

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM FLORENCE COUNTY

D. Craig Brown, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DEWAYNE MACK,

APPELLANT

APPELLATE CASE NO. 2013-000664

---

RECORD ON APPEAL

---

ROBERT M. PACHAK  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

Attorney for Appellant

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

Attorneys for Respondent

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**SC Court of Appeals**

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2012-GS-21-1822
	)	
	)	
	)	
State of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Dewayne Travon Mack a/k/a	)	)
Willie Lee Mack	)	
<u>DEFENDANT</u>	)	<b>December 3, 2012</b>
		Florence, SC

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE.

A P P E A R A N C E S:

JOHN JEPERTINGER, DEPUTY SOLICITOR  
Attorney for the State

SCOTT P. FLOYD, CHIEF PUBLIC DEFENDER  
Attorney for the Defendant

KESHIA REED  
Official Court Reporter

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I N D E X

(WHEREUPON, there were no witnesses called.)

1           THE COURT: Okay. I'm going to go through  
2 everybody's Constitutional Rights with them real quick.  
3 Listen up, I'm going to go through everybody's  
4 Constitutional Rights with them. When you plead guilty,  
5 you give up certain important Constitutional Rights. I  
6 want each of you to understand that you have a right to a  
7 jury trial. At a jury trial, I would instruct the jury  
8 that you are presumed innocent, that you are presumed not  
9 guilty. The State would bare the burden of proving you  
10 guilty beyond a reasonable doubt. You have a right  
11 question any witnesses against you as well as the right to  
12 present witnesses for your defense.

13           You would have the right to remain silent. If  
14 you went to trial and did not testify, I would instruct  
15 the jury that they could not hold that fact against you.  
16 You would have the right to present any defense you might  
17 have to the charge or charges against you. You made any  
18 incriminating statements, you have a right to challenge  
19 the admissibility of those statements. Does anybody in  
20 here not understand those rights? When you plead guilty,  
21 you give up those rights. Does anybody in here not  
22 understand that when they plead guilty they give up those  
23 rights?

24           Now, some of you may come before this court  
25 waiving presentment of your charge to the grand jury. I

1 want you to understand that you have a right to have your  
2 charge or charges presented to the grand jury for them to  
3 determine whether or not there's sufficient evidence to  
4 bring your case into this court. However, you may waive  
5 that right as well. Does anybody in here not understand  
6 that right? Does anybody in here not understand that they  
7 can waive that right?

8 (WHEREUPON, there was no response.)

9 THE COURT: All right, Solicitor.

10 MR. JEPERTINGER: Okay. May it please the  
11 Court, standing in front of you is Willie Lee Mack waiving  
12 presentment to the grand jury on 2012-1822, Your Honor.  
13 He is pleading to shoplifting value of property \$10,000  
14 or more. And he's represented by Mr. Floyd and the State  
15 is asking that you would cap the sentence at five years.

16 THE COURT: All right. Mr. Floyd, you represent  
17 Willie Lee Mack?

18 MR. FLOYD: I do, Your Honor.

19 THE COURT: You explain to him the charges  
20 contained in the indictment, the possible punishment and  
21 his Constitutional Rights?

22 MR. FLOYD: Yes, Your Honor.

23 THE COURT: In your opinion, does he understand  
24 the charges against him, the possibly punishment and his  
25 Constitutional Rights?

1 MR. FLOYD: Yes, Your Honor.

2 THE COURT: Has he indicated to you a desire to  
3 plead guilty or not guilty?

4 MR. FLOYD: Guilty, Your Honor.

5 THE COURT: Do you agree with that decision?

6 MR. FLOYD: I do.

7 THE COURT: Have you also explain to him his  
8 right to have this matter presented to the grand jury?

9 MR. FLOYD: Yes, Your Honor.

10 THE COURT: Has he indicated to you a desire to  
11 waive that right?

12 MR. FLOYD: He has.

13 THE COURT: Do you agree with that as well?

14 MR. FLOYD: I do, Your Honor.

15 THE COURT: All right. From your investigation  
16 of the facts and circumstances of this case, do you feel  
17 the State could produce sufficient evidence to convince a  
18 jury of his guilt beyond a reasonable doubt? And that if  
19 he were to stand trial, his conviction would be probable?

20 MR. FLOYD: Yes, Your Honor.

21 THE COURT: He been ordered to submit to a  
22 psychological or mental evaluation?

23 MR. FLOYD: No, Your Honor.

24 THE COURT: Any question in your mind about his  
25 competency?

1 MR. FLOYD: None.

2 THE COURT: Has he been sworn?

3 THE CLERK: No, sir.

4 Please raise your right hand. Do you swear to  
5 tell the truth, the whole truth, and nothing but the truth  
6 to so help you God?

7 THE DEFENDANT: I do.

8 THE COURT: All right. Sir, you are Willie Lee  
9 Mack?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Certain questions I must ask you to  
12 ensure that you are entering into your plea freely,  
13 voluntarily, knowingly and intelligently. That you have a  
14 full understanding of the nature of the offense you are  
15 pleading guilty to and the consequences of your plea. If  
16 at any point in time, you need to speak with your  
17 attorney, you let me know and I'll be happy to let you  
18 talk to him, all right?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: How old are you?

21 THE DEFENDANT: Twenty-eight.

22 THE COURT: You ever been treated for alcohol  
23 abuse, drug abuse or mental illness?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: What have you been treated for?

1 THE DEFENDANT: Alcohol.

2 THE COURT: When?

3 THE DEFENDANT: 2001.

4 THE COURT: Did you complete the program?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Does that in any way affect your  
7 ability to know and understand what you doing here today?

8 THE DEFENDANT: No, sir.

9 THE COURT: Within the last 24 hours have you  
10 taken any medication drugs or alcohol?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you aware of any physical,  
13 emotional or nervous problem that would keep you from  
14 understanding what you doing here today?

15 THE DEFENDANT: No, sir.

16 THE COURT: All right. The State indicates you  
17 are pleading guilty to shoplifting value \$10,000 or more  
18 which carries a penalty of up to ten years; is that  
19 correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: The State's recommending that I not  
22 give you any more than five years, is that your  
23 understanding?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you realize that I don't have to

1 go along with that recommendation?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You realize that if I saw fit, I  
4 could give you up to ten years today?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You realize that if I didn't go  
7 along with the recommendation you would not be allowed to  
8 withdraw your plea here?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You still want to go forward here  
11 today?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Were you in here when I  
14 went through everybody's Constitutional Rights including  
15 the right to have your charge presented to the grand jury?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Your lawyer's indicated he's gone  
18 over those rights with you as well; is that correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You understand you have a right to  
21 have this charge presented to the grand jury?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You wish to waive that right?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: In addition to that right, you

1 understand your Constitutional Rights to trial as well?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You wish to waive those rights as  
4 well?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And plead guilty here today?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You're represented by Mr. Floyd.  
9 You satisfied with how he's advised you and represented  
10 you in this case?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Have you talk with him as often and  
13 for as long as you felt necessary for him to represent  
14 you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You need any more time to talk to  
17 him?

