

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

INDICTMENT #:2018GS0200530,
2018GS0200531

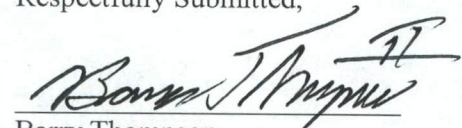
vs.
Ashley T Prior

DEFENDANT

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals. The undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazier v. South Carolina*, 430 F.3d 696, 706 (4th Cir.2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully Submitted,



Barry Thompson
Assistant Public Defender
Post Office Drawer 2247
Aiken, South Carolina 29802
803-642-1732

RECEIVED

February 20, 2019

FEB 25 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF Aiken
STATE VS.
Ashley Tavelle Prior
AKA:
Race: White Sex: M Age: 46
DOB: SS#: 3
Address:
City, State, Zip: North Augusta, SC 29841
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS0200530
A/W#: 2016A0210200432
Date of Offense: 2/28/2015
S.C. Code §: 16-13-30(B)
CDR Code #: 3420

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FEB 25 2018
SC Court of Appeals

SENTENCE SHEET 0-5 yrs

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Grand larceny >\$2,000<\$10,000

CONVICTED OF or PLEADS

in violation of § 16-13-30(B) of the S.C. Code of Laws, bearing CDR Code # 3420
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

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: [Signatures]
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar# 72900

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:
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 SCDoc.

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 (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:
Substance Abuse Counseling
Random Drug/Alcohol testing

*Fine:
§ 14-1-206 (Assessments 107.5 %)
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75
TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Shannon D. Roenkrantz
Court Reporter: Brenda Sigwald
SCCA/217 (04/2018)

Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge William P. Darday
Judge Code: 2050
Sentence Date: AUG. 20, 2018

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, [Signature], Clerk of Court, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office on the 17 day of September 2018.

WITNESSES

Aiken County Sheriff

Greg L Savell

Law Enforcement Case #: 15-011737

HMD

ARREST WARRANT NUMBER

2016A0210200432

FILED 8 March 2018

Robert J. Harte
C.C.P. & G.S.

Angela Miles am
Deputy Clerk

ACTION OF GRAND JURY

True Bill

[Signature]

Foreperson of Grand Jury
Date: March 8, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0200530

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH TERM 2018

THE STATE

vs.

ASHLEY TAVELLE PRIOR

CDR #: 3420

Indictment for

GRAND LARCENY

§ 16-13-30(B)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office.

day of

September

2018

Robert J. Harte
C.C.P. & G.S., Aiken County, S.C.

Angela Miles
Deputy Clerk

RECEIVED

FEB 25 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
GRAND LARCENY
§ 16-13-30(B)

At a Court of General Sessions, convened on March 12, 2018, the Grand Jurors of Aiken County present upon their oath:

That **ASHLEY TAVELLE PRIOR** did in Aiken County on or about February 28, 2015, feloniously take and carry away personal property valued at more than Two Thousand Dollars but less than Ten Thousand Dollars and belonging to Steven Haines with intent to deprive the owner permanently of such property. All in violation of §16-13-30, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Greg L Savell

Law Enforcement Case #: 15-011737

HMD

ARREST WARRANT NUMBER

2016A0210200433 FILED 8 March 20 18

Robert J. Harte
C.C.P. & G.S.

Angel Miles am
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Ronda D. Hoover

Foreperson of Grand Jury
Date: March 8, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0200531

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH TERM 2018

THE STATE
vs.

ASHLEY TAVELLE PRIOR

*8/20/18 Nolle prosequi
pled to some charges
on this warrant*

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

RECEIVED

FEB 25 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office, this

17 day of September 2018

C.C.P. & G.S., Aiken County, S.C.

