

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Brian Gibbons, Circuit Court Judge

Appellate Case No. 2014-001886

RECEIVED

FEB 17 2016

SC Court of Appeals

THE STATE,

Appellant,

v.

COREY JAMAL WILLIAMS,

Respondent.

MOTION TO EXPEDITE APPEAL

This is an appeal from a plea judge ruling that S.C. Code Ann. § 24-13-1530 allowed him to sentence Respondent to home detention for the violent crime of trafficking in marijuana even though the plain language of the statute makes clear it only applies to “low risk, nonviolent adult and juvenile offenders.” The Appellant, State of South Carolina, hereby moves to expedite consideration of this appeal. This motion is based on the following:

1. Respondent, Corey Jamal Williams, was indicted at the February 2014 term of the General Sessions Court for York County for one count of trafficking in marijuana. On August 28, 2014, Respondent pled guilty before the Honorable Brian M. Gibbons. Assistant Solicitor Matthew W. Shelton represented the State at the plea proceeding, and Todd Rutherford, Esquire, represented Respondent. Judge Gibbons accepted

Respondent's guilty plea and sentenced him to ten years' imprisonment suspended upon the service of one year's imprisonment served as home detention and two years' probation, the first year of which consisted of home detention. Thereafter, the State filed and served notice of appeal on September 2, 2014.

2. The State filed its initial brief on January 30, 2015. On August 5, 2015, Respondent filed a Motion to Dismiss Appeal as Moot, arguing he would complete his sentence of imprisonment on August 29, 2015 and, thus, he would have finished his sentence before the conclusion of this appeal. This Court denied Respondent's motion, and final briefs have now been submitted.

3. In the time this case has been pending, it has come to the attention of the undersigned attorney that other courts have similarly sentenced defendants to home detention for crimes classified as violent offenses. Thus, as set forth in Appellant's Return to Motion to Dismiss as Moot, the argument that the situation is capable of repetition yet evading review has proven true. By way of example, the Fifth Circuit has sentenced three violent offenders to home detention in the cases of Yamani B. Goodwin, Seneca Mcfadden, and Ray A. Lyerly. (See Exhibits 1-3.) The sentencing sheets reflect the "home detention" or "house arrest" sentences for both Goodwin and Lyerly while, upon information and belief, the State believes Judge Hood orally sentenced Mcfadden to home detention even though the sentencing sheet does not reflect it.

4. It is imperative this Court rule on this issue as soon as possible to resolve any confusion as to the exact meaning of S.C. Code Ann. § 24-13-1530 and which offenders are eligible for home detention. Allowing violent offenders to serve sentences on home detention causes a substantial risk to the public. Because S.C. Code Ann. § 24-13-1530 makes clear home detention only applies to "low risk, nonviolent adult and juvenile

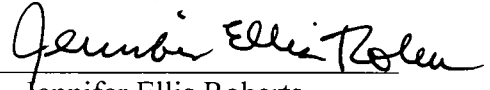
offenders,” the State urges this Court to clarify the Legislature’s intention to only allow nonviolent offenders the privilege of being detained at home.

5. The Respondent Corey Jamal Williams will not be prejudiced if consideration of this appeal is expedited.

Respectfully submitted,

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General

BY: 
Jennifer Ellis Roberts
S.C. Bar No: 79818

Office of the Attorney
General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR
APPELLANT

February 17, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE VS.)
Yamani Bokassa Goodwin)
AKA:)
Race: BLACK Sex: M Age: 36)
DOB: 10-02-1979 SS#: 247-59-7397)
Address: 106 Caroline St)
City, State, Zip: Spartanburg, SC 29303-2228)
DL#: 007789718 SID#:)
*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

IN THE COURT OF GENERAL SESSIONS
3-10 years and \$25,000 fine
INDICTMENT/CASE#: 2014GS4006832
A/W#: 2013A4010200615
Date of Offense: 2/20/2013
S.C. Code § : 44-53-0370(e)(2)(e)
CDR Code #: 0281

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: Drugs / Trafficking in meth. or cocaine base - 10 g or more, but less than 28 g - 1st offense [] CONVICTED OF or [X] PLEADS

in violation of § 44-53-0375(C)(1)(a) of the S.C. Code of Laws, bearing CDR Code # 0450
[] NON-VIOLENT [X] VIOLENT [X] SERIOUS [] MOST SERIOUS [] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45

The charge is: [] As Indicted, [X] Lesser Included Offense, [] Defendant Waives Presentation to Grand Jury. (defendant's initials)
The plea is: [] Without Negotiations or Recommendation, [X] Negotiated Sentence, [] Recommendation by the State.
TEST: [Signature] 15964 [Signature] 3 years [Signature] 69443
SAMPSON, APRIL SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center,
for a determinate term of 3 days/months/years or [] under the Youthful Offender Act not to exceed ___ years
and/or to pay a fine of \$ 25,000; 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.