18 THE DEFENDANT: No, sir.

19 THE COURT: Understood your talks with him?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: He done everything you believe he  
22 could have done or should have done for you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Has he done anything you think he  
25 shouldn't have done?

1 THE DEFENDANT: No, sir.

2 THE COURT: Completely satisfied?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Any complaints whatsoever?

5 THE DEFENDANT: No, sir.

6 THE COURT: Anybody promised you anything or  
7 held out any hope of reward to get you to plead guilty?

8 THE DEFENDANT: No, sir.

9 THE COURT: Anybody used any threats, force,  
10 pressure or intimidation to get you to plead?

11 THE DEFENDANT: No, sir.

12 THE COURT: Anybody mistreated you in any way  
13 whether it be law enforcement or the Solicitor's office?

14 THE DEFENDANT: No, sir.

15 THE COURT: You had enough time to make up your  
16 mind as to whether or not you want to plead guilty or go  
17 to trial?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: What do you want to do?

20 THE DEFENDANT: Plead guilty.

21 THE COURT: You plead guilty of your own free  
22 will?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you understood my questions?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Jepertinger.

2 MR. JEPERTINGER: Your Honor, back on  
3 October 12th 2012, here in Florence County at the Wal-Mart  
4 Super Center in Lake City, police were notified to go out  
5 to the store in regards to a shoplifter being there. When  
6 the officer spoke with the loss prevention person from  
7 Wal-Mart found out what they had, found out that this  
8 gentleman had taken a suitcase or duffel bag from the  
9 store, placed 21 iPad Touches in that duffel bag and also  
10 had two iPad Touches in his hand, left the store. They  
11 confronted this individual outside the store, Your Honor.  
12 And basically he admitted to have taken -- stealing those  
13 iPad Touches.

14 There was a second individual there by the name  
15 of Prescott, who apparently broke the display case where  
16 they kept the iPad Touches. I've shown the photographs to  
17 the defense attorney and that was it. Once that display  
18 was broken, he took the items and put them in the bags  
19 except the two that he had in his hand, Your Honor, and  
20 basically said he had the intention of stealing the items.  
21 Your Honor, the iPad Touches in total were valued at  
22 \$11,277.

23 THE COURT: How much?

24 MR. JEPERTINGER: \$11,277. The only record that  
25 he has was for possession of cocaine Your Honor. He was

1 placed on probation, that probation was subsequently  
2 violated, Your Honor, by the department of probation,  
3 parole and pardon services. The violation of probation  
4 took place in 2009. The initial charge took place in  
5 2008, Your Honor. He tells us the defense attorney and  
6 myself, that he was violated for monetary problems,  
7 obligations. Your Honor, since he was violated once, I'm  
8 not going to recommend the probation for him, Your Honor.  
9 I just don't feel comfortable doing that. I know, Your  
10 Honor, that he don't have a prior shoplifting. We see so  
11 many that come up here with, you know, seven, eight, nine,  
12 ten, 12 shopliftings, that's not his case. This is all  
13 based on the value of what was taken, Your Honor. And  
14 this was a little more sophisticated because normally we  
15 don't have property damage at an incident location at a  
16 convenience store or a general merchandise store as  
17 Wal-Mart to get hold of the product, Your Honor.

18 THE COURT: All right. Anything else,  
19 Mr. Jepertinger?

20 MR. JEPERTINGER: No, sir.

21 THE COURT: All right. Mr. Mack, you've heard  
22 the facts as stated by the solicitor in this case, you  
23 agree with those facts?

24 THE DEFENDANT: Partially.

25 THE COURT: Tell me what you did?

1 THE DEFENDANT: I ---

2 THE COURT: He said you took 22 iPad Touches.

3 THE DEFENDANT: That part I did do.

4 THE COURT: With the intent to deprive the store  
5 owner of the store of those iPad Touches?

6 THE DEFENDANT: Yes, sir. But in the process to  
7 that, you know, I kind of basically I took too long to  
8 change my mind. I left the suitcase in the middle of the  
9 store. And as the report will probably show, I cooperated  
10 instead of running because I was already in the car when  
11 they pulled up. I turn back around went to the car  
12 because like I said, I allowed my greed to get the best of  
13 me dealing with the wrong people. I took too long to  
14 change my mind and realize I was doing something crazy.

15 THE COURT: Well, based upon what I've heard  
16 here today, I believe it certainly fits within the  
17 elements of shoplifting value \$10,000 or more. Based upon  
18 what I've heard here, I do find there's substantial  
19 factual basis for this case plea. I also find the  
20 defendant's decision to plead guilty has been entered into  
21 freely, voluntarily, knowingly and intelligently, that  
22 he's had the advice of counsel of an attorney with whom  
23 he's indicated he's completely satisfied. I'll accept his  
24 plea.

25 And be happy to hear from you, Mr. Floyd.

1 MR. FLOYD: Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 MR. FLOYD: Your Honor, Mr. Mack is 28 years  
4 old. He actually lives over in Sumter. He has been in  
5 the detention center for 52 days as of today. Your Honor,  
6 he says he lives with his mother over there. He's worked  
7 for A and T Office Sells, which is over on Manning Avenue  
8 in Sumter for the last several years. He has a job there  
9 dealing with the parts to the automobiles and he basically  
10 travels around pulls parts for them in differently places.  
11 At any rate, Your Honor, as far as this incident goes,  
12 there was another person in the store with him who  
13 actually bust the glass out of the case. After that was  
14 done apparently, no one saw that happen because there was  
15 nobody in that area of the store when it happened. And  
16 then I think they had -- the defendant and the other  
17 individual had conversation that he had in fact busted the  
18 glass out. And so then Mr. Mack got a suitcase and  
19 basically put 21 iPads in. He had two in his hand. He  
20 says he was walking through the store and kind of got the  
21 overwhelming feeling that maybe it wasn't such a good idea  
22 and he left them inside the store. He did not actually  
23 make it out of the door with the items. He did get out of  
24 the door himself and then he realize that they had called  
25 the police. So he basically, you know, stopped. He

1 didn't run anything like that. I think the other  
2 individual did take off.