Deputy Clerk

Sally Williams

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on March 12, 2018, the Grand Jurors of Aiken County present upon their oath:

That **ASHLEY TAVELLE PRIOR** did in Aiken County on or about February 28, 2015, wilfully and unlawfully enter the dwelling of Steve Haines located at 1279 Richardson Lake Road, without consent and with the intent to commit a crime therein and the defendant entered dwelling during nighttime hours, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



J. STROM THURMOND, SOLICITOR

ARREST WARRANT

2016A0210200432

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE against

15011737

Ashley Tavelle Prior

Address:

North Augusta, SC 29841-

Phone: S'

Sex: M Race: W Height: 5 7 Weight: 180

DL State: SC DL#: A

DOB: Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Greg Savell - 4976

Offense: Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000

Offense Code: 3420

Code/Ordinance Sec: 16-13-0030(B)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

RICHLAND COUNTY

The accused

s to be arrested and brought before me to be dealt with according to the law.

Signature of Judge

(L.S.)

Date: 6-12-17

RETURN

A copy of this arrest warrant was delivered to

Defendant on Ashley Prior 6/12/17

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions P O Box 583 109 Park Avenue Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

AFFIDAVIT

Personally appeared before me the affiant Inv. Greg Savell

being duly sworn deposes and says that defendant Ashley Tavelle Prior

did within this county and state on or about 2/28/2015

violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Aiken)

in the following particulars:

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On February 28, 2015 at approx. 0930 hours, Ashley Prior accompanied by another did forcefully enter the residence located at 1279 Richardson Lake Rd. in Aiken, Aiken County, SC, in order to steal guns, jewelry and cash from within, without consent or permission. The value of the stolen property is estimated at approx. \$3,000. Prior has admitted to this offense and DNA from within the residence confirms Prior's participation in this incident.

Signature of Affiant

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/28/2015 defendant Ashley Tavelle Prior

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on Signature of Issuing Judge

Melanie J Dubost (L.S.)

Signature of Issuing Judge

Melanie J Dubost

Judge Code: 7204

Judge's Address 435 Wire Road

Aiken, SC 29801-

Judge's Telephone (803)-64-2-20 x 44

Issuing Court: X Magistrate Municipality Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RICHLAND COUNTY CENTRAL COURT

2017 JUN -9 PM 3:27

RECEIVED FEB 25 2019 SC Court of Appeals

6/12

11:12:33 a.m. 12-18-2017 5/37
02:16:21 p.m. 06-09-2017

0000 Aiken County Sheriff
8036421712

ARREST WARRANT

2016A0210200433

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

15011737

against

Ashley Tavelle Prior

Address:

North Augusta, SC 29841-

Phone: _____ SSN: _____

Sex: M Race: W Height: 5 7 Weight: 180

DL State: SC DL #: _____

DOE _____ Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Greg Savell - 4976

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

RICHLAND COUNTY

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: 6-12-17

RETURN

A copy of this arrest warrant was delivered to

defendant Ashley Prior

on 6/20/17

L. Pracey
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Aiken)

AFFIDAVIT

Personally appeared before me the affiant Inv. Greg Savell

being duly sworn deposes and says that defendant Ashley Tavelle Prior

did within this county and state on or about 2/28/2015

State of South Carolina (or ordinance of County/ Municipality of Aiken)

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On February 28, 2015 at approx. 0930 hours, Ashley Prior accompanied by another did forcefully enter the residence located at 1279 Richardson Lake Rd. in Aiken, Aiken County, SC, in order to steal guns, jewelry and cash from within., without consent or permission. The value of the stolen property is estimated at approx. \$3,000. Prior has admitted to this offense and DNA from within the residence confirms Prior's participation in this incident.

Signature of Affiant

Inv. Greg Savell

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/28/2015 defendant Ashley Tavelle Prior

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Aiken), as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 3/17/2016

Signature of Issuing Judge

Melanie J Dunose

Judge Code: 7264

(L.S.)

Judge's Address 435 Wire Road

Aiken, SC 29801-

Judge's Telephone (803)-64-2-20 x 44

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

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RICHLAND COUNTY
ORIGINAL COURT
2017 JUN -9 PM 3:27

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FEB 25 2019

SC Court of Appeals

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FEB 25 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

AFFIDAVIT OF INDIGENCY AND
APPLICATION FOR APPOINTED COUNSEL

STATE VS. Ashley T. Prieor # 290973

ARREST WARRANT / TICKET & CHARGE: 2016A0210200432 - GL
Burglary, (1st degree) - 2016A0210200433

1. ARE YOU PRESENTLY EMPLOYED? YES NO If yes, Please state the name and address of your employer and the amount of your salary or wages per month and/or week

NAME: None ADDRESS: None Incarcerated
NET WAGES: \$ None WEEKLY / BI-WEEKLY / MONTHLY

If No, please state the name and address of your former employer, date of termination and the amount of your salary or wages.

