

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEWAYNE MACK,

APPELLANT

APPELLATE CASE NO. 2013-000664

RECORD ON APPEAL

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SC Court of Appeals

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2012-GS-21-1822
	)	
	)	
	)	
State of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Dewayne Travon Mack a/k/a	)	)
Willie Lee Mack	)	
<u>DEFENDANT</u>	)	December 3, 2012
		Florence, SC

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE.

A P P E A R A N C E S:

JOHN JEPERTINGER, DEPUTY SOLICITOR
Attorney for the State

SCOTT P. FLOYD, CHIEF PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

I N D E X

(WHEREUPON, there were no witnesses called.)

1 THE COURT: Okay. I'm going to go through
2 everybody's Constitutional Rights with them real quick.
3 Listen up, I'm going to go through everybody's
4 Constitutional Rights with them. When you plead guilty,
5 you give up certain important Constitutional Rights. I
6 want each of you to understand that you have a right to a
7 jury trial. At a jury trial, I would instruct the jury
8 that you are presumed innocent, that you are presumed not
9 guilty. The State would bare the burden of proving you
10 guilty beyond a reasonable doubt. You have a right
11 question any witnesses against you as well as the right to
12 present witnesses for your defense.

13 You would have the right to remain silent. If
14 you went to trial and did not testify, I would instruct
15 the jury that they could not hold that fact against you.
16 You would have the right to present any defense you might
17 have to the charge or charges against you. You made any
18 incriminating statements, you have a right to challenge
19 the admissibility of those statements. Does anybody in
20 here not understand those rights? When you plead guilty,
21 you give up those rights. Does anybody in here not
22 understand that when they plead guilty they give up those
23 rights?

24 Now, some of you may come before this court
25 waiving presentment of your charge to the grand jury. I

1 want you to understand that you have a right to have your
2 charge or charges presented to the grand jury for them to
3 determine whether or not there's sufficient evidence to
4 bring your case into this court. However, you may waive
5 that right as well. Does anybody in here not understand
6 that right? Does anybody in here not understand that they
7 can waive that right?

8 (WHEREUPON, there was no response.)

9 THE COURT: All right, Solicitor.

10 MR. JEPERTINGER: Okay. May it please the
11 Court, standing in front of you is Willie Lee Mack waiving
12 presentment to the grand jury on 2012-1822, Your Honor.
13 He is pleading to shoplifting value of property \$10,000
14 or more. And he's represented by Mr. Floyd and the State
15 is asking that you would cap the sentence at five years.

16 THE COURT: All right. Mr. Floyd, you represent
17 Willie Lee Mack?

18 MR. FLOYD: I do, Your Honor.

19 THE COURT: You explain to him the charges
20 contained in the indictment, the possible punishment and
21 his Constitutional Rights?

22 MR. FLOYD: Yes, Your Honor.

23 THE COURT: In your opinion, does he understand
24 the charges against him, the possibly punishment and his
25 Constitutional Rights?

1 MR. FLOYD: Yes, Your Honor.

2 THE COURT: Has he indicated to you a desire to
3 plead guilty or not guilty?

4 MR. FLOYD: Guilty, Your Honor.

5 THE COURT: Do you agree with that decision?

6 MR. FLOYD: I do.

7 THE COURT: Have you also explain to him his
8 right to have this matter presented to the grand jury?

9 MR. FLOYD: Yes, Your Honor.

10 THE COURT: Has he indicated to you a desire to
11 waive that right?

12 MR. FLOYD: He has.

13 THE COURT: Do you agree with that as well?

14 MR. FLOYD: I do, Your Honor.

15 THE COURT: All right. From your investigation
16 of the facts and circumstances of this case, do you feel
17 the State could produce sufficient evidence to convince a
18 jury of his guilt beyond a reasonable doubt? And that if
19 he were to stand trial, his conviction would be probable?

20 MR. FLOYD: Yes, Your Honor.

21 THE COURT: He been ordered to submit to a
22 psychological or mental evaluation?

23 MR. FLOYD: No, Your Honor.

24 THE COURT: Any question in your mind about his
25 competency?

1 MR. FLOYD: None.

2 THE COURT: Has he been sworn?

3 THE CLERK: No, sir.

4 Please raise your right hand. Do you swear to
5 tell the truth, the whole truth, and nothing but the truth
6 to so help you God?

7 THE DEFENDANT: I do.

8 THE COURT: All right. Sir, you are Willie Lee
9 Mack?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Certain questions I must ask you to
12 ensure that you are entering into your plea freely,
13 voluntarily, knowingly and intelligently. That you have a
14 full understanding of the nature of the offense you are
15 pleading guilty to and the consequences of your plea. If
16 at any point in time, you need to speak with your
17 attorney, you let me know and I'll be happy to let you
18 talk to him, all right?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: How old are you?

21 THE DEFENDANT: Twenty-eight.

22 THE COURT: You ever been treated for alcohol
23 abuse, drug abuse or mental illness?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: What have you been treated for?

1 THE DEFENDANT: Alcohol.

2 THE COURT: When?

3 THE DEFENDANT: 2001.

4 THE COURT: Did you complete the program?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Does that in any way affect your
7 ability to know and understand what you doing here today?

8 THE DEFENDANT: No, sir.

9 THE COURT: Within the last 24 hours have you
10 taken any medication drugs or alcohol?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you aware of any physical,
13 emotional or nervous problem that would keep you from
14 understanding what you doing here today?

15 THE DEFENDANT: No, sir.

16 THE COURT: All right. The State indicates you
17 are pleading guilty to shoplifting value \$10,000 or more
18 which carries a penalty of up to ten years; is that
19 correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: The State's recommending that I not
22 give you any more than five years, is that your
23 understanding?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you realize that I don't have to

1 go along with that recommendation?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You realize that if I saw fit, I
4 could give you up to ten years today?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You realize that if I didn't go
7 along with the recommendation you would not be allowed to
8 withdraw your plea here?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You still want to go forward here
11 today?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Were you in here when I
14 went through everybody's Constitutional Rights including
15 the right to have your charge presented to the grand jury?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Your lawyer's indicated he's gone
18 over those rights with you as well; is that correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You understand you have a right to
21 have this charge presented to the grand jury?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You wish to waive that right?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: In addition to that right, you

1 understand your Constitutional Rights to trial as well?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You wish to waive those rights as
4 well?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And plead guilty here today?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You're represented by Mr. Floyd.
9 You satisfied with how he's advised you and represented
10 you in this case?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Have you talk with him as often and
13 for as long as you felt necessary for him to represent
14 you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You need any more time to talk to
17 him?