3 MR. JEPERTINGER: That's correct.

4 MR. FLOYD: I don't know if they ever him caught  
5 him or not.

6 MR. JEPERTINGER: They have not.

7 MR. FLOYD: Any rate he stayed, he cooperated  
8 with the police fully, admitted to them at the scene that  
9 when he first put those items in that bag, you know, he  
10 was planning on walking out of the door with them. At any  
11 rate, Your Honor, I looked at his record, he does have  
12 that prior cocaine conviction. He tells me at the time he  
13 probably wasn't in the best position to complete probation  
14 and he didn't have a job. He didn't have real  
15 transportation anything like that.

16 The circumstances in life today are certainly  
17 different. He says, you know, he has been working at this  
18 auto place for the last, you know, two or three years.  
19 And has the ability to pay probation fees and so forth.  
20 Your Honor, we certainly ask if you could consider giving  
21 him either a county type sentence or a probationary  
22 sentence, but if not, Your Honor, just be as merciful as  
23 possible to him. He does have three children. I think  
24 they were ages seven, three and maybe three months old at  
25 home that he supports.

1 MR. JEPERTINGER: Your Honor, if you do consider  
2 a probationary sentence, the glass case that was busted  
3 out cost approximately \$200. Of course, all the objects  
4 were returned ---

5 MR. FLOYD: Right.

6 MR. JEPERTINGER: --- to Wal-Mart.

7 THE COURT: Mr. Mack, anything you want to tell  
8 me?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Be happy to hear from you.

11 THE DEFENDANT: Okay. Well, first, I want to  
12 apologize to myself for putting myself in this situation.  
13 And I apologize to the courts as well and I ask you to  
14 take into consideration the fact that I do take care of my  
15 three kids. One of them don't be with me. The seven year  
16 old he is with his mom she's in Georgia, but the other two  
17 basically up until now been with me full time. And I was  
18 trying to do something different with my life other than,  
19 you know, situation that I'm in now. I was intending to  
20 finish administration course Colorado Tech online for  
21 approximately a year and a half. I got like another year  
22 -- I don't know now I think I probably miss too many days.  
23 I got to see if I can work something out but got  
24 approximately another year and a half before that was  
25 completed. I ask you to please take those things into

1 consideration.

2 THE COURT: How far did you go in school,  
3 Mr. Mack?

4 THE DEFENDANT: I completed the 11th grade, then  
5 I went to Job Corp.

6 THE COURT: Did you get your GED there?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Where is probation? Deirdra  
9 stepped out? Ms. Deirdra, you'll look up and see why he  
10 was violated back in '09? He said it was monetary  
11 obligations and I don't -- people don't get violated for  
12 that unless they show intentional...

13 How long did you do in jail when you got  
14 violated on that?

15 THE DEFENDANT: I don't really know, but it was  
16 a long time..

17 MR. FLOYD: The sentencing sheets -- I mean, the  
18 NCIC it was a revocation of six months, but I don't know.

19 PROBATION: What's his date of birth?

20 THE COURT: His date of birth [REDACTED].

21 PROBATION: Okay. Failing to report. He last  
22 reported on February 19th '09, changing address without  
23 consent from his agent, failing to pay his fees, failing  
24 to pay his fine.

25 THE COURT: All right. Anything else from the

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State?

MR. JEPERTINGER: Nothing further from the State, Your Honor.

THE COURT: Defense counsel? Defense counsel?

MR. FLOYD: Nothing further, Your Honor.

THE COURT: All right. On indictment 2012-GS-21-1822, defendant committed to the state department of corrections for a period of 18 months, given credit for 52 days that he's done. Good luck to you, Mr. Mack.

MR. FLOYD: Thank you, Your Honor.

END OF REQUESTED TRANSCRIPT



STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2012-GS-21-1822
	)	
	)	
	)	
State Of South Carolina.	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Dewayn Travon Mack a/k/a	)	)
Willie Lee Mack	)	
DEFENDANT	)	<b>March 6, 2013</b>
		Florence, SC

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE:

A P P E A R A N C E S:

JOHN JEPERTINGER, DEPUTY SOLICITOR  
 CATHERINE A. WYSE, ASSISTANT SOLICITOR  
 Attorneys for the State

SCOTT P. FLOYD, CHIEF PUBLIC DEFENDER  
 Attorney for the Defendant

KESHIA REED  
 Official Court Reporter

I N D E X

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(WHEREUPON, there were no witnesses called.)

1           THE COURT: I want to put this on the record  
2 right now and we're going to stand down until I figure out  
3 what I'm going to do before five o'clock today. Before me  
4 -- how about swear the defendant please.

5           THE CLERK: If you will, sir, raise your right  
6 hand. Do you swear to tell the truth, the whole truth,  
7 and nothing but the truth so help you God?

8           THE DEFENDANT: Yeah.

9           THE COURT: Sir, you are Dewayne Travon Mack?

10          THE DEFENDANT: Yes, sir.

11          THE COURT: All right. This individual who has  
12 identified himself at this time as Dewayne Travon Mack  
13 stood before this court and stood before me on  
14 December the 3rd of 2012 and identified himself as Willie  
15 Lee Mack and pled guilty to shoplifting third or greater.  
16 When he pled guilty as Willie Lee Mack when in fact he is  
17 Dewayne Travon Mack, I sentenced him to a term of  
18 incarceration for 18 months giving him credit for 52 days.  
19 It was not until after he reached the department of  
20 corrections that it was learned that he was not Willie Lee  
21 Mack, but in fact he was Dewayne Travon Mack. He has been  
22 brought back here today by the department of corrections  
23 to address this matter. What I'm going to do I have  
24 advised the State -- and I do this and this is exactly why  
25 I do this every time that any defendant comes before me I

1 have them placed under oath and I specifically ask them if  
2 they are in fact the individual that they claim to be  
3 pleading guilty in front of me. And when he pled guilty  
4 in front of me on December 3rd 2012, I asked him  
5 specifically, sir, you are Willie Lee Mack of which he  
6 confirmed.

7 I have advised the State that based upon his  
8 misrepresentation to this court that they should whether  
9 they do it or not is up to them, but that they should,  
10 indict him, charge him and indict him for perjury, which  
11 carries an additional five year sentence. I'm going stand  
12 down at this time because I have been advised by his  
13 lawyer that he will not sign a new sentence sheet for  
14 purposes of conducting a hearing today without some type  
15 of confirmation that he will receive the same sentence  
16 that he got from me back in December of 2012.

17 I am not saying that I will give this young man  
18 the same sentence he received in December of 2012 because  
19 I considered the rap sheet of his brother, who is Willie  
20 Lee Mack when he pled guilty in front of me in 2012 and I  
21 did not consider his prior record. Therefore, I'm going  
22 to stand down with regards to court right now and I'm  
23 going to go do some research in determining exactly how  
24 I'm going to handle this matter today before he leaves  
25 here. Anything from the State at this time?

