

13TH JUDICIAL CIRCUIT PUBLIC DEFENDER

CHRISTOPHER D. SCALZO, CIRCUIT PUBLIC DEFENDER

**Greenville County
Public Defender Office**
Greenville County Courthouse
305 East North Street, Suite 123
Greenville, SC 29601
Tel. (864) 467-8522
Fax. (864) 467-8521

**Pickens County
Public Defender Office**
Pickens County Courthouse
214 East Main Street, B-240
Pickens, South Carolina 29671
Tel. (864) 898-5577
Fax (864) 898-5579

November 13, 2019

The Honorable Jenny Abbott Kitchings
Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. William Zachary Newton
Appellate Case No. 2019-002792

RECEIVED
NOV 15 2019
SC Court of Appeals

Dear Ms. Kitchings:

I am in receipt of your letter dated November 6, 2019 concerning the deficiencies in the above captioned appeal.

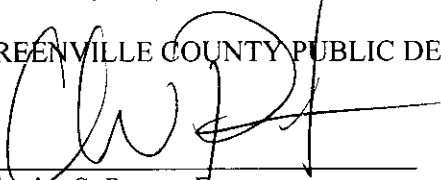
Enclosed, please find a copy of the notice of appeal filed with the Greenville County Clerk of Court on October 17, 2019.

With regards to the Motion to Reconsider Guilty Plea Sentence that I filed on October 23, 2019, it was denied by Judge Verdin without a hearing on October 28, 2019. I have enclosed a copy of the Motion with Judge Verdin's denial.

Please do not hesitate to contact me should you have any further questions.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER


Charles S. Propst, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

Enclosures

2016A2320300029
①

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

Case No(s).: 2018GS2305590

The State,

Respondent.

v.

William Zachary Newton,

Appellant.

NOTICE OF APPEAL

William Zachary Newton appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Letitia H. Verdin on October 10, 2019.

Date: October 17, 2019



Charles S. Propst, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

Other Counsel of Record:
Kimberly Howard, Esq.
Assistant Solicitor
13th Circuit Solicitor's Office
305 E. North Street, Suite 325
Greenville, SC 29601
Attorney for Respondent

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SC Court of Appeals

FILED
NOV 17 2019
CLERK OF COURT
SOUTH CAROLINA
GREENVILLE

KB

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
WILLIAM ZACHARY NEWTON,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment No.: 2018GS2305590

**MOTION TO RECONSIDER
GUILTY PLEA SENTENCE**

19 OCT 23 PM 4:24
Paul Wickersham CDC SC

COMES NOW the Defendant, William Zachary Newton, by and through undersigned counsel, Charles S. Propst, and, pursuant to Rule 29 of the S.C. Rules of Criminal Procedure, respectfully moves this Honorable Court to Reconsider the Order of this Court imposed on October 11, 2019. In support of this motion, the Defendant would submit:

1. On the above-listed date the Defendant pled guilty to Voluntary Manslaughter and was sentenced to 25 years in the South Carolina Department of Corrections (SCDC), with 1,348 days of credit for time served, all of which was served in the Greenville County Detention Center (GCDC);
2. On October 17, 2019, Trevonte Antonio Watts, a similarly situated co-defendant pled guilty to Voluntary Manslaughter and was sentenced to 13 years in the SCDC. Mr. Watts was also given 1,348 days of credit for time served, most of which time was served while in the Greenville County Home Incarceration Program;
3. The Defendant's prior record consists of one misdemeanor conviction for shoplifting;
4. During the plea hearing, the Defendant agreed with the majority of the facts as stated by the State. He went further and answered several additional questions posed by the assistant solicitor in order to assist with the prosecution of an additional co-defendant who is scheduled to go on trial later this year. This was not the only time

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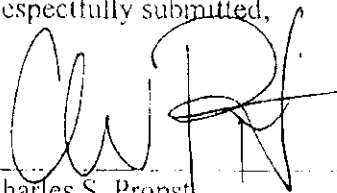
- that the Defendant cooperated with the State regarding this case. He provided an extensive interview to police shortly after the incident that implicated not only himself but the other co-defendants involved;
5. During the Defendant's hearing, the assistant solicitor indicated that the co-defendants created a plan to rob the victim. The Defendant took no part in the planning of the robbery. He was not part of the group when this plan was made. He was later asked to rejoin the group. The Defendant was then given the details and participated in the incident, but had no involvement in the planning of the crime that ultimately resulted;
 6. Two weapons were involved in the incident, including an AR-15 assault rifle and a pistol. Co-defendant Watts was armed with the assault rifle and the Defendant was armed with a pistol. Both weapons belonged to and were provided by Co-Defendant Watts;
 7. The Defendant fired his weapon in reaction to shots being fired from inside the victim's vehicle. He pled guilty because that is a crime;
 8. During the Defendant's hearing, the State indicated that the Victim's Right's Act had been complied with. No members of the victim's family were present at the guilty plea and the State did not present the Court with any statements from the family;
 9. Since his arrest on December 31, 2016, when he was 19 years old, the Defendant remained incarcerated in the GCDC until he was transferred to the SCDC following the entry of his guilty plea. The Defendant was twice denied bond in this case and had no opportunity to participate in any community involvement initiatives;
 10. Based on the reasons set forth above, the fact that the Defendant has a very minimal

prior record, that he provided cooperation to the State and to Law Enforcement, that he was only 19 years old at the time of his arrest, and that he was so similarly situated with co-defendant Trevante Antonio Watts who received a significantly lesser sentence, the Defendant respectfully requests that the sentence be reduced.

WHEREFORE, for the foregoing reasons, Defendant prays that this Court:

- (1) Reduce his sentence;
- (2) Grant a hearing to be further heard on the matter; or
- (3) Order whatever the Court deems just and proper.

Respectfully submitted,



Charles S. Propst
Attorney for Defendant
305 E. North Street
Greenville, SC 29601
(864) 467-8522

Date: October 23, 2019

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
WILLIAM ZACHARY NEWTON,)
DEFENDANT.)

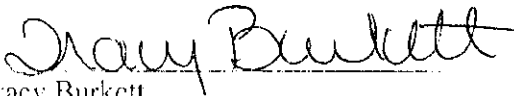
IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment No.: 2018GS2305590

**AFFIDAVIT OF SERVICE
(Hand Delivery)**

NOW COMES the below signed Investigator for the Thirteenth Judicial Circuit Public Defender's Office who states, after first being duly sworn, that they have served the below listed documents upon all parties by hand delivering a copy to the addresses listed below:

Pleadings Served: MOTION TO RECONSIDER GUILTY PLEA SENTENCE

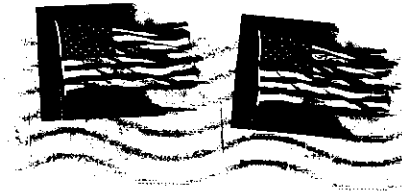
Parties Served: The Honorable W. Walt Wilkins
Solicitor, 13th Judicial Circuit
305 East North Street, Suite 325
Greenville, South Carolina 29601-2185

By: 
Tracy Burkett

Chad Propst
Greenville County Public Defender
305 E. North Street, Suite 123
Greenville, SC 29601

GREENVILLE SC 29601

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The Honorable Jenny Abbott Kitchings
Clerk, The S.C. Court of Appeals
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Columbia, South Carolina 29211

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