EMPLOYER: Disability
NET WAGES: \$ N/A WEEKLY / BI-WEEKLY / MONTHLY DATE OF TERMINATION: (Incarcerated)

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): None

NET WAGES: \$ N/A WEEKLY / BI-WEEKLY / MONTHLY

3. Have you or household member(s) received within the past twelve months any money from any of the following sources?

- a. Business, Profession or Self-Employment? Yes No
- b. Rent Payments, Interest or Dividends? Yes No
- c. Pensions, Annuities or Life Insurance Payments? Yes No
- d. Gifts or Inheritance? Yes No
- e. Any Other Source (including Unemployment, Retirement, Disability and/or Food Stamps)? Yes No

If the answer to any question above is "Yes", please list the source of the money and the amount received within the last 12 months.

SOURCE: N/A AMOUNT: N/A

4. LIST BY NAME, AGE AND RELATIONSHIP TO YOU, ANY PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT. INDICATE BESIDE EACH HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT.

NAME: None AGE: RELATIONSHIP: None AMOUNT \$ None

NAME: None AGE: RELATIONSHIP: None AMOUNT \$ None

NAME: None AGE: RELATIONSHIP: None AMOUNT \$ None

DO YOU HAVE CASH, OR DO YOU HAVE ANY MONEY IN A CHECKING OR SAVINGS ACCOUNT
CASH: \$ None CHECKING: \$ None SAVINGS: \$ None

DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES OR OTHER VALUABLE PROPERTY, EXCLUDING ORDINARY HOUSEHOLD FURNISHINGS AND CLOTHING? YES NO

PLEASE SPECIFY: (Incarcerated)

Incarcerated, SCDC, Kiehl Road Corr. Inst.

7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): NONE

PAID FOR? YES NO AMOUNT OF PAYMENT(S) \$ NONE

8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? NONE

9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.? NONE AMOUNT \$ 0

I do solemnly swear that the information reported by me for this application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was in any way respect, entitled to, in possession, remainder or reversion, and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned, or otherwise disposed of any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the Court, part or all of such a claim is reduced to judgment by appropriate Order of the Court, after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that pursuant to §17-1-30(b), I am required to pay a non-refundable \$40.00 application fee to the Public Defender's Office for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

Ashley Pina
Applicant

Sworn to before me this 6 day of December, 2017

Melissa Dwyer Notary Public for South Carolina. My commission expires: Dec. 1, 2025

RACE: W SEX: M AGE: 45

IN JAIL OUT ON BOND

SSN: _____

DATE OF ARREST: May 8th, 2015

DATE OF BIRTH: _____

BOND AMOUNT: 50 thousand

ADDRESS: 4

BONDSMAN: NONE

CITY & STATE: Col de Columbia SC

CO-DEFENDANTS: NONE

TELEPHONE: NA

The applicant's request for counsel is hereby

GRANTED
 DENIED

[Signature]
Judge/ Clerk or Deputy Clerk

DATE: 12-13-17

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

State of South Carolina,)

IN THE COURT OF GENERAL SESSIONS

ORDER TO AMEND SENTENCE

vs.

2018GS0200530, 2018GS0201898

Ashley Prior,

DEFENDANT

RECEIVED
FEB 25 2019
SC Court of Appeals

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of February 20 19
Robert J. Harte
C.C.C.P. & G.S., Aiken County, S.C.
Katie S. Williams
Deputy Clerk

Defendant pleaded guilty in the Aiken County Court of General Sessions on the above-captioned indictments on August 20, 2018. Present at the hearing were Assistant Solicitor Heather DeLoach of the Second Circuit Solicitor's Office and counsel for the Defendant, Barry Thompson of the Second Circuit Public Defender's Office. The Court imposed sentencing on the Defendant as follows:

WPK
#1

- Twenty (20) years concurrent on one count of Burglary 1ST degree on indictment number 2018GS0201898
- Five (5) years concurrent on one count of Grand Larceny on indictment number 2018GS0200530

Through his counsel, Defendant timely filed a Motion to Reconsider his sentence for the Court to clarify how any credit for time served should be applied.