1 MRS. WYSE: Nothing further.

2 THE COURT: Anything from defense counsel?

3 MR. FLOYD: No, Your Honor.

4 THE COURT: We will stand at ease. I'm sorry  
5 that you all from the department of corrections have had  
6 to be here all day for us to handle this, but I'm going to  
7 look into it and I will get it, so you all can get back on  
8 the road.

9 (WHEREUPON, a break was taken.)

10 THE COURT: All right. Let's bring Mr. Mack  
11 back up here. Again for the record, this is indictment  
12 2012-GS-21-1822. The individual standing before this  
13 court been placed under oath once again has identified  
14 himself as Dewayne Travon Mack. As I stated earlier  
15 before I took a break, on December the 3rd of 2012, this  
16 individual stood before me here in Florence County  
17 identifying himself as Willie Lee Mack and pled guilty to  
18 shoplifting third or greater. It's been brought to my  
19 attention that in fact this young man who stands before me  
20 today is not Willie Lee Mack, but in fact is Dewayne  
21 Travon Mack, who he's identified himself today as being.  
22 It's also been brought to my attention that Willie Lee  
23 Mack is his brother. Is that right, Mrs. Wyse?

24 MRS. WYSE: That's correct, Your Honor.

25 THE COURT: Is that correct, Mr. Floyd?

1 MR. FLOYD: That's what I understand, Your  
2 Honor.

3 THE COURT: All right. On December the 3rd  
4 2012, after hearing the facts of the plea presented to me  
5 by the State and believing this individual to be Willie  
6 Lee Mack, the Court sentenced Mr. Dewayne Travon Mack as  
7 Willie Lee Mack based upon what the State had conveyed to  
8 me, one on the facts pertaining to the case and two based  
9 upon the record of Willie Lee Mack not based upon the  
10 criminal record of Dewayne Travon Mack.

11 Is that correct, Mrs. Wyse?

12 MRS. WYSE: That's correct, Your Honor.

13 THE COURT: At the time, that Mr. Mack was  
14 sentenced, there was a recommendation in that case. And  
15 the recommendation -- it was a recommendation of a cap of  
16 five years; is that right I believe, Mrs. Wyse?

17 THE DEFENDANT: Yes, Your Honor, that's correct.

18 THE COURT: It says here sentence recommendation  
19 zero to five. I believe that was a cap of five years.  
20 Was that your understanding, Mr. Floyd?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And at the time, I sentenced him to  
23 18 months. What I'm going to ask from the State at this  
24 time is I want to know the record of Mr. Dewayne Travon  
25 Mack. I want to know -- first, I want you to put on the

1 record the criminal history of Willie Lee Mack that I  
2 considered at the time of my sentencing and second I want  
3 you to put on the record what Mr. Dewayne Travon Mack's  
4 criminal history is. I want you to put that on the  
5 record.

6 MRS. WYSE: Yes, sir, Your Honor. Criminal  
7 history for Willie Lee Mack is a conviction for drug  
8 possession of cocaine first, that was on 11-13-2008. He  
9 was convicted one year. It was a time-serve sentence,  
10 Your Honor. He received basically a probation violation  
11 in a couple of days later and then again on November 30th  
12 of 2009, Your Honor, there was another violation of  
13 probation at which time he was -- he was on violation of  
14 parole and you gave him six months or the judge in that  
15 case gave him six months.

16 THE COURT: Willie Mack?

17 MRS. WYSE: Yes, sir, that is all he has on his  
18 criminal history.

19 THE COURT: That's all Mr. Willie Mack had on  
20 his criminal history?

21 MRS. WYSE: Yes, sir.

22 THE COURT: All right. Now, give me the  
23 criminal history if you would of Mr. Dewayne Travon Mack.

24 MRS. WYSE: The criminal history of Dewayne  
25 Travon Mack is a October 10th 1997, conviction of assault

1 and battery of a high and aggravated nature, that was --  
2 he was sentenced under the Youthful Offender Act. In  
3 October 9th of 2003, he had a violation of his probation.  
4 There was misprision of a felony and financial transaction  
5 card fraud for which he was convicted six months ---

6 THE COURT: Let's go slower.

7 MRS. WYSE: I'm sorry, Your Honor.

8 THE COURT: Misprision of a felony and what  
9 else?

10 MRS. WYSE: And then financial transaction card  
11 fraud.

12 THE COURT: And when was that?

13 MRS. WYSE: That was on October 9th of 2003.

14 THE COURT: Okay.

15 MRS. WYSE: As well as, he had possession of a  
16 stolen pistol.

17 THE COURT: In '03?

18 MRS. WYSE: Yes, sir, Your Honor. In 2004, he  
19 was convicted of breaking into motor vehicles and  
20 financial transaction card theft.

21 THE COURT: All right.

22 MRS. WYSE: His probation was revoked on that as  
23 well a few months later. In 2005, he also violated his  
24 probation by having another financial transaction card  
25 theft conviction.

1 THE COURT: In '05?

2 MRS. WYSE: Yes, sir.

3 THE COURT: Okay.

4 MRS. WYSE: In 2006, he had a conviction for  
5 failure to return rented objects.

6 THE COURT: All right.

7 MRS. WYSE: In March of 2006, he had a  
8 conviction for malicious injury to property.

9 THE COURT: All right.

10 MRS. WYSE: In 2007, he was convicted of  
11 possession of marijuana.

12 THE COURT: All right.

13 MRS. WYSE: Driving under suspension third or  
14 more.

15 THE COURT: All right.

16 MRS. WYSE: April of 2010, he was convicted of  
17 malicious injury to personal property, in August of 2010  
18 he also pled to a possession of 28 grams or less of  
19 marijuana. On April 3rd of 2011, he was charged with and  
20 then convicted of a CDV.

21 THE COURT: All right.

22 MRS. WYSE: And on December 7th of 2012, he  
23 received a probation violation for shoplifting and he was  
24 convicted for that. He has a record, Your Honor, from  
25 Tennessee. He was found guilty of driving under

1 suspension in 2011.

2 THE COURT: All right.

3 MRS. WYSE: He was found guilty of domestic  
4 assault in 2012.

5 THE COURT: Okay.

6 MRS. WYSE: And he was found guilty of  
7 harassment in 2012. And that's the conclusion of his  
8 record.

9 THE COURT: All right. Now, let me ask the  
10 State this. When the State made this recommendation of a  
11 cap of five years, was the State taking into consideration  
12 the record of Willie Mack?