18 THE DEFENDANT: No, sir.

19 THE COURT: Understood your talks with him?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: He done everything you believe he
22 could have done or should have done for you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Has he done anything you think he
25 shouldn't have done?

1 THE DEFENDANT: No, sir.

2 THE COURT: Completely satisfied?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Any complaints whatsoever?

5 THE DEFENDANT: No, sir.

6 THE COURT: Anybody promised you anything or
7 held out any hope of reward to get you to plead guilty?

8 THE DEFENDANT: No, sir.

9 THE COURT: Anybody used any threats, force,
10 pressure or intimidation to get you to plead?

11 THE DEFENDANT: No, sir.

12 THE COURT: Anybody mistreated you in any way
13 whether it be law enforcement or the Solicitor's office?

14 THE DEFENDANT: No, sir.

15 THE COURT: You had enough time to make up your
16 mind as to whether or not you want to plead guilty or go
17 to trial?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: What do you want to do?

20 THE DEFENDANT: Plead guilty.

21 THE COURT: You plead guilty of your own free
22 will?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you understood my questions?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Jepertinger.

2 MR. JEPERTINGER: Your Honor, back on
3 October 12th 2012, here in Florence County at the Wal-Mart
4 Super Center in Lake City, police were notified to go out
5 to the store in regards to a shoplifter being there. When
6 the officer spoke with the loss prevention person from
7 Wal-Mart found out what they had, found out that this
8 gentleman had taken a suitcase or duffel bag from the
9 store, placed 21 iPad Touches in that duffel bag and also
10 had two iPad Touches in his hand, left the store. They
11 confronted this individual outside the store, Your Honor.
12 And basically he admitted to have taken -- stealing those
13 iPad Touches.

14 There was a second individual there by the name
15 of Prescott, who apparently broke the display case where
16 they kept the iPad Touches. I've shown the photographs to
17 the defense attorney and that was it. Once that display
18 was broken, he took the items and put them in the bags
19 except the two that he had in his hand, Your Honor, and
20 basically said he had the intention of stealing the items.
21 Your Honor, the iPad Touches in total were valued at
22 \$11,277.

23 THE COURT: How much?

24 MR. JEPERTINGER: \$11,277. The only record that
25 he has was for possession of cocaine Your Honor. He was

1 placed on probation, that probation was subsequently
2 violated, Your Honor, by the department of probation,
3 parole and pardon services. The violation of probation
4 took place in 2009. The initial charge took place in
5 2008, Your Honor. He tells us the defense attorney and
6 myself, that he was violated for monetary problems,
7 obligations. Your Honor, since he was violated once, I'm
8 not going to recommend the probation for him, Your Honor.
9 I just don't feel comfortable doing that. I know, Your
10 Honor, that he don't have a prior shoplifting. We see so
11 many that come up here with, you know, seven, eight, nine,
12 ten, 12 shopliftings, that's not his case. This is all
13 based on the value of what was taken, Your Honor. And
14 this was a little more sophisticated because normally we
15 don't have property damage at an incident location at a
16 convenience store or a general merchandise store as
17 Wal-Mart to get hold of the product, Your Honor.

18 THE COURT: All right. Anything else,
19 Mr. Jepertinger?

20 MR. JEPERTINGER: No, sir.

21 THE COURT: All right. Mr. Mack, you've heard
22 the facts as stated by the solicitor in this case, you
23 agree with those facts?

24 THE DEFENDANT: Partially.

25 THE COURT: Tell me what you did?

1 THE DEFENDANT: I ---

2 THE COURT: He said you took 22 iPad Touches.

3 THE DEFENDANT: That part I did do.

4 THE COURT: With the intent to deprive the store
5 owner of the store of those iPad Touches?

6 THE DEFENDANT: Yes, sir. But in the process to
7 that, you know, I kind of basically I took too long to
8 change my mind. I left the suitcase in the middle of the
9 store. And as the report will probably show, I cooperated
10 instead of running because I was already in the car when
11 they pulled up. I turn back around went to the car
12 because like I said, I allowed my greed to get the best of
13 me dealing with the wrong people. I took too long to
14 change my mind and realize I was doing something crazy.

15 THE COURT: Well, based upon what I've heard
16 here today, I believe it certainly fits within the
17 elements of shoplifting value \$10,000 or more. Based upon
18 what I've heard here, I do find there's substantial
19 factual basis for this case plea. I also find the
20 defendant's decision to plead guilty has been entered into
21 freely, voluntarily, knowingly and intelligently, that
22 he's had the advice of counsel of an attorney with whom
23 he's indicated he's completely satisfied. I'll accept his
24 plea.

25 And be happy to hear from you, Mr. Floyd.

1 MR. FLOYD: Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 MR. FLOYD: Your Honor, Mr. Mack is 28 years
4 old. He actually lives over in Sumter. He has been in
5 the detention center for 52 days as of today. Your Honor,
6 he says he lives with his mother over there. He's worked
7 for A and T Office Sells, which is over on Manning Avenue
8 in Sumter for the last several years. He has a job there
9 dealing with the parts to the automobiles and he basically
10 travels around pulls parts for them in differently places.
11 At any rate, Your Honor, as far as this incident goes,
12 there was another person in the store with him who
13 actually bust the glass out of the case. After that was
14 done apparently, no one saw that happen because there was
15 nobody in that area of the store when it happened. And
16 then I think they had -- the defendant and the other
17 individual had conversation that he had in fact busted the
18 glass out. And so then Mr. Mack got a suitcase and
19 basically put 21 iPads in. He had two in his hand. He
20 says he was walking through the store and kind of got the
21 overwhelming feeling that maybe it wasn't such a good idea
22 and he left them inside the store. He did not actually
23 make it out of the door with the items. He did get out of
24 the door himself and then he realize that they had called
25 the police. So he basically, you know, stopped. He

1 didn't run anything like that. I think the other
2 individual did take off.

3 MR. JEPERTINGER: That's correct.

4 MR. FLOYD: I don't know if they ever him caught
5 him or not.

6 MR. JEPERTINGER: They have not.

7 MR. FLOYD: Any rate he stayed, he cooperated
8 with the police fully, admitted to them at the scene that
9 when he first put those items in that bag, you know, he
10 was planning on walking out of the door with them. At any
11 rate, Your Honor, I looked at his record, he does have
12 that prior cocaine conviction. He tells me at the time he
13 probably wasn't in the best position to complete probation
14 and he didn't have a job. He didn't have real
15 transportation anything like that.