[X] 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. 305 days plus 71 days total credit of 436 days
[] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-23-135.

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

PTUP [Signature]
___ 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
prmts. of \$ ___ beginning
\$ ___ paid to Public Defender Fund
Other:

Table with 3 columns: Description, Amount, Total. Rows include various assessment fees like § 14-1-206, § 14-1-211(A)(1), etc.

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

SCANNED

Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 132
Sentence Date: 2-11-16

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE VS.)
Seneca Dwayne Mcfadden)
AKA:)
Race: BLACK Sex: M Age: 36)
DOB: 01-20-1979 SS#: 216-92-7495)
Address: 3121 WISE DRIVE)
City, State, Zip: Sumter, SC 29150-3175)
DL#: 007457746 SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS4004025
A/W#: 2013A4010200614
Date of Offense: 2/20/2013
S.C. Code §: 44-53-0370(e)(2)(e)
CDR Code #: 0281

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 1st offense CONVICTED OF or PLEADS

in violation of § 44-53-0370(e)(2)(a)1 of the S.C. Code of Laws, bearing CDR Code # 0278
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(GSC w/minor 1st or 2nd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: APRIL SAMPSON, APRIL 15964 SC Bar# Defendant
Jesse [Signature] Attorney for Defendant 101556 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 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. (787 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 PTUP
Total: \$ plus 20% fee: \$
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:

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.

CERTIFIED TRUE COPY OF ORIGINAL FILED
J. [Signature] C.C.P.&G.S.
Presiding Judge COUNTY 2164
Judge Code CAROLINA
Sentence Date: 8-28-15

Clerk of Court/ Deputy Clerk: Jeannette W. McQuicker
Court Reporter: Ambrosiak
SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
Ray A Lyerly
AKA:
Race: BLACK Sex: M Age: 35
DOB: 06-08-1980 SS#: 251-71-3900
Address: 581 Heron Glen Dr
City, State, Zip: Columbia, SC 29229
DL#: 007651083 SID#:

INDICTMENT/CASE#: 2013GS4004491
A/W#: 2013A4010200106
Date of Offense: 1/9/2013
S.C. Code §: 44-53-0375(C)(1)(a)
CDR Code #: 0450

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / Trafficking in meth. or cocaine base - 10 g or more, but less than 28 g - 1st offense

in violation of § 44-53-0375(C)(1)(a) of the S.C. Code of Laws, bearing CDR Code # 0450
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Williams, Justin SC Bar# 80478 Defendant
Ray Lyerly Defendant
Attorney for Defendant SC Bar# 12097

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3* 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.
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% fec: \$
Payment Terms:
Set by SCDPPPS

PTUP days/hours Public Service Employment

Recipient:

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

Table with 3 columns: Description, Amount, Total. 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 \$

\$ paid to Public Defender Fund
Other: Sentence is to be served on house arrest with GPS monitoring. If any violations, it is to be brought into court.

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

Clerk of Court/ Deputy Clerk
Court Reporter: Reed
SCCA/217 (03/2011)

Jeanette W. McBrider

Presiding Judge: [Signature]
Judge Code: 2756
Sentence Date: 10/13/2015

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Brian Gibbons, Circuit Court Judge

Appellate Case No. 2014-001886

THE STATE,

Appellant,

v.

COREY JAMAL WILLIAMS,


Respondent.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the within Motion to Expedite Appeal on Respondent by depositing a copy in the United States mail, postage prepaid, addressed to:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 17th day of February, 2016.


ANGELA BENNETT
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

February 17, 2016

FEB 17 2016

SC Court of Appeals

David Alexander, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211

Re: State v. Corey Jamal Williams
Appellate Case No: 2014-001886

Dear Mr. Alexander,

Enclosed herewith and served upon you is a copy of the Appellant's Motion to Expedite Appeal, with proof of service, in the above-referenced case.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Jennifer Ellis Roberts
Assistant Attorney General
Bar # 79818

JER/ab
Enclosures

cc: The Honorable Jenny A. Kitchings (original and 6 copies enclosed)