

Hopkins, Debbie

From: RLF Legal Assistant <legalassistant@therutherfordlawfirm.com>
Sent: Friday, January 17, 2020 3:53 PM
To: Hopkins, Debbie
Cc: Todd Rutherford; Tatiana Gonzales; RLF Receptionist; cwaters@scag.gov
Subject: 2015 Order
Attachments: 2015 Order.pdf

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Ms. Hopkins:

I am Austin from The Rutherford Law Firm in regards to Arthur Field. Attached is the Order that was referenced during Oral Arguments on January 15th. Mr. Rutherford wanted to ensure the Court had everything they requested.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Austin D. Nichols

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FILED

JAN 23 2015

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

THE STATE OF SOUTH)
CAROLINA,)
)
v.)
)
ARTHUR M. FIELD,)
)
)
DEFENDANT.)

Case No.: 2012-GS-47-08

**ORDER DENYING STATE'S
MOTION TO RECONSIDER**

This Order follows a hearing before this Court in Anderson County on July 9, 2014 pursuant to the State's timely motion to reconsider sentence.

On June 13, 2012, the State Grand Jury of South Carolina (the "State Grand Jury") returned a true billed indictment (the "Indictment") charging Arthur M. Field ("DEFENDANT") and Scott Pfeiffer ("CO-DEFENDANT") with securities fraud and conspiracy. The indictment alleged that DEFENDANT and CODEFENDANT conspired to perpetrate a fraud upon South Carolina investors by concealing and misstating material information in connection with the offer and sale of notes by the now defunct Capital Investment Funding, LLC ("CIF").

Ultimately, DEFENDANT pled guilty before this Court in May of 2013 to all fourteen (14) counts, under a plea agreement wherein it was within this Court's discretion to sentence DEFENDANT from 0-23 years in prison. Sentencing was deferred until October 8, 2013, during which DEFENDANT was sentenced to a lead active sentence of twenty-six (26) months, with credit given for 33 days served pre-trial in county jail, and 15 months on house arrest pursuant to an amendment to SC Code § 24-13-40 allowing such credit. Subsequently, SCDC gave not only credit but

good time credit for the time on house arrest, and DEFENDANT was released after only five days of incarceration by SCDC.

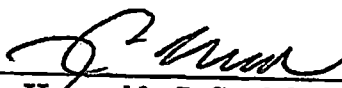
The State timely filed a motion to reconsider sentence to preserve jurisdiction, believing correctly that SCDC's calculation and quick turnaround was inconsistent with this Court's intent as to active sentence. The State also pointed out that based on DEFENDANT's motion the Presiding Judge of State Grand Jury on December 13, 2012 had removed house arrest as a condition of bond; thus, at best DEFENDANT should have only been given credit for 146 days (June 20, 2012 to December 13, 2012), rather than the fifteen (15) months -- or 450 days -- he was given.

While this Court does not dispute the State's contentions, it has elected to instead reduce the codefendant's sentence by a companion order to achieve more equality of sentence. The State's motion for reconsideration is denied.

AND IT IS SO ORDERED.

This 13th day of January, 2014.

Arme, South Carolina


The Honorable J. Cordell Maddox, Jr.
Circuit Court Judge