

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2014-001682

v.

SHERONE NEALOUS JR.

ISSUE(S) FOR APPEAL

APPELLANT

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AUG 28 2014

SC Court of Appeals

ISSUE(S)

1. DEFENDANT CONTENDS THAT PURSUANT TO § 24-13-40 THAT HE IS ENTITLED TO BE CREDITED TIME SERVED OUT OF STATE (JUNE 2, 2009 - OCT. 9, 2013) BECAUSE HE WAS NOT AN ESCAPEE FROM A PENAL INSTITUTION. § 24-13-40 WAS INTENDED TO EXCLUDE ESCAPEES FROM BENEFITTING FROM TIME SERVED ON AN EXISTING SENTENCE CAUSING THE REDUCTION OF THE SENTENCE IMPOSED FOR ESCAPE.

THIS IS EVIDENCED BY THE PROCEDURAL BACKGROUND OF § 24-13-40, WHICH STATES, "THE STATUTE GIVING CREDIT FOR "TIME SERVED PRIOR TO TRIAL & SENTENCING" WAS NOT INTENDED TO AFFORD CREDIT FOR THE TIME A PRISONER WAS OUT ON ESCAPE, IT ALSO EXCLUDES CREDIT FOR THE TIME A PRISONER SERVED IMMEDIATELY PRIOR TO HIS SENTENCE FOR ESCAPE, SINCE HE WAS SERVING A SENTENCE & AWAITING TRIAL FOR A SECOND OFFENSE (ESCAPE)...."

DEFENDANT WAS ARRESTED ON JUNE 2, 2009 IN HOUSTON COUNTY, GEORGIA. IMMEDIATELY A DETAINER FROM SOUTH CAROLINA WAS PLACED ON DEFENDANT THROUGH NCIC FOR CHARGES THAT RESULTED IN HIS CURRENT 20 YEAR SENTENCE. ON JANUARY 25, 2010, DEFENDANT WAS SENTENCED TO SEVEN (7) YEARS IN THE GEORGIA DEPARTMENT OF CORRECTIONS. ON OCT. 9, 2013 DEFENDANT WAS TRANSPORTED BACK TO SOUTH CAROLINA AND PLACED IN AIKEN COUNTY DETENTION CENTER. ON JULY 21, 2014, DEFENDANT WAS SENTENCED TO 20 YEARS BY AIKEN COUNTY GENERAL SESSIONS COURT. DEFENDANT CONTENDS THAT HE SHOULD BE CREDITED TIME AGAINST HIS SENTENCE FROM JUNE 2, 2009, SINCE HE WAS NOT AN ESCAPEE AT ANY TIME.

2. ASSUMING ARGUENDO, THAT THE COURT CONSTRUES §24-13-40 IN A MANNER THAT DOES NOT ALLOW THE TIME SPENT IN PRISON IN GEORGIA TO COUNT AGAINST HIS CURRENT SENTENCE, DEFENDANT CONTENDS THAT HE IS ENTITLED TO A PERIOD OF 238 DAYS (JUNE 2, 2009 TO JANUARY 25, 2010) BECAUSE AT ALL TIMES, DEFENDANT WAS EXCLUSIVELY A PRETRIAL DETAINEE BEING DENIED BOND FOR THE CHARGES RESULTING IN HIS CURRENT 20 YEAR SENTENCE.

I CERTIFY THAT THE FOREGOING
IS TRUE & CORRECT

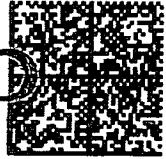
8.25.14

151 SHERONNE NEALOUS JR
SHERONNE, NEALOUS JR. 226110
KIRKLAND IR & E CENTER
4344 BROAD RIVER
COLUMBIA, SC 29211

SHERONE NEALOUS JR. 226110 F1-138



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