Above, Petit Larceny v. Petit Larceny 3rd and Above, and also the definitions of 2nd Degree Burglary Violent/Non Violent as well as 3rd Degree Burglary. Defendant will also speak in the 3rd person while presenting these arguable issues.

Respectfully Submitted this the 3rd day of March, 2014


STEVEN MAURICE JONES SCDC #263923
Kirkland Correctional Institution
4344 Broad River Rd.
Columbia, S.C. 29210

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SPECIFIC APPEAL ISSUE:

The 2nd Degree Burglary that I plead to was initially a 3rd Degree Burglary that was enhanced to a 1st Degree Burglary AND then dropped to a 2nd Degree Burglary. From my prior knowledge, if a Burglary is enhanced because of a Defendants prior criminal history of 3 or more property crimes then it could only be enhanced ONLY ONE DEGREE as a form of enhancement. The Solicitor dropped it down to a 2nd Degree in order to make it seem as if she was doing me a favor in which it was suppose to be a 2nd Degree Burglary after enhancement anyway.

From the knowledge that I have concerning this case, my Discovery File, as well as the Solicitors presentation within the courtroom. The victim Fletcher Martin reported that his tool shed in his back yard that was un-attached to the house / dwelling was broken into and that various LAWN AND GARDEN as well as Power Tools had been taken, there were absolutely NO weapons involved within this incident, in which this would take away the Violent characteristics of this case, there were also NO face to face physical altercations within this case, this would also take away any Violent aspects from within this case, so this incident of Burglary is suppose to be Non Violent.

General Definition #1: 3rd Degree Burglary - To enter without permission, a business or storage building that is un-attached to a dwelling with the intent to permanently deprive the owner of his property.

General Definition #2: 2nd Degree Burglary - To enter without permission, a dwelling in the daytime or a storage building, carport, and/or garage that is attached to the dwelling with the intent to permanently deprive the owner of his property.

Even though it is being done in the name of the Law it would be an error with the judicial system to enhance a

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defendants Burglary offense up to a different degree, because by doing so, the defendant would be charged with an offense that would have totally different essential elements and characteristics as the initial offense would include before the enhancement occurred. 3rd Degree Burglary has totally different essential elements and characteristics than 2nd Degree Burglary. Example of 2nd Degree Burglary: I was not guilty of entering a dwelling or attached storage room/garage in the daytime with the intent to permanently deprive the owner of his property, so to enhance my 3rd Degree Burglary to a 2nd Degree Burglary would be an error, because this would leave the defendant meeting the requirements, essential elements, and characteristics of a Degree of Burglary in which I did not commit, but I do fit all of the essential elements of 3rd Degree Burglary.

The purpose of enhancing a defendants offense is to punish him/her more severely due to their repetative and habitual criminal behavior, this is done not by changing/upgrading the degree of the offense, but by alerting the judicial system that this defendant continues to commit crimes within the same exact category such as the category of "PROPERTY CRIMES:" and by also adding the term "3rd and ABOVE".

- EXAMPLE #1: Shoplifting - A MISDEMEANOR OFFENSE THAT CARRIES UP TO 30 DAYS.
- EXAMPLE #2: Shoplifting 3rd and Above - A FELONY THAT CARRIES UP TO 10 YEARS.
- EXAMPLE #3: PETIT LARCENY - A MISDEMEANOR OFFENSE THAT CARRIES UP TO 30 DAYS.
- EXAMPLE #4: PETIT LARCENY 3rd and Above - A FELONY THAT CARRIES UP TO 10 YEARS.

As the examples show, within the enhancement process, the title of the initial offense never changes, therefore the essential elements, characteristics, and requirements that Law Enforcement officials use to determine whether or not a suspect/defendant has committed a criminal infraction that has to be proven before a judge so that an arrest warrant may be executed.

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For the ARREST of the suspect/defendant is properly met without prejudice. The initial title of the offense doesn't change, but there is only an additional phrase of "3rd AN ABOVE" that allows judicial officials to know that the perpetrator of these crimes is a habitual offender which also places this offense into a different category that has EXTREMELY harsher penalties.

DEAR COURT OF APPEALS, for the judicial system to upgrade my 3rd Degree Burglary to a 2nd Degree Burglary as a form of enhancement, and also for the judge to hand down a conviction based on this information was an ERROR, because it was stated by the Assistant Solicitor that a tool shed that was UN-ATTACHED to the dwelling/residence was entered and various tools were taken, this signifies the essential elements of a 3rd Degree Burglary, and does not meet the standards of a 2nd Degree Burglary in any possible way, therefore this conviction should be revised and remanded based upon this information, and a new conviction handed down based on the elements of 3rd Degree Burglary.

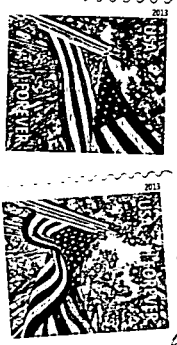
Respectfully Submitted this the 3rd day of March 2014.

Sl. St. M. J.

STEVEN MARQUEE JONES SCDC #263923
KIRKLAND CORRECTIONAL INSTITUTION
4344 BROAD RIVER RD.
COLUMBIA, S.C. 29210

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Steven Lawrence Jones S.C. D.C. #263923
Kirkland Corr. Inst. F3-239
4344 Broad River Rd.
Columbia, S.C. 29210



South Carolina Court of Appeals

P.O. Box 11629

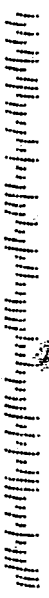
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HAS NOT CENSORED THIS ITEM
THEREFORE THE DEPARTMENT DOES
NOT ASSUME RESPONSIBILITY FOR
ITS CONTENTS.

|||||

Jones 263923