13 MRS. WYSE: Yes, Your Honor, and the value of  
14 the goods that were stolen.

15 THE COURT: All right. When I go through -- and  
16 I want to make this abundantly clear for the record as  
17 well. When I go through a plea colloquy with a defendant  
18 and the State's making a specific recommendation, I  
19 always, always tell a defendant that I am not bound by  
20 what the recommendation is. That if I don't go along with  
21 the recommendation, that they will not be allowed to  
22 withdraw their plea. They will not be able to withdraw  
23 their plea. And I specifically ask them one if they  
24 understand that and two whether or not they still want to  
25 go forward on their plea.

1           Mr. Floyd, let me ask you this question. Is  
2 there anything that you would like to say at this time in  
3 response to what has already been said here thus far on  
4 your client's behalf?

5           MR. FLOYD: Your Honor, just a couple things  
6 just to make sure our record's clear. The charge that he  
7 pled to was actually shoplifting value over 10,000. I  
8 mean --

9           THE COURT: Ten thousand or more carries up to  
10 ten years.

11          MR. FLOYD: Yes, sir. It carries the same thing  
12 as shoplifting third or greater, but it was stated that he  
13 pled to third or greater. But he actually pled to value  
14 over 10,000.

15          THE COURT: That was my mistake. It was 10,000  
16 or more.

17          MR. FLOYD: They both carried the same sentence.

18          THE COURT: Right.

19          MR. FLOYD: I think that from looking at his  
20 rap sheet, I think that is in fact the only shoplifting  
21 charge on his record.

22          THE COURT: That was Willie Mack's record.

23          MR. FLOYD: No, sir, Your Honor. I'm looking at  
24 Mr. Dewayne's.

25          THE COURT: Okay, this shoplifting. Has no

1 prior shopliftings?

2 MR. FLOYD: Right, yes, sir.

3 THE COURT: So it was not a third or greater.

4 It was more than \$10,000.

5 MR. FLOYD: It was more than \$10,000.

6 THE COURT: Ten thousand or more excuse me.

7 MR. FLOYD: That's correct. Your Honor, that I  
8 believe was the only discrepancy that discern when we were  
9 going through the -- I'm sorry his rap sheet. It was just  
10 the charge that was stated earlier. He did point out that  
11 Mr. Jepertinger actually was the active prosecutor on this  
12 case.

13 THE COURT: Right, he was standing in for  
14 Mrs. Wyse.

15 MR. FLOYD: I believe Mr. Jepertinger was the  
16 one who conveyed -- made the offer and considered the  
17 sentence.

18 MR. JEPERTINGER: I'm here.

19 THE COURT: Mr. Jepertinger, would you come  
20 around here please, sir.

21 MR. JEPERTINGER: Yes, sir.

22 THE COURT: You're exactly right, Mr. Floyd and  
23 I appreciate you bringing that to my attention. It was my  
24 understanding -- and in fact, Mr. Jepertinger did I  
25 believe -- didn't you sign that sentence sheet,

1 Mr. Jepertinger?

2 MR. JEPERTINGER: That is my signature.

3 THE COURT: All right. That is  
4 Mr. Jepertinger's signature on this sentence. All be it  
5 was Mrs. Catherine Wyse's case. Mr. Jepertinger handled  
6 this case for her on this particular day.

7 Mr. Jepertinger, in making this offer cap of  
8 five, did you take into consideration the record actually  
9 of Dewayne Travon Mack.

10 MR. JEPERTINGER: I did not have Dewayne Travon  
11 Mack's record. I had Willie Mack's record.

12 THE COURT: And that was what the basis of your  
13 recommendation was?

14 MRS. WYSE: Absolutely.

15 THE COURT: Okay. And let me ask you this, had  
16 you had Dewayne Travon Mack's record, would your  
17 recommendation been a cap of five based on what you've  
18 heard in the courtroom here today?

19 MR. JEPERTINGER: It may have been without  
20 negotiations or recommendations. And then, of course, it  
21 would have been up to the Court to decide what range of  
22 sentence to give him anywhere between zero to ten years.

23 THE COURT: Okay. All right. Anything else,  
24 Mr. Floyd?

25 MR. FLOYD: Nothing further, Your Honor. The

1 defendant just indicated that if he had not had the cap of  
2 five, he wouldn't have signed the plea sheet.

3 THE COURT: Well, Mr. Dewayne Travon Mack signed  
4 this plea sheet perpetrating a fraud upon this court, in  
5 obtaining a cap of five, a recommendation of a cap of  
6 five. Whether he would have signed a plea sheet or not,  
7 he stood before this court perpetrating a fraud upon this  
8 court advising the Court he was in fact Willie Lee Mack  
9 when he was Dewayne Travon Mack. He has pled guilty to  
10 this offense. This court accepted his guilty plea to this  
11 offense. And what I am going to do now is I am going to  
12 impose sentence based upon this court's consideration of  
13 his record.

14 If you would, Mrs. Wyse, refresh me on the facts  
15 of this case.

16 MRS. WYSE: Yes, sir, Your Honor. On  
17 October 12th of 2012, Sergeant Wesley Dorrell with the  
18 Lake City Municipality had evidence as well as witnesses  
19 to prove that the defendant Mr. Mack went to Wal-Mart and  
20 he willfully and knowingly concealed 21 iPad Touches in a  
21 black duffel bag with two iPad Touches in his hand with  
22 the intention of converting the items into his own use  
23 without paying the purchase price. And that occurred at  
24 the Wal-Mart Super Center located on 900 U.S. Highway 52  
25 within the city limits of Lake City. They had

1 surveillance showing that he tried to conceal the items  
2 and walk out of the Wal-Mart. The items were valued at  
3 \$11,316.

4 THE COURT: And they recovered all of them?

5 MRS. WYSE: They did, Your Honor.

6 THE COURT: Mr. Jepertinger, let me ask you one  
7 other question if you don't mind. Was the -- and you may  
8 recall or you may not. I understand it's been almost  
9 three months. The basis of your recommendation of a cap  
10 of five in this, do you recall other than the criminal  
11 history, of course, of what you consider to be Willie Mack  
12 at the time, was that the basis of your recommendation of  
13 a cap five also based upon the fact that they one  
14 recovered the property?

15 MRS. WYSE: Judge, I can't specifically  
16 remember, but generally in a case like this you can base  
17 it on two things. Obviously, one is criminal history.  
18 The other thing is value of the items taken. This is not  
19 your standard shoplifting where it's like 15, \$20 item,  
20 that's been stolen. It's major articles that are being  
21 taken, Judge. So it's the value of the items being taken  
22 and criminal history. Those are the two deciding factors.  
23 And that's as a general principle not as a specific  
24 principle, because frankly I can't recall at this point  
25 just specifics.