16 The circumstances in life today are certainly
17 different. He says, you know, he has been working at this
18 auto place for the last, you know, two or three years.
19 And has the ability to pay probation fees and so forth.
20 Your Honor, we certainly ask if you could consider giving
21 him either a county type sentence or a probationary
22 sentence, but if not, Your Honor, just be as merciful as
23 possible to him. He does have three children. I think
24 they were ages seven, three and maybe three months old at
25 home that he supports.

1 MR. JEPERTINGER: Your Honor, if you do consider
2 a probationary sentence, the glass case that was busted
3 out cost approximately \$200. Of course, all the objects
4 were returned ---

5 MR. FLOYD: Right.

6 MR. JEPERTINGER: --- to Wal-Mart.

7 THE COURT: Mr. Mack, anything you want to tell
8 me?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Be happy to hear from you.

11 THE DEFENDANT: Okay. Well, first, I want to
12 apologize to myself for putting myself in this situation.
13 And I apologize to the courts as well and I ask you to
14 take into consideration the fact that I do take care of my
15 three kids. One of them don't be with me. The seven year
16 old he is with his mom she's in Georgia, but the other two
17 basically up until now been with me full time. And I was
18 trying to do something different with my life other than,
19 you know, situation that I'm in now. I was intending to
20 finish administration course Colorado Tech online for
21 approximately a year and a half. I got like another year
22 -- I don't know now I think I probably miss too many days.
23 I got to see if I can work something out but got
24 approximately another year and a half before that was
25 completed. I ask you to please take those things into

1 consideration.

2 THE COURT: How far did you go in school,
3 Mr. Mack?

4 THE DEFENDANT: I completed the 11th grade, then
5 I went to Job Corp.

6 THE COURT: Did you get your GED there?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Where is probation? Deirdra
9 stepped out? Ms. Deirdra, you'll look up and see why he
10 was violated back in '09? He said it was monetary
11 obligations and I don't -- people don't get violated for
12 that unless they show intentional...

13 How long did you do in jail when you got
14 violated on that?

15 THE DEFENDANT: I don't really know, but it was
16 a long time..

17 MR. FLOYD: The sentencing sheets -- I mean, the
18 NCIC it was a revocation of six months, but I don't know.

19 PROBATION: What's his date of birth?

20 THE COURT: His date of birth [REDACTED].

21 PROBATION: Okay. Failing to report. He last
22 reported on February 19th '09, changing address without
23 consent from his agent, failing to pay his fees, failing
24 to pay his fine.

25 THE COURT: All right. Anything else from the

1 State?

2 MR. JEPERTINGER: Nothing further from the
3 State, Your Honor.

4 THE COURT: Defense counsel? Defense counsel?

5 MR. FLOYD: Nothing further, Your Honor.

6 THE COURT: All right. On indictment
7 2012-GS-21-1822, defendant committed to the state
8 department of corrections for a period of 18 months, given
9 credit for 52 days that he's done. Good luck to you, Mr.
10 Mack.

11 MR. FLOYD: Thank you, Your Honor.

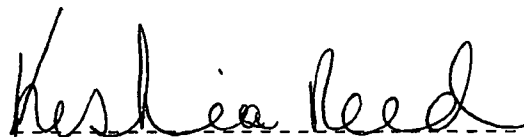
12 END OF REQUESTED TRANSCRIPT
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter and Notary Public
in and for the State of South Carolina At Large, do hereby
certify that the above-entitled cause was heard as
hereinafter set out; that I was authorized to and did
transcribe the said proceedings; and that the foregoing
and annexed paged, numbered 1 through 19, inclusive,
constitute a true and accurate transcription of my
stenographic report of the said cause taken during the
said hearing. In the Court of General Sessions for
Florence County, South Carolina, on the 3rd day of
December, 2012.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto. In witness
whereof, I have hereunto affixed my signature this 20th
day of March 2014.


Keshia Reed, Court Reporter

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2012-GS-21-1822
	)	
	)	
	)	
State Of South Carolina.	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Dewayn Travon Mack a/k/a	)	)
Willie Lee Mack	)	
<u>DEFENDANT</u>	)	March 6, 2013
		Florence, SC

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE:

A P P E A R A N C E S:

JOHN JEPERTINGER, DEPUTY SOLICITOR
 CATHERINE A. WYSE, ASSISTANT SOLICITOR
 Attorneys for the State

SCOTT P. FLOYD, CHIEF PUBLIC DEFENDER
 Attorney for the Defendant

KESHIA REED
 Official Court Reporter

I N D E X

(WHEREUPON, there were no witnesses called.)

1 THE COURT: I want to put this on the record
2 right now and we're going to stand down until I figure out
3 what I'm going to do before five o'clock today. Before me
4 -- how about swear the defendant please.

5 THE CLERK: If you will, sir, raise your right
6 hand. Do you swear to tell the truth, the whole truth,
7 and nothing but the truth so help you God?

8 THE DEFENDANT: Yeah.

9 THE COURT: Sir, you are Dewayne Travon Mack?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. This individual who has
12 identified himself at this time as Dewayne Travon Mack
13 stood before this court and stood before me on
14 December the 3rd of 2012 and identified himself as Willie
15 Lee Mack and pled guilty to shoplifting third or greater.
16 When he pled guilty as Willie Lee Mack when in fact he is
17 Dewayne Travon Mack, I sentenced him to a term of
18 incarceration for 18 months giving him credit for 52 days.
19 It was not until after he reached the department of
20 corrections that it was learned that he was not Willie Lee
21 Mack, but in fact he was Dewayne Travon Mack. He has been
22 brought back here today by the department of corrections
23 to address this matter. What I'm going to do I have
24 advised the State -- and I do this and this is exactly why
25 I do this every time that any defendant comes before me I

1 have them placed under oath and I specifically ask them if
2 they are in fact the individual that they claim to be
3 pleading guilty in front of me. And when he pled guilty
4 in front of me on December 3rd 2012, I asked him
5 specifically, sir, you are Willie Lee Mack of which he
6 confirmed.

7 I have advised the State that based upon his
8 misrepresentation to this court that they should whether
9 they do it or not is up to them, but that they should,
10 indict him, charge him and indict him for perjury, which
11 carries an additional five year sentence. I'm going stand
12 down at this time because I have been advised by his
13 lawyer that he will not sign a new sentence sheet for
14 purposes of conducting a hearing today without some type
15 of confirmation that he will receive the same sentence
16 that he got from me back in December of 2012.

17 I am not saying that I will give this young man
18 the same sentence he received in December of 2012 because
19 I considered the rap sheet of his brother, who is Willie
20 Lee Mack when he pled guilty in front of me in 2012 and I
21 did not consider his prior record. Therefore, I'm going
22 to stand down with regards to court right now and I'm
23 going to go do some research in determining exactly how
24 I'm going to handle this matter today before he leaves
25 here. Anything from the State at this time?

