

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Walton J. McLeod, IV, Circuit Court Judge

Indictment Nos.: 2019GS3201153, 1155, 1158 - 1159

The State,

Respondent,

v.

Devontre Jackson,

Appellant.

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JUN 17 2019

SC Court of Appeals

**STATEMENT OF BASIS FOR APPEAL FROM
GUILTY PLEA PURSUANT TO RULE 203(d)(1)(B)**

Pursuant to South Carolina Appellate Court Rule 203(d)(1)(B), Defense counsel objected to the playing of several videos of armed robberies during the course of the guilty plea. The Court overruled Defense Counsel's objection. Defense Counsel is of the belief that the playing of the videos were cumulative and unnecessarily prejudicial to the Defendant. Additionally there was a great disparity amongst co-defendants sentencing.

June 12, 2019


Aimee J. Zmroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
Telephone: 803-400-1918
Fax: 803-403-8005
aimee@ajzlawfirm.com
Attorney for Appellant

Other Counsel of Record:
Sutania Fuller
Assistant Solicitor, Eleventh Judicial District
205 East Main Street, Suite 309
Lexington, SC 29072
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
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APPEAL FROM LEXINGTON COUNTY
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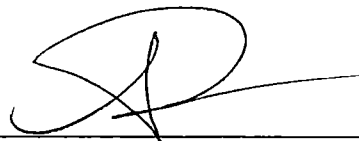
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the STATEMENT OF BASIS FOR APPEAL FROM GUILTY PLEA PURSUANT TO RULE 203(d)(1)(B) on Sutania Fuller by depositing a copy of it in the United States Mail, postage prepaid, on June 12, 2019, addressed to her office at:

205 East Main Street, Suite 309
Lexington, SC 29072

June 12, 2019



Aimee J. Zmroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
Telephone: 803-400-1918
Fax: 803-403-8005
aimee@ajzlawfirm.com
Attorney for Appellant

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

AKA: Devontre Cortell Jackson

Race: Black Sex: M Age: 26

DOB: SS#

Address:

City, State, Zip:

DL#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

10-30 yrs
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS201155

A/W#: 2018A3220300256

Date of Offense: 7/31/2018

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. Negotiated Sentence. Recommendation by the State.
The plea is: Without Negotiations or Recommendation. (defendant's initials)
ATTEST: Suzanne Fuller 100730 [Signature] 77193
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 ^{MONTHS} 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: 1158, 1159

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: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 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	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ 25
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$

3% to County (if paid-in installments) \$ _____

TOTAL \$ 125

Clerk of Court/ Deputy Clerk: [Signature]

Court Reporter: [Signature]

SCCA217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: LONG TERM MENTAL HEALTH COUNSELING

WHILE AT SCDPT OF CORRECTIONS

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 Waldman

Judge Code: 2703

Sentence Date: 3-13-2019

Sentence Imposed 3-29-2019

[Signature]

SC Court of Appeals

JUN 17 2019

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10-30413

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)
STATE VS.)
AKA: Devontre Cortell Jackson)
Race: Black Sex: M Age: 26)
DOB: SS#)
Address:)
City, State, Zip:)
DL#:)
SID#: SCD1893138)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#: 2019GS3201153
A/W#: 2018A3210800437
Date of Offense: 6/25/2018
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon
in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST: Sutana Full 100730 [Signature] [Signature] 77193
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 13 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: 1159 | 1155 | 1158
 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 16-25-6S (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: \$ _____
Payment Terms: _____ days/hours Public Service Employment
 Set by SCDPPPS Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 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
§ 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)	\$

TOTAL \$125
Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
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: [Signature]
Judge Code: 2765
Sentence Date: 3-13-2019
SENTENCE IMPROVED 7-29-2019
[Signature] [Signature]

RECEIVED
JUN 17 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

AKA: Devontre Cortell Jackson

Race: Black Sex: M Age: 26

DOB: SS#

Address: City, State, Zip: DL#:

SID#: SC01893138

*CDL yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) § 17-25-45

ATTEST: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Sutanni Fuller 100730 Defendant

Solicitor SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 20 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: 1155, 1159

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: \$

Payment Terms: Set by SCDPPPS

Recipient: days/hours Public Service Employment:

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Judge Code: 2265

Sentence Date: 5-13-2019

SENTENCE ISSUED 5-29-2019 Sentencing Deferral

W/hold 4/15/19

10-30413
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS3201158
A/W#: 2018A3210500087
Date of Offense: 6/16/2018
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or PLEADS

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JUN 17 2019
SC Court of Appeals

TOTAL \$125
Clerk of Court/ Deputy Clerk
Court Reporter: [Signature]
SCCA217 (01/2018)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

AKA: Devontre Cortell Jackson

Race: Black Sex: M Age: 26

DOB: SS/

Address: _____
City, State Zip: _____

DL#: _____ SID#: SC01893138

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, _____ (defendant's initials)

ATTEST: Without Negotiations or Recommendation Negotiated Sentence, Recommendation by the State.

Sutana Fuller 100730 [Signature] 7/19/18
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 20 ^{months} 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: 1155; 1158

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: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ \$ _____ Substances Abuse Counseling

§ 14-1-206 (Assessments 107.5%) _____ \$ _____ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$10/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____
Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
SCCA/217 (04/2018)

10-304K5
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS3201159

A/W#: 2018A3221100524

Date of Offense: 8/8/2018

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or PLEADS

of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, _____ (defendant's initials)

ATTEST: Without Negotiations or Recommendation Negotiated Sentence, Recommendation by the State.

[Signature] 100730 [Signature] 7/19/18
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 20 ^{months} 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: 1155; 1158

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: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ \$ _____ Substances Abuse Counseling

§ 14-1-206 (Assessments 107.5%) _____ \$ _____ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$10/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____
Presiding Judge: [Signature]
Judge Code: 2765
Sentence Date: 8-13-2019
SCCA/217 (04/2018)

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JUN 17 2019
SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
The State of South Carolina,)
)
)
)
)
vs.)
)
Devontre Jackson,)
)
Defendant.)

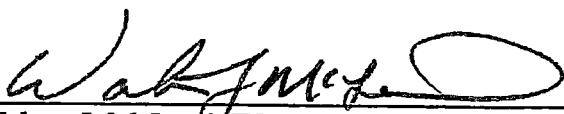
IN THE COURT OF GENERAL SESSIONS
THE ELEVENTH JUDICIAL CIRCUIT
Indictment Numbers: 2019GS3201153, 1155,
1158-1159

**ORDER DENYING MOTION
TO RECONSIDER SENTENCE**

2019 JUN 12 AM 10:56
JAN M. COMBER
CLERK OF COURT
LEXINGTON

The Defendant filed a Motion to Reconsider Sentence on April 8, 2019. At the court's request, Defendant provided a Brief in Support of Motion to Reconsider Sentence on May 31, 2019, and the State filed a Memo in Opposition of the Defendant's Motion for Reconsideration on June 6, 2019. The Defendant argues that he was incarcerated for a number of years and was not given a chance to mature. The Defendant also argues that his sentence was lengthier than his co-defendants' sentences. The State counters that Defendant, a 26 year old, received a lengthier sentence than his co-defendants because he had previous convictions of armed robbery (of which he was sentenced to 10 years), three counts of grand larceny, and two counts of burglary 2nd, nonviolent. He had only recently been released from prison when these armed robberies occurred. The co-defendants were only 18 years old and 17 years old, both with little to no criminal record. Accordingly, the court disagrees that the disparity is great in this case and finds that Defendant is not entitled to a reduction of his sentence. THEREFORE, the court DENIES Defendant's Motion to Reconsider Sentence.

IT IS SO ORDERED.


Walton J. McLeod, IV
Presiding Judge

June 12, 2019
Lexington, South Carolina

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JUN 17 2019

SC Court of Appeals