1 THE COURT: All right. Based upon what I've  
2 heard here today, based upon the Court taking into  
3 consideration the extensive record of Mr. Dewayne Travon  
4 Mack, it is apparent that Mr. Mack, Dewayne Travon Mack  
5 has a criminal history going back some 14 years, 14 years,  
6 back to '97 -- excuse me sixteen years. He has a history  
7 of stealing whether it be financial transaction card  
8 fraud, financial transaction card theft, failure to return  
9 rented objects. He has a history of theft taking into  
10 consideration his criminal history along with the facts of  
11 this case, the sentence of the court on this case is that  
12 he be committed to the state department of corrections for  
13 a period of four years, four years. This is still less  
14 than what the State was recommending a cap of five years  
15 when he pled guilty back in December the third of 2012.

16 Now, having sentenced him to a period of  
17 incarceration of four years now, I am going to handle this  
18 matter with regards to Mr. Dewayne Travon Mack  
19 misrepresenting to the Court who he was when he pled  
20 guilty. What Mr. Mack has done here is under oath  
21 misrepresented to this Court who he was. He did so in  
22 presence of me when he stood before me representing  
23 himself as Willie Lee Mack when he was in fact Dewayne  
24 Travon Mack in an effort to obstruct the administration of  
25 justice, so that this court would take into consideration

1 the criminal history of Willie Lee Mack in sentencing him,  
2 which I did impose a sentence of 18 months based upon the  
3 criminal history record of Willie Lee Mack.

4 The conduct of Mr. Dewayne Travon Mack in this  
5 court's view brings the authority and administration of  
6 justice into disrespect. His conduct has interfered with  
7 the judicial proceedings and has exhibited disrespect to  
8 this court. Based upon his actions, this court hereby  
9 finds Mr. Dewayne Travon Mack in contempt of court based  
10 upon his actions. Before I impose a sentence on the  
11 contempt of court matter, I will be happy to hear from you  
12 Mr. Floyd with regards to that matter.

13 MR. FLOYD: You talking about contempt, Your  
14 Honor?

15 THE COURT: Yes, sir.

16 MR. FLOYD: Your Honor, can I speak to the other  
17 sentence as well?

18 THE COURT: Yes, sir, you can speak to whatever  
19 you wish to.

20 MR. FLOYD: Your Honor, I been practicing law  
21 for 20 something years now and never had this happen.  
22 This is a new one on me. You know, this came to my  
23 attention earlier today that we were going to be handling  
24 this issue. Frankly, I had not researched it very well,  
25 because I wasn't expecting it quite frankly today.

1 THE COURT: Neither one of us were I don't  
2 think.

3 MR. FLOYD: At any rate, Your Honor, I have  
4 reanswered the code somewhat. I may have miss something.  
5 I'm not saying I got everything. I look through the  
6 criminal rules of procedure and so forth. Your Honor, I  
7 just could not find anything that would basically support  
8 respectfully Your Honor the authority of the Court to  
9 alter the 18 month sentence that was given at this point  
10 in time for three months from the plea. Based on, I  
11 guess, the more of the lack what I have read, then what I  
12 have read, Your Honor, I would just ask that you  
13 reconsider that portion of your sentence and just note my  
14 objections.

15 THE COURT: Your objections is so noted.

16 MR. FLOYD: Yes, Your Honor.

17 THE COURT: He certainly has a right to appeal  
18 what I've done here today. This whole thing has caught  
19 everybody off guard today. He was brought back from the  
20 department of corrections today to specifically address  
21 this. And while I wasn't aware it was going to be  
22 addressed today because of misrepresentations to the Court  
23 back in December, he had to be brought back from the  
24 department of corrections to deal with this today.

25 Your objection is so noted. I would encourage

1 you to appeal if you feel like it's necessary. And it has  
2 never to my knowledge happened before wherein it needed to  
3 be addressed, but I want to make it abundantly clear that  
4 my change in this sentence is based upon his criminal  
5 history that goes back 16 years, goes back 16 years. At  
6 the time, I sentenced him -- Mr. Mack, when I'm talking,  
7 don't talk. If you want to talk to Mr. Floyd in a minute,  
8 I'll give you an opportunity to talk to him, okay.

9           When I sentenced him to 18 months which was well  
10 below the five year cap that was recommended, I took into  
11 consideration only the record of Willie Mack and the fact  
12 that they had recovered all of these iPads. This coming  
13 before me today and again I say so note your objection,  
14 Mr. Floyd. I'm looking at a whole different set of not  
15 facts as it pertains to his arrest, charge and conviction  
16 or pursuant to his plea but looking at his criminal  
17 history which spans over a period of 16 years, over a  
18 period of 16 years which I am certainly entitled to take  
19 into consideration his criminal history in passing a  
20 sentence. And even, even in light of his criminal history  
21 spanning 16 years, the sentence that I've handed down here  
22 today is still below the cap of five that they recommended  
23 which he said he wouldn't have signed a sentence sheet if  
24 it hadn't been. So there's no way, shape or form that  
25 he's been prejudiced by my sentence of four years here

1 today. But your objection is so noted for the record.  
2 And I apologize I didn't mean to cut you off if you want  
3 to say anything else.

4 MR. FLOYD: Nothing further, Your Honor.

5 THE COURT: Mr. Mack, you now may speak to your  
6 attorney, Mr. Floyd, if you have anything further you want  
7 to discuss with him.

8 (WHEREUPON, a pause in the proceedings.)

9 MR. FLOYD: Your Honor, obviously, this is a  
10 sentencing and I guess under the rules I have ten days to  
11 file an actual written motion and raise additional  
12 grounds.

13 THE COURT: I'll give you ten days.

14 MR. FLOYD: Yes, sir.

15 THE COURT: I think you're entitled to it under  
16 the rules.

17 MR. FLOYD: Yes, sir. Thank you, Your Honor.

18 THE COURT: All right. Now, let me ask you  
19 this, Mr. Floyd, because this was not addressed. You  
20 addressed my sentence. What says defense counsel with  
21 regard to the contempt matter?

22 MR. FLOYD: Your Honor, certainly for the  
23 record, I would object to the contempt at this point.  
24 Your Honor, just -- I feel that certainly you're entitled  
25 to impose the six month sentence without a jury trial, I

1 understand that. And, Your Honor, just for the record, I  
2 would object to that portion of the sentence as well. I  
3 would like the opportunity to file a written motion within  
4 ten days. Your Honor, I believe that Mr. Mack had  
5 something else that he would like to say Your Honor if you  
6 will give him that opportunity.

7 THE COURT: I'll be happy to hear from him, but  
8 I certainly don't want him to say anything that may hurt  
9 him.

10 MR. FLOYD: Yes, sir, Your Honor. I understand.

11 THE COURT: He has rights. Mr. Mack, if you  
12 want to say something, you have every right to say  
13 something, okay. But I don't want you to say something  
14 that could hurt you and I would encourage you to talk with  
15 your lawyer before you say something that could possibly  
16 harm you.

