

8-2-2017

One more issue I have is ON Page 9 of Record of Appeal - I served the 90 days I was issued. Page 9 makes that very clear. Although I've been told I have not. At the Bottom of the page it shows that I have. In Dorchester Co. In Court she SAID I've only served 8 days pg 4 line 6 and 7. I ALSO served 162 Days on Berkeley County Charge Although Page 3 Line 12 says I only served 72. I feel I should Be credited this time. There are too many ERRORS in my court case. I Pray you see them and AWARD me A new HEARING or Re-Sentencing!

Thank you

Jolly M. M.

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AUG 07 2017

SC Court of Appeals

On July 6, 2017 I received an Anders Brief from Lara M. Caudy my Appellate Defender Submitted on my Behalf to State of South Carolina Court of Appeals. Lara Caudy works for the South Carolina Commission on Indigent Defense, Division of Appellate Defense P.O. Box 11589 Columbia, SC 29211-1589 Phone Number (803) 734-1330. I have enclosed the letter sent to me from Lara Caudy. In this letter I was informed that in light of her filing an Anders brief I now have the opportunity to tell the Court any issues I believe the Court should examine. There have been and are some discrepancies in the Transcript of Record in my case that I have maintained are invalid and need to be examined by the South Carolina Court of Appeals. Beginning with something as small as my name. My name is Holly Earlene Ashby Mahan Not Ashley. I realize it does not seem important to some but given the circumstance and the way 9+ years of my life have been taken from me it's worth mentioning. Indictment 2013-GS-08-1354 For distribution of methamphetamine, First offense

Violent The Sentence was for Manufacturing 10 years suspended upon 72 days served with four years probation. Indictment 2014-GS-18-0534 Financial transaction Fraud the Sentence was one year probation to begin 5/4/2015 - 5/3/2016. As of 1/26/2016 I had paid in full All moneys owed to Berkeley County for the Distribution/Manufacturing - I had also completed 79 out of 90 hrs Community service - paid everything owed to Dorchester County in full with the exception of the last \$643.90 but was told it was not showing in the system at that time because the system was behind. I produced a receipt D.E. this money paid of restitution from 2014-GS-18-0534 from the County Clerk's office as well to still be told because Agent Harris couldn't see it on the computer it was still considered unpaid. In the years I was on probation I never failed one drug screen and there were many. I completed 99% of my community service and have also continuously been told I didn't do that either. I was never arrested in Colleton County for any cross burning in a public place and I was

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Never in Dorchester County Detention Center
For a Colleton County Cross Burning Charge.
I was in DCDC serving weekend jail
time and could not possibly been in
two places at one time. As of 5/3/16
The one year probation sentence was
completed and paid. I was still on
probation until September 2017 From the
Original Charge in which I apparently
violated because of something I never did.
I was told by my Attorney to be in
court on 9/6/2016 and we would get
everything straight on that date. I contacted
my Attorney about my ride situation on
9/6/2016. He then said he would call me
back and stay by the phone. Upon his return
phone call he said he had the Bench Warrant
From that morning lifted and for me to be
At Court the 1st week of October and he
would notify me of the exact court date.
The First week of October we had
Hurricane Matthew. Court was canceled.
While I tried to get the next court date
I was picked up on a possession charge
and released on Bond. While waiting for
a return phone call from my Attorney
about a court date to have all of this

straightened out at one time. I was picked up at home on Oct. 27, 2017 for the Original Bench warrant I was told had been lifted. I don't believe anyone had the right to call attention to this cross burning charge that never existed and had been researched and verified it had ever taken place by Collier Co. Deputy Sean Padgett. Also after 30 years of struggling with drug abuse I did well during that probation period and passed every single drug test that came my way, I didn't want to mess up. I really felt I was doing well. I was happy when the Solicitor offered me Drug Court. I had already begun to get clean and thought that this program could help me for good. I had the right mindset and still do. I was offered Drug Court by the Solicitors office on the possession charge and could have completed it without fail. I just wanted all this mess cleared up. Somehow my possession charge court date landed two days after my violation hearing to which I was extremely misrepresented by Council. Given a full revocation and time served on the possession charge two days later. In 43 years old and really looked forward to being able to live a complete drug free life so I was excited when I had heard about Drug Court

(5)

Feeling this would close the Final Chapter of Drug use in my life. I have had Drugs in my life in one form or another since I was 12 years old.