1 MRS. WYSE: Nothing further.

2 THE COURT: Anything from defense counsel?

3 MR. FLOYD: No, Your Honor.

4 THE COURT: We will stand at ease. I'm sorry
5 that you all from the department of corrections have had
6 to be here all day for us to handle this, but I'm going to
7 look into it and I will get it, so you all can get back on
8 the road.

9 (WHEREUPON, a break was taken.)

10 THE COURT: All right. Let's bring Mr. Mack
11 back up here. Again for the record, this is indictment
12 2012-GS-21-1822. The individual standing before this
13 court been placed under oath once again has identified
14 himself as Dewayne Travon Mack. As I stated earlier
15 before I took a break, on December the 3rd of 2012, this
16 individual stood before me here in Florence County
17 identifying himself as Willie Lee Mack and pled guilty to
18 shoplifting third or greater. It's been brought to my
19 attention that in fact this young man who stands before me
20 today is not Willie Lee Mack, but in fact is Dewayne
21 Travon Mack, who he's identified himself today as being.
22 It's also been brought to my attention that Willie Lee
23 Mack is his brother. Is that right, Mrs. Wyse?

24 MRS. WYSE: That's correct, Your Honor.

25 THE COURT: Is that correct, Mr. Floyd?

1 MR. FLOYD: That's what I understand, Your
2 Honor.

3 THE COURT: All right. On December the 3rd
4 2012, after hearing the facts of the plea presented to me
5 by the State and believing this individual to be Willie
6 Lee Mack, the Court sentenced Mr. Dewayne Travon Mack as
7 Willie Lee Mack based upon what the State had conveyed to
8 me, one on the facts pertaining to the case and two based
9 upon the record of Willie Lee Mack not based upon the
10 criminal record of Dewayne Travon Mack.

11 Is that correct, Mrs. Wyse?

12 MRS. WYSE: That's correct, Your Honor.

13 THE COURT: At the time, that Mr. Mack was
14 sentenced, there was a recommendation in that case. And
15 the recommendation -- it was a recommendation of a cap of
16 five years; is that right I believe, Mrs. Wyse?

17 THE DEFENDANT: Yes, Your Honor, that's correct.

18 THE COURT: It says here sentence recommendation
19 zero to five. I believe that was a cap of five years.
20 Was that your understanding, Mr. Floyd?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And at the time, I sentenced him to
23 18 months. What I'm going to ask from the State at this
24 time is I want to know the record of Mr. Dewayne Travon
25 Mack. I want to know -- first, I want you to put on the

1 record the criminal history of Willie Lee Mack that I
2 considered at the time of my sentencing and second I want
3 you to put on the record what Mr. Dewayne Travon Mack's
4 criminal history is. I want you to put that on the
5 record.

6 MRS. WYSE: Yes, sir, Your Honor. Criminal
7 history for Willie Lee Mack is a conviction for drug
8 possession of cocaine first, that was on 11-13-2008. He
9 was convicted one year. It was a time-serve sentence,
10 Your Honor. He received basically a probation violation
11 in a couple of days later and then again on November 30th
12 of 2009, Your Honor, there was another violation of
13 probation at which time he was -- he was on violation of
14 parole and you gave him six months or the judge in that
15 case gave him six months.

16 THE COURT: Willie Mack?

17 MRS. WYSE: Yes, sir, that is all he has on his
18 criminal history.

19 THE COURT: That's all Mr. Willie Mack had on
20 his criminal history?

21 MRS. WYSE: Yes, sir.

22 THE COURT: All right. Now, give me the
23 criminal history if you would of Mr. Dewayne Travon Mack.

24 MRS. WYSE: The criminal history of Dewayne
25 Travon Mack is a October 10th 1997, conviction of assault

1 and battery of a high and aggravated nature, that was --
2 he was sentenced under the Youthful Offender Act. In
3 October 9th of 2003, he had a violation of his probation.
4 There was misprision of a felony and financial transaction
5 card fraud for which he was convicted six months ---

6 THE COURT: Let's go slower.

7 MRS. WYSE: I'm sorry, Your Honor.

8 THE COURT: Misprision of a felony and what
9 else?

10 MRS. WYSE: And then financial transaction card
11 fraud.

12 THE COURT: And when was that?

13 MRS. WYSE: That was on October 9th of 2003.

14 THE COURT: Okay.

15 MRS. WYSE: As well as, he had possession of a
16 stolen pistol.

17 THE COURT: In '03?

18 MRS. WYSE: Yes, sir, Your Honor. In 2004, he
19 was convicted of breaking into motor vehicles and
20 financial transaction card theft.

21 THE COURT: All right.

22 MRS. WYSE: His probation was revoked on that as
23 well a few months later. In 2005, he also violated his
24 probation by having another financial transaction card
25 theft conviction.

1 THE COURT: In '05?

2 MRS. WYSE: Yes, sir.

3 THE COURT: Okay.

4 MRS. WYSE: In 2006, he had a conviction for
5 failure to return rented objects.

6 THE COURT: All right.

7 MRS. WYSE: In March of 2006, he had a
8 conviction for malicious injury to property.

9 THE COURT: All right.

10 MRS. WYSE: In 2007, he was convicted of
11 possession of marijuana.

12 THE COURT: All right.

13 MRS. WYSE: Driving under suspension third or
14 more.

15 THE COURT: All right.

16 MRS. WYSE: April of 2010, he was convicted of
17 malicious injury to personal property, in August of 2010
18 he also pled to a possession of 28 grams or less of
19 marijuana. On April 3rd of 2011, he was charged with and
20 then convicted of a CDV.

21 THE COURT: All right.

22 MRS. WYSE: And on December 7th of 2012, he
23 received a probation violation for shoplifting and he was
24 convicted for that. He has a record, Your Honor, from
25 Tennessee. He was found guilty of driving under

1 suspension in 2011.

2 THE COURT: All right.

3 MRS. WYSE: He was found guilty of domestic
4 assault in 2012.

5 THE COURT: Okay.

6 MRS. WYSE: And he was found guilty of
7 harassment in 2012. And that's the conclusion of his
8 record.

9 THE COURT: All right. Now, let me ask the
10 State this. When the State made this recommendation of a
11 cap of five years, was the State taking into consideration
12 the record of Willie Mack?