17 (WHEREUPON, a pause in the proceedings.)

18 THE COURT: Yes, sir, Mr. Floyd. If your client  
19 wishes to speak after you talk or spoken to him, I'll be  
20 happy to hear from him.

21 Mr. Mack, anything you want to tell me, sir?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I'll be happy to hear from you.

24 THE DEFENDANT: I ain't gone get into too much  
25 detail about it, but, you know, due to the circumstances,

1 I feel like I'm being resentenced, so I should have the  
2 option of actually standing before trial if necessary if  
3 that was a option I choose to do, whether I wind up  
4 getting a whole year standing in front of a jury for  
5 shoplifting or not. I should have the option. You know,  
6 I was sentenced under -- we gone say false pretense. And  
7 so I'm now being sentenced under quote unquote real  
8 pretense. I should -- just like you had the option to  
9 reconsider the record, I should have the option to  
10 reconsider whether I'm gone sit up here and say I'm guilty  
11 under these circumstances or I'm not guilty under these  
12 circumstances. I want to stand trial under these  
13 circumstances or don't want stand trial under these  
14 circumstances. Did I understand these circumstances? I  
15 don't know, but at the same time I feel like I should have  
16 had the option. The same way you had the option to  
17 regroup, I should had the option to regroup. I ain't had  
18 a chance to talk with my attorney prior to coming here to  
19 prepare myself or give him the chance to tell him what was  
20 going on own my behalf to give him a chance to prepare for  
21 the case before being resentenced. I understand you did  
22 what you had to do under the circumstances it is. But the  
23 same way you had -- you reconsidered your record and all  
24 that good stuff and you took a few minutes to go back and  
25 research the things and see what you need to do, I feel as

1     though I should have been afforded the opportunity to have  
2     been able to discuss some things with my attorney versus  
3     being coming to court and having to deal with a matter  
4     that the Court itself has admitted to something that  
5     doesn't happen every day. This is something that don't --  
6     that you don't normally deal with. This is something  
7     that -- this is not an every day occurrence. So the same  
8     way you gave yourself an opportunity to go and research  
9     some things to regroup to say I'm gone come back and I'm  
10    gone sentence him because of his record not because of the  
11    past record.

12                 I feel like I should have given the opportunity  
13    to regroup as well. I should have been given the  
14    opportunity to regroup as well. I should have been given  
15    the opportunity to sit down with my attorney and discuss  
16    the case. And right now I feel like I'm at an unfair  
17    advantage and I feel my case is being handled more on  
18    emotion than more of justice. I feel like more right the  
19    courts is upset because I came to the courts and the  
20    courts feel disrespected of the way things were handled.  
21    I feel like the Court -- the case is being handled more  
22    out of emotion more than justice. I don't feel like we're  
23    walking a justly plane because you gave -- the courts gave  
24    itself a benefit of the doubt to go and research some  
25    things, but the defendant didn't have no time to research

1 nothing or sit down and discuss anything with counsel.

2 THE COURT: Mr. Mack, you find yourself here in  
3 this today based upon actions of yourself of your own  
4 volition; not me, not your lawyer, not the State or anyone  
5 else. It's approximately seven minutes until five. You  
6 have been here all day. You have been here all day since  
7 I took the bench at 9:30 this morning.

8 My sentence today is based upon your criminal  
9 record that was not conveyed to me when you stood in front  
10 of me and misrepresented to me who you were misrepresented  
11 to your lawyer who you were, misrepresented to the State,  
12 who prosecute, your case who you were and obtain an offer  
13 from the State of a cap of five years when you were in  
14 fact looking at ten, when you were in fact looking at ten.

15 You signed a sentence sheet knowing one that the  
16 State was recommending up to five, no more than five. I  
17 advised you at the time that I was not bound by any  
18 recommendation the State made. That in fact if I saw fit,  
19 I could give you up to ten and not only did I advise you  
20 of that, I asked you that based upon whether or not you  
21 still wanted to proceed, which you did, which you did.

22 My sentence today is based upon your criminal  
23 history. I don't know if Mr. Jepertinger answered this  
24 question or not. But knowing the criminal history that  
25 you heard today, Mr. Jepertinger, I think you did say that

1 it would have been without negotiation or recommendation  
2 based upon what you heard here today?

3 MR. JEPERTINGER: Yes, Judge, probably at that  
4 time it would have been.

5 THE COURT: But he based his recommendation on  
6 the record of your brother Willie Mack with a cap of five.  
7 I've still gone below what he would have -- what he  
8 recommended then knowing your brother's sentence excuse me  
9 or his record. You have ten days to appeal what I've done  
10 here today. It's not something that happens every day.  
11 It's not. Because if it did, there would be individuals  
12 perpetrating frauds upon the Court left and right. The  
13 department of corrections would have run out of gas  
14 running people back and forth to courthouses because of  
15 individuals doing things that you have done right here  
16 that find yourself back in this courtroom today.

17 Again, for the record, this sentence is based  
18 upon your prior criminal history which is below what was  
19 recommended. It's based upon your prior criminal history  
20 that spanned over 16 years. I believe that it's the  
21 appropriate sentence and it's the sentence I have would  
22 have imposed back on December the 3rd 2012 had I known  
23 your record, had I know your record then. Therefore, you  
24 have a right to appeal what I've done here today. And as  
25 with regard to the contempt matter, your lawyer has

1 addressed that.

2 Anything else you want to say with regards to  
3 that, Mr. Floyd?

4 MR. FLOYD: Nothing further.

5 THE COURT: I do find that your conduct has  
6 been -- it occurred directly in the courtroom in the  
7 presence of the Court, with an intent to deceive the Court  
8 and again which obstructs the administration of justice.  
9 State vs. V. Reddicks Smalls 369 S.C. 2D says that a  
10 direct criminal contempt is warranted where conduct --  
11 where you have conduct that tends to bring the authority  
12 and administration of the law and the disrespect. A  
13 person may be found guilty of direct contempt if its  
14 conduct interferes with judicial proceedings exhibits  
15 disrespect to the Court or hampers the parties or  
16 witnesses. The Court's power includes the ability to  
17 maintain order and decorum. Criminal intent must also  
18 exist specifically the intent to obstruct the  
19 administration of justice and that is what this court  
20 finds, that your conduct that the intent to miss -- or  
21 misrepresent or perpetrate a fraud upon this court so that  
22 you could receive a beneficial sentence based upon your  
23 brother's record and not your own.

24 Therefore, the Court has found you in contempt  
25 and sentences you to a period of incarceration for three

1 months, three months to run consecutive to the four years  
2 that you're currently been sentence to. And I need an  
3 order on that matter, Madam Solicitor, so that it can be  
4 forwarded to the department of corrections to run  
5 consecutive to the four years that I've sentenced him here  
6 to today.