Mr. Ashley Prior burglarized a home in Aiken County on February 28, 2015. That burglary and the associated grand larceny would eventually be the factual basis for Mr. Prior's sentences outlined above, but at the time, the police were unable to develop a suspect, and Mr. Prior was not arrested. On May 9, 2015 Mr. Prior was arrested for burglarizing a second unrelated home. The police continued to be unaware of his

FILED February 18 20 19
Robert J. Harte
C.C.C.P. & G.S.
Katie S. Williams
Deputy Clerk

involvement in the earlier incident. On January 25, 2016, he pleaded guilty to Burglary in the Second Degree Non-Violent, Burglary Second Degree Violent, and Carrying a Concealed Weapon on indictment numbers 2008GS020785, 2015GS0201383, and 2015GS0201384. He was sentenced to 6 years for Burglary Second Degree Non-Violent, 6 years for Burglary Second Degree Violent, and 90 days for Carrying a Concealed Weapon. These sentences were to run concurrently, and Mr. Prior was given pre-sentencing jail credit for 262 days. On June 20, 2017, while Mr. Prior was an inmate at the South Carolina Department of Corrections, he was served with warrants related to the earlier February 28, 2015 burglary.

On August 20, 2018, he pleaded guilty before me and was sentenced as outlined above, 20 years for Burglary First Degree and 5 years for Grand Larceny. These sentences were to run concurrently with each other, but the court did not specifically rule on whether they should run concurrently with Defendant's earlier sentences.

Mr. Prior's motion for relief is an appeal in equity to the mercy of the Court. Mr. Prior requests that he be given pre-sentencing credit for time served for the entire time he has been incarcerated. He further requests the Court to order all his sentences to run concurrently with each other. If this relief is granted, his effective sentence on all charges will be 20 years. The start date of all sentences will be May 9, 2015. This is the day he was taken into custody. He has been continuously incarcerated for the entire time. His earliest release date will be in the year 2032. He will be at least 60 years old.

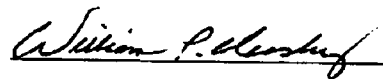
The Defendant's request is appropriate. The State **CONSENTS** to this relief.

THEREFORE, with the **CONSENT** of the State,

WPK
#2

IT IS ORDERED, that credit for time served on indictment numbers 2018GS0200530 and 2018GS0201898 shall be calculated from Defendant's initial incarceration date of May 9, 2015. Defendant's sentences on these indictments shall run concurrently with each other and concurrently to Defendant's earlier sentences on indictment numbers 2008GS020785, 2015GS0201383, and 2015GS0201384.

AND IT IS SO ORDERED this 13th day of February, 2019.



William P. Keesley
Presiding Judge

#3

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

State of South Carolina,)

IN THE COURT OF GENERAL SESSIONS
CASE NO.

MEMORANDUM IN SUPPORT
OF MOTION TO RECONSIDER

vs.
Ashley Prior,
DEFENDANT

RECEIVED

FEB 25 2019

SC Court of Appeals

2016A0210200432, 2016A0210200433

FILED 11 January 20 19

Robert J. Harte
C.C.P. & G.S.

Angel Miles am
Deputy Clerk

SYNOPSIS OF FACTS

Mr. Ashley Prior is 46 years old. He burglarized a home in Aiken County on February 28, 2015. At the time, the police were unable to develop a suspect, and Mr. Prior was not arrested.

On May 9, 2015 Mr. Prior was arrested for burglarizing a second unrelated home. The police continued to be unaware of his involvement in the earlier incident. On January 25, 2016 he pled guilty to Burglary in the Second Degree Non-Violent and Grand Larceny (\$2,000-\$10,000) for the May 9th burglary. He was sentenced to 6 years for Burglary Second Degree Non-Violent and 90 days for Grand Larceny. These sentences were to run concurrently, and Mr. Prior was given pre-sentencing jail credit for 262 days.