13 MRS. WYSE: Yes, Your Honor, and the value of
14 the goods that were stolen.

15 THE COURT: All right. When I go through -- and
16 I want to make this abundantly clear for the record as
17 well. When I go through a plea colloquy with a defendant
18 and the State's making a specific recommendation, I
19 always, always tell a defendant that I am not bound by
20 what the recommendation is. That if I don't go along with
21 the recommendation, that they will not be allowed to
22 withdraw their plea. They will not be able to withdraw
23 their plea. And I specifically ask them one if they
24 understand that and two whether or not they still want to
25 go forward on their plea.

1 Mr. Floyd, let me ask you this question. Is
2 there anything that you would like to say at this time in
3 response to what has already been said here thus far on
4 your client's behalf?

5 MR. FLOYD: Your Honor, just a couple things
6 just to make sure our record's clear. The charge that he
7 pled to was actually shoplifting value over 10,000. I
8 mean --

9 THE COURT: Ten thousand or more carries up to
10 ten years.

11 MR. FLOYD: Yes, sir. It carries the same thing
12 as shoplifting third or greater, but it was stated that he
13 pled to third or greater. But he actually pled to value
14 over 10,000.

15 THE COURT: That was my mistake. It was 10,000
16 or more.

17 MR. FLOYD: They both carried the same sentence.

18 THE COURT: Right.

19 MR. FLOYD: I think that from looking at his
20 rap sheet, I think that is in fact the only shoplifting
21 charge on his record.

22 THE COURT: That was Willie Mack's record.

23 MR. FLOYD: No, sir, Your Honor. I'm looking at
24 Mr. Dewayne's.

25 THE COURT: Okay, this shoplifting. Has no

1 prior shopliftings?

2 MR. FLOYD: Right, yes, sir.

3 THE COURT: So it was not a third or greater.
4 It was more than \$10,000.

5 MR. FLOYD: It was more than \$10,000.

6 THE COURT: Ten thousand or more excuse me.

7 MR. FLOYD: That's correct. Your Honor, that I
8 believe was the only discrepancy that discern when we were
9 going through the -- I'm sorry his rap sheet. It was just
10 the charge that was stated earlier. He did point out that
11 Mr. Jepertinger actually was the active prosecutor on this
12 case.

13 THE COURT: Right, he was standing in for
14 Mrs. Wyse.

15 MR. FLOYD: I believe Mr. Jepertinger was the
16 one who conveyed -- made the offer and considered the
17 sentence.

18 MR. JEPERTINGER: I'm here.

19 THE COURT: Mr. Jepertinger, would you come
20 around here please, sir.

21 MR. JEPERTINGER: Yes, sir.

22 THE COURT: You're exactly right, Mr. Floyd and
23 I appreciate you bringing that to my attention. It was my
24 understanding -- and in fact, Mr. Jepertinger did I
25 believe -- didn't you sign that sentence sheet,

1 Mr. Jepertinger?

2 MR. JEPERTINGER: That is my signature.

3 THE COURT: All right. That is
4 Mr. Jepertinger's signature on this sentence. All be it
5 was Mrs. Catherine Wyse's case. Mr. Jepertinger handled
6 this case for her on this particular day.

7 Mr. Jepertinger, in making this offer cap of
8 five, did you take into consideration the record actually
9 of Dewayne Travon Mack.

10 MR. JEPERTINGER: I did not have Dewayne Travon
11 Mack's record. I had Willie Mack's record.

12 THE COURT: And that was what the basis of your
13 recommendation was?

14 MRS. WYSE: Absolutely.

15 THE COURT: Okay. And let me ask you this, had
16 you had Dewayne Travon Mack's record, would your
17 recommendation been a cap of five based on what you've
18 heard in the courtroom here today?

19 MR. JEPERTINGER: It may have been without
20 negotiations or recommendations. And then, of course, it
21 would have been up to the Court to decide what range of
22 sentence to give him anywhere between zero to ten years.

23 THE COURT: Okay. All right. Anything else,
24 Mr. Floyd?

25 MR. FLOYD: Nothing further, Your Honor. The

1 defendant just indicated that if he had not had the cap of
2 five, he wouldn't have signed the plea sheet.

3 THE COURT: Well, Mr. Dewayne Travon Mack signed
4 this plea sheet perpetrating a fraud upon this court, in
5 obtaining a cap of five, a recommendation of a cap of
6 five. Whether he would have signed a plea sheet or not,
7 he stood before this court perpetrating a fraud upon this
8 court advising the Court he was in fact Willie Lee Mack
9 when he was Dewayne Travon Mack. He has pled guilty to
10 this offense. This court accepted his guilty plea to this
11 offense. And what I am going to do now is I am going to
12 impose sentence based upon this court's consideration of
13 his record.

14 If you would, Mrs. Wyse, refresh me on the facts
15 of this case.

16 MRS. WYSE: Yes, sir, Your Honor. On
17 October 12th of 2012, Sergeant Wesley Dorrell with the
18 Lake City Municipality had evidence as well as witnesses
19 to prove that the defendant Mr. Mack went to Wal-Mart and
20 he willfully and knowingly concealed 21 iPad Touches in a
21 black duffel bag with two iPad Touches in his hand with
22 the intention of converting the items into his own use
23 without paying the purchase price. And that occurred at
24 the Wal-Mart Super Center located on 900 U.S. Highway 52
25 within the city limits of Lake City. They had

1 surveillance showing that he tried to conceal the items
2 and walk out of the Wal-Mart. The items were valued at
3 \$11,316.

4 THE COURT: And they recovered all of them?

5 MRS. WYSE: They did, Your Honor.

6 THE COURT: Mr. Jepertinger, let me ask you one
7 other question if you don't mind. Was the -- and you may
8 recall or you may not. I understand it's been almost
9 three months. The basis of your recommendation of a cap
10 of five in this, do you recall other than the criminal
11 history, of course, of what you consider to be Willie Mack
12 at the time, was that the basis of your recommendation of
13 a cap five also based upon the fact that they one
14 recovered the property?

15 MRS. WYSE: Judge, I can't specifically
16 remember, but generally in a case like this you can base
17 it on two things. Obviously, one is criminal history.
18 The other thing is value of the items taken. This is not
19 your standard shoplifting where it's like 15, \$20 item,
20 that's been stolen. It's major articles that are being
21 taken, Judge. So it's the value of the items being taken
22 and criminal history. Those are the two deciding factors.
23 And that's as a general principle not as a specific
24 principle, because frankly I can't recall at this point
25 just specifics.

