

RECEIVED

OCT 21 2016

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM RICHLAND COUNTY
Court of General Sessions
Honorable Robert E. Hood, Circuit Court Judge**

Case Nos.: 2012-GS-40-05997, 2012-GS-40-05998, 2012-GS-40-06000,
2012-GS-40-06001, 2012-GS-40-06003, 2012-GS-40-06004

State of South Carolina..... Respondent,

V.

Maurice Antwon McCreary..... Appellant.

STATEMENT OF BASIS FOR APPEAL FROM GUILTY PLEA

PURSUANT TO S.C.A.R. RULE 203 (d)(1)(B)(iv)

COMES NOW the Appellant, Maurice Antwon McCreary, respectfully filing this brief pursuant to South Carolina Appellate Court Rule 203 (d)(1)(B)(iv) to appeal the denial of the Motion to Reconsider Sentence, the denial of the Motion to Clarify Motion to Reconsider and the denial of the Motion to Withdraw Guilty Plea. The Appellant offers the requisite showings of facts and laws which substantiates a sufficient basis for appeal from the guilty plea in this case which warrant this Court granting the Appellant appellate review of each articulated issue identified in this brief.

I. Written explanation showing that there is an issue which can be reviewed on appeal.

The Appellant properly and timely filed three (3) post-trial motions in this case, a Motion to Reconsider, a Motion to Clarify Motion to Reconsider and a Motion to Withdraw Guilty Plea. (See State v. Warren, 392 S.C. 235, 708 S.E.2d 234 (Ct.App. 2011), issues raised in a timely filed post-trial motion is properly preserved for appellate review).

The underlying constitutional basis of these motions is the allegation that the state's solicitor breached the terms of the plea by speaking to the trial judge on the State's position that the Appellant should receive a harsh sentence. Breach of guilty plea agreement is a violation of Appellant's due process rights and is recognized by the South Carolina jurisprudence as such. Furthermore, "due process violation" is a cognizant and reviewable trial court error on direct appeal. (See State v. Dykes, 403 S.C. 499, 744 S.E.2d 505 (S.C. 2013); and State v. Langford, 400 S.C. 421, 735 S.E.2d 471 (S.C. 2012)).

II. ISSUES

(1) DUE PROCESS VIOLATION

The Appellant and the Respondent State of South Carolina, by and through its representative state solicitor, entered into a plea agreement to resolve each and every criminal indictment in this case. One specific term of the plea agreement included the State's promise to remain silent during sentencing and to make no recommendations regarding sentencing and punishment of the Appellant.

The state solicitor in this case did not abstain from making a sentencing recommendation pursuant to the negotiated terms of the guilty plea. Had the Appellant known the state solicitor was going to make a sentencing request or recommendation on punishment, the Appellant would NOT have plead guilty but would have insisted on trial. The state solicitor violated the Appellant's due process rights by breaching the terms of the plea agreement. This breach warrants, as a minimum, resentencing. (See *Thompson v. State*, 340 S.C. 112, 531 S.E.2d 294; *Jordan v. State*, 297 S.C. 52, 374 S.E.2d 683; *Sprouse v. State*, 355 S.C. 335, 585 S.E.2d 278; *Smith v. State*, 407 S.C. 270, 754 S.E.2d 900 reheard and affirmed in *Smith v. State*, 413 S.C. 194, 775 S.E.2d 696 (S.C. 2015); and *Santobello v. New York*, 404 U.S. 257, 92 S.Ct. 495 (1971).

The commitment order, commonly referred to as the "sentencing sheet", for each indictment clearly shows the plea is without recommendations. (See Exhibit# 1, 2, 3, 4, 5 and 6). This is prima facie evidence to factually support the Appellant's allegations in this brief that an agreement did exist and a breach did occur which violated Appellant's due process rights. (See *James v. State*, 377 S.C. 81, 659 S.E.2d 148 (S.C. 2008), (The South Carolina Supreme Court relied upon James' "sentencing sheet", finding the sentencing sheet instructive in determining whether or not James' decision to plea was an intelligent, knowing and voluntary decision. 659 S.E.2d at page 150; especially footnote 2)).

The Appellant has made a sufficient showing this issue must be allowed to be reviewed on direct appeal pursuant to Rule 203 (d)(1)(B)(iv).

(2). TRIAL COURT ERROR

The trial court erred in the denial of the Motion to Reconsider, the Motion to Clarify Motion to Reconsider and the Motion to Withdraw Guilty Plea. the trial court failed to apply the current and correct law to the facts presented to him on these three (3) motions. Additionally, the trial court's determinations in denying the three (3) post-trial motions lack any evidentiary support in the record of this case. Once the trial court received objection from the Appellant that a breach of the plea had occurred the trial court was to apply the current and correct law in analyzing and resolving the Appellant's allegations, the trial court did not do so. Therefore, this abuse of discretion on the trial court's part is reviewable on direct appeal and the Appellant is entitled to relief.