Drug Court could have and still could help me. I really need this Drug Court. The question of whether my probation should be revoked in whole or in part is committed to the Circuit Courts discretion STATE V. KNOEPF 338 S.C. 541, 543, 526 S.E. 2d 741, 742 (Ct. App. 2000) citing S.C. Code Ann. § 24-21-460 and STATE V. HAMILTON, 333 S.C. 642, 511 S.E. 2d 94 (Ct. App. 1999) The Judge abused her discretion by revoking Appellant's probation in full and reinstating a nearly ten year prison sentence when Appellant undisputedly suffers from severe drug addiction. My drug addiction is likely what led me to fail to comply with the conditions of my probation. Counsel informed the Judge that Appellant was going to be screened for Drug Court and, if I qualified, was likely to be sentenced to complete Drug Court on a pending possession charge. He urged the Judge to consider sentencing me to complete Drug Court due to my probation violation as well. Counsel stressed that I desperately need substance abuse treatment. 2.5.1.22 - 6.1.12. Respectfully, this court should hold the probation revocation

(6)

Judge Abused her discretion by revoking my probation in full and reinstating a nearly ten year prison sentence and remand for a new probation revocation hearing. The Circuit Court's decision to revoke probation was also influenced by an erroneous law, was without evidentiary support, and constituted an abuse in discretion. State v. Koop + State v. Williamson when Agent Audrey Havers of Dorchester County Dept. of Probation & Parole and Pardon Services stated during the hearing that I was arrested on 2/19/16 in Colleton County for burning a cross in a public place and stated I was released on a PR bond and per Vinelink was in Dorchester County Detention Center. Which after careful research by Council was proved to be false. And corroborated by Deputy Sean Padgett there was no such arrest made and no such warrant ever for my arrest in Colleton County. Council also admitted during hearing that he was responsible for telling me to be at court the week of Hurricane Matthew when he spoke to me on 9/16/2016. Again to refresh this subject on 9/16/2016 I was told by Council I was excused from court and the bench warrant from that morning was lifted until the first week in October and he would call me with an exact date and time later on that same day.

The next time I heard from Council was when I went to the Public Defenders office after Bonding out of Dorchester County Detention Center on the Possession Charge. I wouldn't have been allowed to Bond out if I had had a Bench Warrant. I was given the original Court date of 9/6/16 at 9:00AM on 7/12/16 and reminded of it on 8/4/2016 at last probation appt. So I could not have been in violation of the One Year Probation Sentence issued 5/4/2015 until 5/3/2016 because that probation sentence ended two mths prior. The Judge said on page 7 of my Transcript "Because I didn't show up!" Obviously I had not been notified of any new court date to be made up after the week of Hurricane Matthew. By Oct. 27 2016 I was arrested for a Bench Warrant issued in Sept. that I was told had been lifted. I was waiting for another court date, that information never came before officers picked me up at home on 10/27/2016. All of which can be verified by my Public Defender as he attempted to do during the hearing, but in a poor manner. My Attorney did not defend me he only added to the matter although he did take responsibility for me not knowing my new court date in October. Truth, like a foundation

in this Prison, has to be driven deeply to take hold, especially in a world where lies could storm in and wash away the paper-thin walls of illusion any time. My Grandmother use to say the strongest trees are the ones whos roots go the deepest. Nature has a way of finding out which ones dont go deep enough and they get washed away in floods and the winds. But thats not all bad because it leaves us in a world in which we can feel more secure, a world on which we can depend. She would say Drive your roots deep my child, Drive your roots deep. With All do respect I would ask you for resentencing or a New Hearing. I would respectfully ask you for a parical revocation or release after completion of ATU Program and/or Drug Court. Im 43 years old and my parents are both 70. My four Boys are 24, 21, 17 and 15. They all need me and I need them. If given this opportunity to rewrite with all of them I would make my path straight and keep my eyes forward. Please consider a re-sentencing or a New hearing in this matter. Ive been in prison since December 2016 on a first offence probation violation. Please help me in this matter.

Thank you!

Holly E.A. Mahon



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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July 06, 2017

Holly Earlene Ashby Mahon, 370826
Leath Correctional Institution for Women
2809 Airport Road
Greenwood SC 29649

Re: The State v. Holly E. A. Mahon
Appellate Case No. 2016-002521

Dear Ms. Mahon:

Your counsel has filed a brief indicating that this appeal is without merit and moves to be relieved as your counsel. *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L.E.2d 493 (1967). The records in this office reflect counsel has served you with a copy of the brief and record on appeal.

You may, within forty-five (45) days of the date of this letter, file with this Court a *pro se* brief addressing any issues you believe the Court should consider in this appeal. Upon receipt of your *pro se* brief or the expiration of forty-five (45) days, this appeal will be submitted to the Court for its consideration.

Very truly yours,

Handwritten signature of Jenny A. Kitchings in black ink.

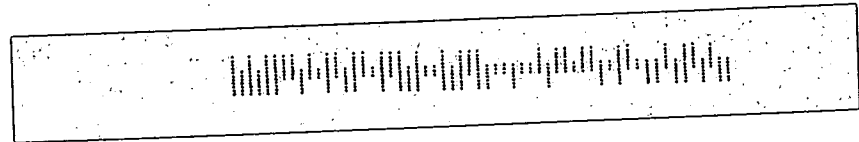
CLERK

cc: Matthew C. Buchanan, Esquire
Lara Mary Caudy, Esquire

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South Carolina Court of Appeals
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