1 THE COURT: All right. Based upon what I've
2 heard here today, based upon the Court taking into
3 consideration the extensive record of Mr. Dewayne Travon
4 Mack, it is apparent that Mr. Mack, Dewayne Travon Mack
5 has a criminal history going back some 14 years, 14 years,
6 back to '97 -- excuse me sixteen years. He has a history
7 of stealing whether it be financial transaction card
8 fraud, financial transaction card theft, failure to return
9 rented objects. He has a history of theft taking into
10 consideration his criminal history along with the facts of
11 this case, the sentence of the court on this case is that
12 he be committed to the state department of corrections for
13 a period of four years, four years. This is still less
14 than what the State was recommending a cap of five years
15 when he pled guilty back in December the third of 2012.

16 Now, having sentenced him to a period of
17 incarceration of four years now, I am going to handle this
18 matter with regards to Mr. Dewayne Travon Mack
19 misrepresenting to the Court who he was when he pled
20 guilty. What Mr. Mack has done here is under oath
21 misrepresented to this Court who he was. He did so in
22 presence of me when he stood before me representing
23 himself as Willie Lee Mack when he was in fact Dewayne
24 Travon Mack in an effort to obstruct the administration of
25 justice, so that this court would take into consideration

1 the criminal history of Willie Lee Mack in sentencing him,
2 which I did impose a sentence of 18 months based upon the
3 criminal history record of Willie Lee Mack.

4 The conduct of Mr. Dewayne Travon Mack in this
5 court's view brings the authority and administration of
6 justice into disrespect. His conduct has interfered with
7 the judicial proceedings and has exhibited disrespect to
8 this court. Based upon his actions, this court hereby
9 finds Mr. Dewayne Travon Mack in contempt of court based
10 upon his actions. Before I impose a sentence on the
11 contempt of court matter, I will be happy to hear from you
12 Mr. Floyd with regards to that matter.

13 MR. FLOYD: You talking about contempt, Your
14 Honor?

15 THE COURT: Yes, sir.

16 MR. FLOYD: Your Honor, can I speak to the other
17 sentence as well?

18 THE COURT: Yes, sir, you can speak to whatever
19 you wish to.

20 MR. FLOYD: Your Honor, I been practicing law
21 for 20 something years now and never had this happen.
22 This is a new one on me. You know, this came to my
23 attention earlier today that we were going to be handling
24 this issue. Frankly, I had not researched it very well,
25 because I wasn't expecting it quite frankly today.

1 THE COURT: Neither one of us were I don't
2 think.

3 MR. FLOYD: At any rate, Your Honor, I have
4 reanswered the code somewhat. I may have miss something.
5 I'm not saying I got everything. I look through the
6 criminal rules of procedure and so forth. Your Honor, I
7 just could not find anything that would basically support
8 respectfully Your Honor the authority of the Court to
9 alter the 18 month sentence that was given at this point
10 in time for three months from the plea. Based on, I
11 guess, the more of the lack what I have read, then what I
12 have read, Your Honor, I would just ask that you
13 reconsider that portion of your sentence and just note my
14 objections.

15 THE COURT: Your objections is so noted.

16 MR. FLOYD: Yes, Your Honor.

17 THE COURT: He certainly has a right to appeal
18 what I've done here today. This whole thing has caught
19 everybody off guard today. He was brought back from the
20 department of corrections today to specifically address
21 this. And while I wasn't aware it was going to be
22 addressed today because of misrepresentations to the Court
23 back in December, he had to be brought back from the
24 department of corrections to deal with this today.

25 Your objection is so noted. I would encourage

1 you to appeal if you feel like it's necessary. And it has
2 never to my knowledge happened before wherein it needed to
3 be addressed, but I want to make it abundantly clear that
4 my change in this sentence is based upon his criminal
5 history that goes back 16 years, goes back 16 years. At
6 the time, I sentenced him -- Mr. Mack, when I'm talking,
7 don't talk. If you want to talk to Mr. Floyd in a minute,
8 I'll give you an opportunity to talk to him, okay.

9 When I sentenced him to 18 months which was well
10 below the five year cap that was recommended, I took into
11 consideration only the record of Willie Mack and the fact
12 that they had recovered all of these iPads. This coming
13 before me today and again I say so note your objection,
14 Mr. Floyd. I'm looking at a whole different set of not
15 facts as it pertains to his arrest, charge and conviction
16 or pursuant to his plea but looking at his criminal
17 history which spans over a period of 16 years, over a
18 period of 16 years which I am certainly entitled to take
19 into consideration his criminal history in passing a
20 sentence. And even, even in light of his criminal history
21 spanning 16 years, the sentence that I've handed down here
22 today is still below the cap of five that they recommended
23 which he said he wouldn't have signed a sentence sheet if
24 it hadn't been. So there's no way, shape or form that
25 he's been prejudiced by my sentence of four years here

1 today. But your objection is so noted for the record.
2 And I apologize I didn't mean to cut you off if you want
3 to say anything else.

4 MR. FLOYD: Nothing further, Your Honor.

5 THE COURT: Mr. Mack, you now may speak to your
6 attorney, Mr. Floyd, if you have anything further you want
7 to discuss with him.

8 (WHEREUPON, a pause in the proceedings.)

9 MR. FLOYD: Your Honor, obviously, this is a
10 sentencing and I guess under the rules I have ten days to
11 file an actual written motion and raise additional
12 grounds.

13 THE COURT: I'll give you ten days.

14 MR. FLOYD: Yes, sir.

15 THE COURT: I think you're entitled to it under
16 the rules.

17 MR. FLOYD: Yes, sir. Thank you, Your Honor.

18 THE COURT: All right. Now, let me ask you
19 this, Mr. Floyd, because this was not addressed. You
20 addressed my sentence. What says defense counsel with
21 regard to the contempt matter?

22 MR. FLOYD: Your Honor, certainly for the
23 record, I would object to the contempt at this point.
24 Your Honor, just -- I feel that certainly you're entitled
25 to impose the six month sentence without a jury trial, I

1 understand that. And, Your Honor, just for the record, I
2 would object to that portion of the sentence as well. I
3 would like the opportunity to file a written motion within
4 ten days. Your Honor, I believe that Mr. Mack had
5 something else that he would like to say Your Honor if you
6 will give him that opportunity.

7 THE COURT: I'll be happy to hear from him, but
8 I certainly don't want him to say anything that may hurt
9 him.

10 MR. FLOYD: Yes, sir, Your Honor. I understand.

11 THE COURT: He has rights. Mr. Mack, if you
12 want to say something, you have every right to say
13 something, okay. But I don't want you to say something
14 that could hurt you and I would encourage you to talk with
15 your lawyer before you say something that could possibly
16 harm you.

17 (WHEREUPON, a pause in the proceedings.)

18 THE COURT: Yes, sir, Mr. Floyd. If your client
19 wishes to speak after you talk or spoken to him, I'll be
20 happy to hear from him.