The Appellant incorporates each and every factual allegation and legal authority of ISSUE (1) into this ISSUE (2) and reiterates that a breach of the plea agreement occurred such the Appellant's due process rights are violated and the trial court erred in affirming the guilty plea rather than vacating it or, at the minimum, ordering a resentencing.

The Appellant has made a sufficient showing this issue must be allowed to be reviewed on direct appeal pursuant to Rule 203 (d)(1)(B)(iv).

WHEREFORE the Appellant prays this court grants this STATEMENT OF BASIS FOR APPEAL FROM GUILTY PLEA and allow full briefing and direct appeal review of the issues and the case.

RESPECTFULLY SUBMITTED.

DATE: Oct 17th, 2016

M. MCG

Maurice Antwon McCreary
BRCI / Moultrie Dorm
4460 Broad River Road
Columbia, S.C. 29210

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.

INDICTMENT/CASE#: 2012GS4005997

Maurice Antwon McCreary

A/W#: M985586

AKA:

Date of Offense: 12/16/2011

Race: BLACK Sex: M Age: 24

S.C. Code §: 16-03-0029

DOB: 12-25-1989 SS#: [REDACTED]

CDR Code #: 3410

Address: 1001 Woodale Circle

City, State, Zip: Columbia, SC 29203-3824

DL#: 101149615 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

CONVICTED OF or PLEADS

RECEIVED

OCT 21 2016

SENTENCE SHEET SC Court of Appeals

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

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: GOLDBERG, DAN SC Bar# 72620 Defendant
Attorney for Defendant SC Bar# 75392

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 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 PTUP
Total: \$ plus 20% fee: \$
days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS
Obtain GED
Attend Voc. Rehab. or Job Corp.

Recipient:
May serve W/E beginning
Substance Abuse Counseling

*Fine:
§ 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 \$

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 Jeanette W. McCreary
Court Reporter Ambrosia

Presiding Judge Re Howard
Judge Code: 2164
Sentence Date: JAN 6, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS. Maurice Antwon McCreary

INDICTMENT/CASE#: 2012GS4005998
A/W#: M985587
Date of Offense: 12/16/2011
S.C. Code §: 16-03-0029
CDR Code #: 3410

AKA:
Race: BLACK Sex: M Age: 24
DOB: 12-25-1989 SS#:
Address: 1001 Woodale Circle
City, State, Zip: Columbia, SC 29203-3824
DL#: 101149615 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
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: GOLDBERG, DAN SC Bar# 72620 Defendant
Attorney for Defendant SC Bar# 75392

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 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 PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

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 \$

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
Court Reporter:

Handwritten signatures: Jeannette M. McQuinn, Ambrosio

Presiding Judge
Judge Code:
Sentence Date:

Handwritten signature: Re Hood
2164
JAN 6, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE VS.)
Maurice Antwon McCreary)
AKA:)
Race: BLACK Sex: M Age: 24)
DOB: 12-25-1989 SS#:)
Address: 1001 Woodale Circle)
City, State, Zip: Columbia, SC 29203-3824)
DL#: 101149615 SID#:)
*CDL Yes No CMV Yes No Hazmat Yes No)
In disposition of the said indictment comes now the Defendant who was)
TO: Attempted Murder)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4006000
A/W#: M985588
Date of Offense: 12/16/2011
S.C. Code §: 16-03-0029
CDR Code #: 3410

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
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: GOLDBERG, DAN SC Bar# 72620 Defendant
Attorney for Defendant SC Bar# 75392

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 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 PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
days/hours Public Service Employment

Set by SCDPPPS
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
\$ 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.

Clerk of Court/ Deputy Clerk
Court Reporter:

Handwritten signatures: Jeanelle W. McBride, Ambrosak

Presiding Judge: [Signature]
Judge Code: 2164
Sentence Date: Jan 6, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE VS.)
Maurice Antwon McCreary)
AKA:)
Race: BLACK Sex: M Age: 24)
DOB: 12-25-1989 SS#:)
Address: 1001 Woodale Circle)
City, State, Zip: Columbia, SC 29203-3824)
DL#: 101149615 SID#:)
*CDL Yes No CMV Yes No Hazmat Yes No)
In disposition of the said indictment comes now the Defendant who was)
TO: Attempted Murder)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4006003
A/W#: M985638
Date of Offense: 12/16/2011
S.C. Code § 16-03-0029
CDR Code #: 3410

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
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: GOLDBERG, DAN SC Bar# 72620 Defendant
Attorney for Defendant SC Bar# 75392

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 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 PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

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 \$

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 Jeannette M. U...
Court Reporter: Ambrosia
SCCA/217 (03/2011)

Presiding Judge ReHord
Judge Code: 2164
Sentence Date: Jan 6, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS. Maurice Antwon McCreary

INDICTMENT/CASE#: 2012GS4006004
A/W#: M985639
Date of Offense: 12/16/2011
S.C. Code §: 16-03-0029
CDR Code #: 3410

Race: BLACK Sex: M Age: 24
DOB: 12-25-1989 SS#:
Address: 1001 Woodale Circle
City, State, Zip: Columbia, SC 29203-3824
DL#: 101149615 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
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: GOLDBERG, DAN SC Bar# 72620 Defendant
Attorney for Defendant SC Bar# 75392

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 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 PTUP
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 \$

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 Jeanette W. McBrider

Court Reporter: Ambrosia

Presiding Judge: [Signature]

Judge Code: 2164

Sentence Date: Jan 6, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.

