

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

1414051

COUNTY OF Greenville
STATE VS.

Leon Dwight Crump

INDICTMENT/CASE#: 2013GS2306226

A/W#: 2013A2320600251

Date of Offense: 1/28/2013

S.C. Code § : 16-11-0311

CDR Code #: 0079

AKA:

Race: BLACK Sex: M Age: 51

DOB: 1963 SS#

Address:

City, State, Zip:

DL#: 9999999999 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Burglary First Degree

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15 years - life
MAR 25 2013
SC Court of Appals

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury (defendant's initials)

The plea is: Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State

ATTEST: Ellis, Sloan SC Bar# 77364 Defendant Attorney for Defendant SC Bar# 5425

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 294 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$133.90

PTUP days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul Bill

Court Reporter: Henson

Presiding Judge

Judge Code: 2113

Sentence Date: 3-3-2015

SUPPLEMENT – LEON CRUMP APPEAL

The State, Respondent v. Leon Dwight Crump

On March 3, 2015, the appellant was sentenced to fifteen (15) years for burglary 1 first. Sentencing sheet attached. This is an appeal of that sentence. Here are three (3) possible questions to be raised.

QUESTION 1.

The defendant's charge of burglary first is based on two(2) prior burglary convictions. One of those was a North Carolina conviction for "house breaking" entered in 1988. The North Carolina statute (14-54(b) omits the requirement of "entering without permission". Does this lack of conformity with South Carolina's definition invalidate the use of the North Carolina conviction for an enhancement in this case?

QUESTION 2.

As stated above, one of the two convictions used to enhance the defendant's burglary from a second to a first, is based on a "house breaking" that occurred in 1988. When the SCRPC # 609 generally limits the use of such aged convictions for impeachment the same should apply for such a drastic measure as enhancement.

QUESTION 3.

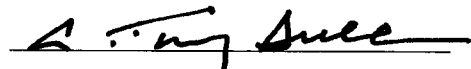
A major factor in deciding to plea was the employment of a legal threat to use the defendant's 1988 conviction BEFORE the jury as "an element" of his charge of burglary first. This is, legal as now set forth in SC appellant cases. This is an obvious end run around the defendant's rights under the Fifth Amendment of the US Constitution

and Article 1 Section five of the SC Constitution. The state is allowed to "attack" the defendant's character under the guise of proving "an element" of the current charge. This should be a matter of sentencing. Does any one believe the a jury instruction can so pinpoint the use of such testimony?

SUMMARY

Under the facts of this case the dedendant is guilty of burlary second non-violent. This would expose him to a ten year non-violent sentence. However in allowing the state to use a 1988 conviction, whose wording is different from the SC statute, combined with the use of this 27 year old sentence in the state's case in chief resulted in a coecercive atmosphere. In the forgoing, the defendant is being exposed to a possibility of a life sentence. All three of these actions by the state "may be legal" but the combination results in an assault on judicial fairness. The defendant's sentence maybe legal but it just ain't right. These matters were raised at sentencing and decided in favor of the State. The matters herein are of a jurisdictional nature and can be raised at any time.

Submitted by:



C. TIMOTHY SULLIVAN

Bar # 5425

PO Box 2543

Greenville, SC 20602

C. TIMOTHY SULLIVAN
ATTORNEY AT LAW
OFFICE HOURS BY APPOINTMENT
GREENVILLE, S.C.

TELEPHONE (864)242-4055
FAX NO. (864) 242-4107

March 23, 2015

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MAR 25 2015

SC Court of Appeals

P.O. BOX 2543
GREENVILLE, S. C. 29602

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: The State v. Leon Dwight Crump
Appellate Case No. 2015-000532

Dear Ms Kitchings:

In accordance to the requests made in your letters dated March 13, 2015 in the above case I am including the following:

- 1. A redacted copy of the sentence sheet from which this appeal is taken.**
- 2. Three questions to be resolved in this appeal.**

If you need anything further, please advise.

Very truly yours,



C. Timothy Sullivan SC Br # 5423
PO Box 2543
Greenville, SC 20602
(864)242-4055

cc: Sloan Ellis, Esquire
cc: Robert Michael Dudek, Esquire
cc: Salley W. Elliott, Esquire

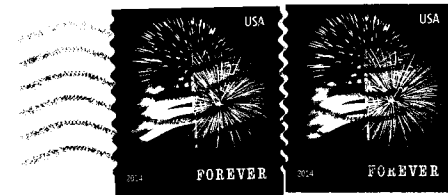
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Page 2 Crump letter

cc: Alan McCroy Wilson, Esquire

C. TIMOTHY SULLIAN, ATTORNEY
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The Honorable Jenny Abbott Kitchens
Clerk, SC Court of Appeals
PO Box 11639
Columbia, SC 29211

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MAR 25 2015

SC Court of Appeals

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