

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of General Sessions

R.Scott Sprouse, Circuit Court Judge

Case No. 2019 - 000415

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SC Court of Appeals

The State,

Respondent,

v.

Matthew J. Chappell,

Appellant.

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Attorney for Appellant

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Attorney for Respondent

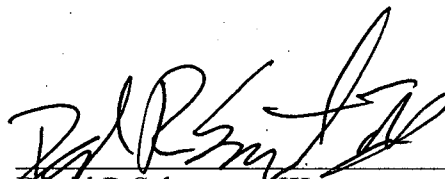
This matter was brought before the Honorable R.Scott Sprouse on Friday, March 1, 2019 for plea on charges of inflicting great bodily harm and manslaughter.. The prosecution presented their version of the facts of the case. In particuelar, the investigating police officer made a statement which included multiple erroneous facts that were not supported by any of the evidence provided in discovery. Specifically the officer stated that the defendant admitted to throwing the victim down in anger. This statement was not supported by any factual evidence provided. Further the officer stated that the victims skull fell apart in the medical examiner's hand. This description was prejudicial and again unsupported by evidence provided in discovery. Further, the prosecution did not present any statutory aggravating circumstances to either charge.

The defendant entered a guilty plea to the charge of great bodily harm and a nolo contendere plea to the charge of manslaughter. Defense counsel presented mitigating factors including but not limited to defendant's complete lack of criminal history and his acceptance of responsibility for the crime.

The Court issued sentences of ten (10) years to the charge of great bodily harm, and thirty (30) years for the charge of manslaughter, to be served consecutively.

The Eighth Amendment of the U.S. Constitution, applied to the States via the Fourteenth Amendment, prohibits not only barbaric punishments, but also sentences that are disproportionate to the crime. *Solem v. United States*, 463 U.S. 277, 284 (1983)

In the matter subject to this appeal, the Court, citing neither any statutory aggravating circumstances nor evidence of such aggravating circumstance, entered the maximum penalty of thirty (30) years imprisonment. This imposition of the maximum punishment for manslaughter, under a nolo contendere plea, lacked sufficient consideration of mitigating factors presented by the defense including but not limited to defendant's complete lack of criminal history and his acceptance of responsibility for the crime. The presentation of mitigating factors renders the imposition of the maximum sentence disproportionate in this matter.



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