21 Mr. Mack, anything you want to tell me, sir?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I'll be happy to hear from you.

24 THE DEFENDANT: I ain't gone get into too much
25 detail about it, but, you know, due to the circumstances,

1 I feel like I'm being resentenced, so I should have the
2 option of actually standing before trial if necessary if
3 that was a option I choose to do, whether I wind up
4 getting a whole year standing in front of a jury for
5 shoplifting or not. I should have the option. You know,
6 I was sentenced under -- we gone say false pretense. And
7 so I'm now being sentenced under quote unquote real
8 pretense. I should -- just like you had the option to
9 reconsider the record, I should have the option to
10 reconsider whether I'm gone sit up here and say I'm guilty
11 under these circumstances or I'm not guilty under these
12 circumstances. I want to stand trial under these
13 circumstances or don't want stand trial under these
14 circumstances. Did I understand these circumstances? I
15 don't know, but at the same time I feel like I should have
16 had the option. The same way you had the option to
17 regroup, I should had the option to regroup. I ain't had
18 a chance to talk with my attorney prior to coming here to
19 prepare myself or give him the chance to tell him what was
20 going on own my behalf to give him a chance to prepare for
21 the case before being resentenced. I understand you did
22 what you had to do under the circumstances it is. But the
23 same way you had -- you reconsidered your record and all
24 that good stuff and you took a few minutes to go back and
25 research the things and see what you need to do, I feel as

1 though I should have been afforded the opportunity to have
2 been able to discuss some things with my attorney versus
3 being coming to court and having to deal with a matter
4 that the Court itself has admitted to something that
5 doesn't happen every day. This is something that don't --
6 that you don't normally deal with. This is something
7 that -- this is not an every day occurrence. So the same
8 way you gave yourself an opportunity to go and research
9 some things to regroup to say I'm gone come back and I'm
10 gone sentence him because of his record not because of the
11 past record.

12 I feel like I should have given the opportunity
13 to regroup as well. I should have been given the
14 opportunity to regroup as well. I should have been given
15 the opportunity to sit down with my attorney and discuss
16 the case. And right now I feel like I'm at an unfair
17 advantage and I feel my case is being handled more on
18 emotion than more of justice. I feel like more right the
19 courts is upset because I came to the courts and the
20 courts feel disrespected of the way things were handled.
21 I feel like the Court -- the case is being handled more
22 out of emotion more than justice. I don't feel like we're
23 walking a justly plane because you gave -- the courts gave
24 itself a benefit of the doubt to go and research some
25 things, but the defendant didn't have no time to research

1 nothing or sit down and discuss anything with counsel.

2 THE COURT: Mr. Mack, you find yourself here in
3 this today based upon actions of yourself of your own
4 volition; not me, not your lawyer, not the State or anyone
5 else. It's approximately seven minutes until five. You
6 have been here all day. You have been here all day since
7 I took the bench at 9:30 this morning.

8 My sentence today is based upon your criminal
9 record that was not conveyed to me when you stood in front
10 of me and misrepresented to me who you were misrepresented
11 to your lawyer who you were, misrepresented to the State,
12 who prosecute, your case who you were and obtain an offer
13 from the State of a cap of five years when you were in
14 fact looking at ten, when you were in fact looking at ten.

15 You signed a sentence sheet knowing one that the
16 State was recommending up to five, no more than five. I
17 advised you at the time that I was not bound by any
18 recommendation the State made. That in fact if I saw fit,
19 I could give you up to ten and not only did I advise you
20 of that, I asked you that based upon whether or not you
21 still wanted to proceed, which you did, which you did.

22 My sentence today is based upon your criminal
23 history. I don't know if Mr. Jepertinger answered this
24 question or not. But knowing the criminal history that
25 you heard today, Mr. Jepertinger, I think you did say that

1 it would have been without negotiation or recommendation
2 based upon what you heard here today?

3 MR. JEPERTINGER: Yes, Judge, probably at that
4 time it would have been.

5 THE COURT: But he based his recommendation on
6 the record of your brother Willie Mack with a cap of five.
7 I've still gone below what he would have -- what he
8 recommended then knowing your brother's sentence excuse me
9 or his record. You have ten days to appeal what I've done
10 here today. It's not something that happens every day.
11 It's not. Because if it did, there would be individuals
12 perpetrating frauds upon the Court left and right. The
13 department of corrections would have run out of gas
14 running people back and forth to courthouses because of
15 individuals doing things that you have done right here
16 that find yourself back in this courtroom today.

17 Again, for the record, this sentence is based
18 upon your prior criminal history which is below what was
19 recommended. It's based upon your prior criminal history
20 that spanned over 16 years. I believe that it's the
21 appropriate sentence and it's the sentence I have would
22 have imposed back on December the 3rd 2012 had I known
23 your record, had I know your record then. Therefore, you
24 have a right to appeal what I've done here today. And as
25 with regard to the contempt matter, your lawyer has

1 addressed that.

2 Anything else you want to say with regards to
3 that, Mr. Floyd?

4 MR. FLOYD: Nothing further.

5 THE COURT: I do find that your conduct has
6 been -- it occurred directly in the courtroom in the
7 presence of the Court, with an intent to deceive the Court
8 and again which obstructs the administration of justice.
9 State vs. V. Reddicks Smalls 369 S.C. 2D says that a
10 direct criminal contempt is warranted where conduct --
11 where you have conduct that tends to bring the authority
12 and administration of the law and the disrespect. A
13 person may be found guilty of direct contempt if its
14 conduct interferes with judicial proceedings exhibits
15 disrespect to the Court or hampers the parties or
16 witnesses. The Court's power includes the ability to
17 maintain order and decorum. Criminal intent must also
18 exist specifically the intent to obstruct the
19 administration of justice and that is what this court
20 finds, that your conduct that the intent to miss -- or
21 misrepresent or perpetrate a fraud upon this court so that
22 you could receive a beneficial sentence based upon your
23 brother's record and not your own.

24 Therefore, the Court has found you in contempt
25 and sentences you to a period of incarceration for three

1 months, three months to run consecutive to the four years
2 that you're currently been sentence to. And I need an
3 order on that matter, Madam Solicitor, so that it can be
4 forwarded to the department of corrections to run
5 consecutive to the four years that I've sentenced him here
6 to today.

7 Anything further from defense counsel at this
8 time? Anything from -- Mr. Mack, I'm talking.

9 Anything further from defense counsel,
10 Mr. Floyd?

11 MR. FLOYD: Yes, sir, Your Honor. And we're
12 assuming that his time credit will run back to the
13 original sentence date for that?

