

THE STATE OF SOUTH CAROLINA  
RESPONDANT

V.

BRIAN JACOB TERRELL  
APPELLANT

IN THE COURT OF APPEALS  
APPELLATE CASE NO. 2015-001020

Pic Se BRIEF / ADDITION TO  
ANDER'S BRIEF FILED ON  
FEBRUARY 1, 2017  
(PAGE 1 OF 2)

Issues Appellant wishes the Court to consider

1.) Judge Russo's interpretation of the Sentencing portions of the probationary Charges Violated by Appellants plea to indictment 2015-GS-32-0767 and how they related to each other and to five indictments on which the appellant received and served active sentences handed at the same time as the probationary sentences

2.) Judge Russo's imposing the maximum sentence and fully revoking appellants Probation rendering the reasoning appellant had for giving a guilty plea irrelevant.

3.) Judge Russo did not consider appellants dispute of facts of the case

Discussion of issue number 1

Appellant pled guilty to indictment 2015-GS-32-0767. This in turn violated Probationary Sentences inflicted in indictments 2007-GS-32-3211 and 2007-GS-32-3212. The Probationary Matters were taken up as a part of the plea to indictment 2015-GS-32-0767. The Relevant indictments and sentencing sheets were preserved as a courts exhibit in indictment 2015-GS-32-0767.

On January 31, 2008, appellant pled guilty to indictments 2007-GS-32-3211, -3212, -3213, -3214, -3492, -3493, -3494. He received 12 years, Concurrent on indictments -3213, -3214, -3492, -3493, -3494. On indictment -3211 he received 5 years Suspended to 5 years Probation "Till probation while in Jail" (sic). This sentence was to run consecutive to -3212 and concurrent to the lewd Acts (-3213, -3214, -3493, -3492, -3494). He received 10 years Suspended to 5 years Probation to run consecutive to -3211 and concurrent to the lewd Acts, on indictment -3212.

Appellant submits the total exposure on the probationary sentences was 15 years. The Active time on both sentences was to run concurrent to the sentences inflicted on the lewd Acts. Appellant served 12 years on concurrent active times. Thus his exposure from the two violations should have been 3 years. (15 less 12 years Served Concurrent.)

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
RESPONDANT

V.

BRIAN JACOB TERRILL  
APPELLATE

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APPELLATE CASE NO. 2015-061020

Pro Se BRIEF / ADDITION TO  
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FEBRUARY 1, 2017  
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Discussion of Issue number 2

Appellants decision to plead guilty was based upon the belief that in doing so he would be given consideration for leniency in sentencing. Appellants belief in owning up to his crime would lead to a lesser penalty. However no such leniency was shown. Had there been any indication appellant would have been sentenced to a total of 18 years in the Department of Corrections, he would have tried to defend himself, through trial.

Discussion of Issue number 3

During the Plea Proceeding, Mr. Thomas E. Shealy, representing the Appellant in said proceeding, mentioned a disputed point between the states facts and the appellants. At no time was this discussed by Judge Russo.

February 9, 2017

Respectfully Submitted



Brian Terrill  
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PROOF OF SERVICE

The Undersigned hereby certifies that a true copy of the  
Pro Se Brief/Addition to Anders Brief filed on February 1, 2017 (2 pages)  
has been deposited in the mailroom of Allendale Correctional Institution  
Addressed to Matthew Buchannon Esquire, at the South Carolina  
Department of Probation, Parole, and Pardon Services, PO Box  
50666, Columbia, SC 29250 on February 9, 2017,

February 9, 2017

  
Brian Terrell  
Appellant

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SC Court of Appeals

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