7 Anything further from defense counsel at this  
8 time? Anything from -- Mr. Mack, I'm talking.

9 Anything further from defense counsel,  
10 Mr. Floyd?

11 MR. FLOYD: Yes, sir, Your Honor. And we're  
12 assuming that his time credit will run back to the  
13 original sentence date for that?

14 THE COURT: Absolutely, he gets credit for that,  
15 absolutely. I mean, he's entitled by statute and by law  
16 for credit for every day he's done. My sentence sheet  
17 I've changed my sentence sheet. It'll be sent to the  
18 department of corrections. I've put on here -- I mean,  
19 it's still got Florence County of Florence State vs.  
20 Willie Lee Mack. I've written on here a/k/a Dewayne  
21 Travon Mack. It's going to show up on his rap sheet now  
22 as a a/k/a. I don't know exactly how they'll do that.  
23 And I've also changed and corrected his social security  
24 number which on the new sentence sheet -- well, I say new.  
25 It was a sentence sheet that was prepared that's never

1       been signed of 251-456-6992 at least that's my  
2       understanding. I think somebody had conveyed that to me.

3               MR. FLOYD: Yes, sir, Your Honor.

4               THE COURT: With the date of birth being ---

5               MRS. WYSE: ██████████.

6               THE COURT: Yes.

7               MR. FLOYD: Actually, Your Honor, apparently his  
8       rap sheet already has Willie Lee Mack as a a/k/a. It's  
9       already been updated.

10              THE COURT: All right, that will conclude this  
11      matter. Thank you.

12                              END OF REQUESTED TRANSCRIPT

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**WITNESSES**

Wesley Dorrell Lake City Police Department

Catherine Anderson Wyse

**ARREST WARRANT NUMBER**

2012A2120400143

**ACTION OF GRAND JURY**

Foreperson of Grand Jury

Date:

**VERDICT**

Foreperson of Petit Jury

Date

DOCKET NO. 2012-GS-21-01822

The State of South Carolina

County of

FLORENCE

**COURT OF GENERAL SESSIONS**

DECEMBER TERM 2012

**THE STATE**

vs.

**WILLIE LEE MACK**

Indictment for

**SHOPLIFTING \$10,000 OR MORE**

CERTIFIED: A TRUE COPY

*Cynthia K. Stephens*

CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA )

INDICTMENT FOR

COUNTY OF FLORENCE )

SHOPLIFTING \$10,000 OR MORE

At a Court of General Sessions, convened on DECEMBER 3, 2012 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE- SHOPLIFTING \$10,000 OR MORE**

That WILLIE LEE MACK did in FLORENCE County on or about October 12, 2012, take possession of, carry away, transfer from one person to another or from one area of the store to another, or cause to be carried away or transferred; alter, transfer, or remove the price label or tag on; and/or transfer from its container to another container, merchandise displayed, held, stored or offered for sale by a store or other retail establishment with the intent of depriving the merchant of possession, use or benefit of the merchandise without paying the full retail value, to wit: conceded twenty three (23) Ipad touches with intent to converting items without paying the purchase price from Wal-Mart Supercenter, where the value of the merchandise was ten thousand (\$10,000.00) dollars or more, in violation of S.C. Code of Laws, Section 16-13-01101976, as amended.]

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.




---

**E.L. Clements, III**  
TWELFTH CIRCUIT SOLICITOR

NOTICE OF INTENT TO APPEAL  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM FLORENCE COUNTY  
THE HONORABLE D. CRAIG BROWN, PRESIDING JUDGE  
INDICTMENT NO. 2012-GS-21-1822

The State of South Carolina,

 Respondent.

against

Dewayne Travon Mack a/k/a Willie Mack,

Appellant.

---

NOTICE OF INTENT TO APPEAL

---

Dewayne Travon Mack, (Appellant) appeals from the plea to Shoplifting, Value Greater than Five Thousand Dollars, and each of the sentences imposed on March 6, 2013, in the Court of General Sessions for Florence County, South Carolina. The Appellant appeals the sentence of March 6, 2013, for Shoplifting on the grounds that Appellant was previously sentenced for the same charge on December 3, 2012, and that the sentence he received on March 6, 2013, was an illegal sentence which exceeded the Court's authority. The Appellant also appeals the sentence for Contempt of Court of March 6, 2013, on the grounds there is insufficient evidence in the record to support it.



Scott P. Floyd  
Twelfth Circuit Public Defender  
Box N, City-County Complex  
Florence, South Carolina 29501  
(843) 665-3055

Attorney for Appellant

March 18, 2013

RECEIVED

MAR 20 2013

SC COURT of Appeals

**Other Counsel of Record.**

**John C. Jepertinger**  
**Deputy Solicitor**  
**Twelfth Judicial Circuit**  
**Box Q, City-County Complex**  
**Florence, South Carolina 29501**  
**(843) 665-3091**

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )  
 )  
 The State of South Carolina, )  
 )  
 Versus )  
 )  
 Dewayne Travon Mack, )  
 )  
 Appellant. )  
 \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT NO.(S): 2012-GS-21-1822

CERTIFICATE OF SERVICE


The undersigned hereby certifies that on the 18th day of March, 2013, he caused to serve a copy of the Notice of Intent to Appeal by hand delivering a copy of same, addressed as follows:

John C. Jupertinger, Esquire  
 Office of Solicitor  
 Box Q, City-County Complex  
 180 N. Irby Street  
 Florence, South Carolina 29501



Scott P. Floyd  
 Twelfth Circuit Public Defender  
 Twelfth Judicial Circuit

SWORN TO and subscribed before me  
 This 18th day of March, 2013.

  
 \_\_\_\_\_  
 NOTARY PUBLIC IN AND FOR SC  
 My Commission Expires: 4/15/2018

RECEIVED  
 MAR 20 2013  
 SC COURT OF APPEALS

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 20, 2014,



Robert M. Pachak  
Appellate Defender

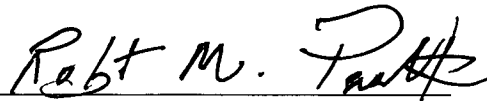
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 20, 2014,



Robert M. Pachak  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

RECEIVED

Appeal from Florence County

MAY 20 2014

D. Craig Brown, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEWAYNE MACK,

APPELLANT

APPELLATE CASE NO. 2013-000664

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of May, 2014.

*Brandon Hall*  
\_\_\_\_\_  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 20th day of May, 2014.

*Palal Mikes*  
\_\_\_\_\_  
(L.S)  
Notary Public for South Carolina  
My Commission Expires: July 24, 2022.