On June 20, 2017, while Mr. Prior was an inmate at the South Carolina Department of Corrections, he was served with warrants related to the earlier February 28, 2015 burglary.

On August 20, 2018, he pled guilty to Burglary in the First Degree and Grand Larceny (\$2,000-\$10,000). He was sentenced to 20 years for Burglary First Degree and 5 years for Grand Larceny (\$2,000-\$10,000). These sentences were to run concurrent with each other, but there was no mention of them running concurrent with his earlier sentences.

On August 23, 2018, Mr. Prior, by and through counsel, timely filed a Motion to Reconsider his sentence.

CLARIFICATION OF THE ISSUE

Mr. Prior's motion for relief is not based on case law or statute. Instead, it is an appeal in equity to the mercy of the Court.

1cc PD

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 11 day of January 20 19
Robert J. Harte
C.C.P. & G.S.
Angel Miles am
Deputy Clerk

Mr. Prior requests he be given pre-sentencing credit for time served for the entire time he has been incarcerated. He further requests the Court order all his sentences run concurrent with each other. If this relief is granted, his effective sentence on all charges will be 20 years. The start date of all sentences will be May 9, 2015. This is the day he was taken into custody. He has been continuously incarcerated for the entire time. His earliest release date will be in the year 2032. He will be at least 60 years old.

If the Court is unwilling to grant the relief requested in full, Mr. Prior would at the very least request that the time for all four of his charges be ordered to run concurrent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry Thompson". The signature is written in a cursive style with a horizontal line underneath it.

Barry Thompson
Attorney for Defendant
2nd Judicial Circuit Public Defender's Office
P. O. Drawer 2247
Aiken, SC 29802

January 10, 2019

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)
State of South Carolina,)
)
)
)
vs.)
 Ashley Prior,)
)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
CASE NO.

MOTION TO RECONSIDER
2016A0210200432, 2016A0210200433

RECEIVED
FEB 25 2019
SC Court of Appeals

This matter comes before the Court on Defendant's Motion to Reconsider pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. Defendant, by and through his undersigned counsel, moves this court reconsider his sentence imposed on the above captioned warrants on August 20, 2018. Defendant has been continually incarcerated since served with the warrants in this matter at the South Carolina Department of Corrections on June 20, 2017. Defendant understands and believes that since he was incarcerated at SCDC on separate charges at the time he was served with these warrants, that he will not receive credit for any of the time he has been incarcerated while awaiting trial in this matter.

Defendant specifically moves that he be given credit for time served on his sentence from the date he was originally incarcerated in this matter. Defendant also specifically moves that his sentences on above captioned warrants run concurrent with the sentence for which he was originally incarcerated at the time these warrants were served. That sentence was for Burglary in the 2nd degree on indictment # 08GS020785.

In the alternative the defendant asks that he be given credit for time served on his sentence from the date he was served with the warrants in this matter.

The Defendant pled guilty, said guilty plea occurring on August 20, 2018. The Court imposed sentencing on the Defendant as follows:

- On one count of Burglary 1ST degree (2016A0210200433), the Court imposed sentence of twenty years
- On one count of Grand Larceny (2016A0210200432), the Court imposed sentence of five years

After the events described above, defense counsel was contacted by the Mr.

Ashley Prior, who requested I file this motion on his behalf.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in this case.
23 day of August 2018
Robert J. Harte
C.C.C.P. & G.S., Aiken County, S.C. **LSFH**
Lakya Jaggan-Hymas
Deputy Clerk

FILED August 23 2018
Robert J. Harte
C.C.C.P. & G.S. **LSFH**
Lakya Jaggan-Hymas
Deputy Clerk

Based on the above, the Defendant respectfully requests that the Court reconsider the sentence imposed in this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barry Thompson". The signature is written in black ink and is positioned above a horizontal line.

Barry Thompson
Attorney for Defendant
2nd Judicial Circuit Public Defender's Office
P. O. Drawer 2247
Aiken, SC 29802

August 23, 2018