14 THE COURT: Absolutely, he gets credit for that,
15 absolutely. I mean, he's entitled by statute and by law
16 for credit for every day he's done. My sentence sheet
17 I've changed my sentence sheet. It'll be sent to the
18 department of corrections. I've put on here -- I mean,
19 it's still got Florence County of Florence State vs.
20 Willie Lee Mack. I've written on here a/k/a Dewayne
21 Travon Mack. It's going to show up on his rap sheet now
22 as a a/k/a. I don't know exactly how they'll do that.
23 And I've also changed and corrected his social security
24 number which on the new sentence sheet -- well, I say new.
25 It was a sentence sheet that was prepared that's never

1 been signed of 251-456-6992 at least that's my
2 understanding. I think somebody had conveyed that to me.

3 MR. FLOYD: Yes, sir, Your Honor.

4 THE COURT: With the date of birth being ---

5 MRS. WYSE: [REDACTED].

6 THE COURT: Yes.

7 MR. FLOYD: Actually, Your Honor, apparently his
8 rap sheet already has Willie Lee Mack as a a/k/a. It's
9 already been updated.

10 THE COURT: All right, that will conclude this
11 matter. Thank you.

12 END OF REQUESTED TRANSCRIPT

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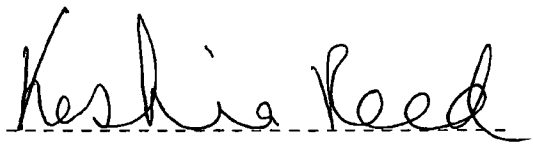
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter and Notary Public
in and for the State of South Carolina At Large, do hereby
certify that the above-entitled cause was heard as
hereinafter set out; that I was authorized to and did
transcribe the said proceedings; and that the foregoing
and annexed paged, numbered 1 through 29, inclusive,
constitute a true and accurate transcription of my
stenographic report of the said cause taken during the
said hearing. In the Court of General Sessions for
Florence County, South Carolina, on the 6th day of March,
2013.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto. In witness
whereof, I have hereunto affixed my signature this 19th
day of March 2014.


Keshia Reed, Court Reporter

WITNESSES

Wesley Dorrell Lake City Police Department

Catherine Anderson Wyse

ARREST WARRANT NUMBER

2012A2120400143

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2012-GS-21-01822

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

DECEMBER

TERM

2012

THE STATE

vs.

WILLIE LEE MACK

Indictment for

SHOPLIFTING \$10,000 OR MORE

CERTIFIED: A TRUE COPY

Cynthia K. Stephens
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF FLORENCE)

SHOPLIFTING \$10,000 OR MORE

At a Court of General Sessions, convened on DECEMBER 3, 2012 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- SHOPLIFTING \$10,000 OR MORE

That WILLIE LEE MACK did in FLORENCE County on or about October 12, 2012, take possession of, carry away, transfer from one person to another or from one area of the store to another, or cause to be carried away or transferred; alter, transfer, or remove the price label or tag on; and/or transfer from its container to another container, merchandise displayed, held, stored or offered for sale by a store or other retail establishment with the intent of depriving the merchant of possession, use or benefit of the merchandise without paying the full retail value, to wit: conceded twenty three (23) Ipad touches with intent to converting items without paying the purchase price from Wal-Mart Supercenter, where the value of the merchandise was ten thousand (\$10,000.00) dollars or more, in violation of S.C. Code of Laws, Section 16-13-01101976, as amended.]

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM FLORENCE COUNTY
THE HONORABLE D. CRAIG BROWN, PRESIDING JUDGE
INDICTMENT NO. 2012-GS-21-1822

The State of South Carolina,

 Respondent.

against

Dewayne Travon Mack a/k/a Willie Mack,

Appellant.

NOTICE OF INTENT TO APPEAL

Dewayne Travon Mack, (Appellant) appeals from the plea to Shoplifting, Value Greater than Five Thousand Dollars, and each of the sentences imposed on March 6, 2013, in the Court of General Sessions for Florence County, South Carolina. The Appellant appeals the sentence of March 6, 2013, for Shoplifting on the grounds that Appellant was previously sentenced for the same charge on December 3, 2012, and that the sentence he received on March 6, 2013, was an illegal sentence which exceeded the Court's authority. The Appellant also appeals the sentence for Contempt of Court of March 6, 2013, on the grounds there is insufficient evidence in the record to support it.



Scott P. Floyd
Twelfth Circuit Public Defender
Box N, City-County Complex
Florence, South Carolina 29501
(843) 665-3055

Attorney for Appellant

March 18, 2013

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MAR 20 2013

SC Court of Appeals

Other Counsel of Record.

John C. Jepertinger
Deputy Solicitor
Twelfth Judicial Circuit
Box Q, City-County Complex
Florence, South Carolina 29501
(843) 665-3091

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO.(S): 2012-GS-21-1822

The State of South Carolina,)
Versus)
Dewayne Travon Mack,)
Appellant.)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of March, 2013, he caused to serve a copy of the Notice of Intent to Appeal by hand delivering a copy of same, addressed as follows:

John C. Jupertinger, Esquire
Office of Solicitor
Box Q, City-County Complex
180 N. Irby Street
Florence, South Carolina 29501

Scott P. Floyd

Scott P. Floyd
Twelfth Circuit Public Defender
Twelfth Judicial Circuit

SWORN TO and subscribed before me
This 18th day of March, 2013.

Wendolyn J. Hume
NOTARY PUBLIC IN AND FOR SC
My Commission Expires: 4/15/2018

RECEIVED

MAR 20 2013

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 20, 2014,

A handwritten signature in black ink, appearing to read "Robert M. Pachak", written over a horizontal line.

Robert M. Pachak
Appellate Defender

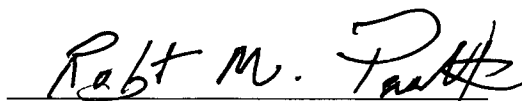
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 20, 2014,

A handwritten signature in black ink, appearing to read "Robt M. Pachak", written over a horizontal line.

Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

D. Craig Brown, Circuit Court Judge

ORIGINAL

RECEIVED

MAY 20 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

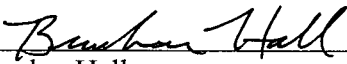
DEWAYNE MACK,

APPELLANT

APPELLATE CASE NO. 2013-000664

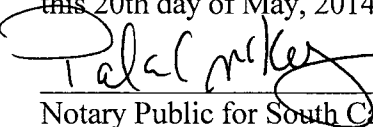
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of May, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 20th day of May, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.