INDICTMENT/CASE#: 2012GS4006001

Maurice Antwon McCreary

A/W#: M985589

AKA:

Date of Offense: 12/16/2011

Race: BLACK Sex: M Age: 24

S.C. Code §: 47-03-0620

DOB: 12-25-1989 SS#: [REDACTED]

CDR Code #: 3330

Address: 1001 Woodale Circle

City, State, Zip: Columbia, SC 29203-3824

DL#: 101149615 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Unlawful Killing of a Police Dog

CONVICTED OF or PLEADS

in violation of § 47-03-0620 of the S.C. Code of Laws, bearing CDR Code # 3330
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: GOLDBERG, DAN SC Bar# 72620 Defendant
Attorney for Defendant SC Bar# 75392

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 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: 2012GS 40 5997, 5998, 6000, 6003, 6004
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 PTUP
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 \$

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

Court Reporter:

SCCA/217 (03/2011)

Jeanette W. McBride PF
Amberluc

Presiding Judge

Judge Code:

Sentence Date:

Petford
2164
Jan 6, 2014

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

OCT 21 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY

APPEAL FROM RICHLAND COUNTY

Court of General Sessions

Honorable Robert E. Hood, Circuit Court Judge

Case Nos.: 2012-GS-40-05997, 2012-GS-40-05998, 2012-GS-40-06000,
2012-GS-40-06001, 2012-GS-40-06003, 2012-GS-40-06004

State of South Carolina..... Respondent,

v.

Maurice Antwon McCreary..... Appellant.

CERTIFICATE OF SERVICE

I, Maurice Antwon McCreary, do hereby certify that i have served true copies of the STATEMENT OF BASIS FOR APPEAL FROM GUILTY PLEA on South Carolina Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211 this 17th day of October 2016 by depositing a copy of said document in the U.S. Mail via hand delivery to the Broad River Prison Mailroom personnel. I attest to the truth of this.

DATE: Oct 17th, 2016

M. McCreary

Maurice Antwon McCreary
BRCI / Moultrie Dorm
4460 Broad River Road
Columbia, S.C. 29210



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DERUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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September 22, 2016

Ms. Jennifer C. Davis, Esquire
1701 Main St., Ste 103
Columbia SC 29201

Re: The State v. Maurice A. McCreary
Appellate Case No. 2016-001846

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal may dismissed.

Very truly yours,

Jenny Abbott Kitchings

CLERK

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OCT 21 2016

SC Court of Appeals

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER

PHONE (803) 765-2592
FAX (803) 748-5018
TDD # (803) 748-4999

September 29, 2016

Maurice Antwon McCreary
SCDC Inmate #: 00345340
Broad River Correctional
4460 Broad River Road
Columbia, SC 29210

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OCT 21 2016

SC Court of Appeals

RE: State v. Maurice Antwon McCreary

Dear Mr. McCreary:

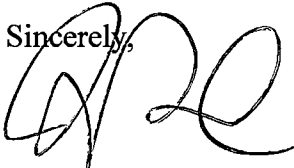
Enclosed please find a copy of a letter from the Court of Appeals dated September 22, 2016 and received in my office on September 23, 2016. I am forwarding this correspondence to you at the direction of the Court. I am also enclosing a copy of the Notice of Appeal, Statement of Basis for Appeal from a Guilty Plea and Proof of Service. These documents are referred to as the "letter of September 22" in the Court of Appeals letter that I am providing to you.

I have been instructed to inform you that you have twenty (20) days from the date of this letter in which to provide the Court **in writing** of any arguable basis that there are issues preserved for appeal from your guilty plea. You must submit your issues preserved for appeal to the following address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Because I am unsure of what has been made available to you, I have enclosed an envelope and paper to ensure you have the necessary materials to comply with the Court's request. The appellate courts are very strict in regard to filing matters in a timely fashion. Therefore, you should be careful to observe and comply with the time limits set forth by the Court.

Sincerely,



Jennifer Davis
Deputy Public Defender

Enclosures

Cc: South Carolina Court of Appeals
Chief Appellate Defender Robert Dudek

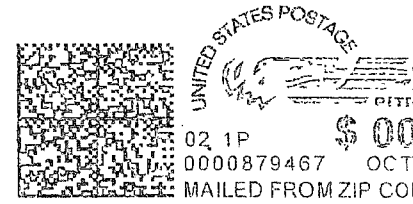
Maurice McCreary # 345340

4460 Broad River Rd

Columbia, S.C. 29210

B.R.C.I

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P.O. Box 11629

Columbia, S.C. 29211

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