

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

MAR 02 2020
SC Court of Appeals

Walton J. McLeod, IV, Circuit Court Judge

Appellate Case No. 2020-000183

Indictments 2018GS3200920 and 2018GS3200921

THE STATE OF SOUTH CAROLINA -- Respondent

vs.

CHESNEE MATTRESS - Appellant

MOTION TO REINSTATE APPEAL

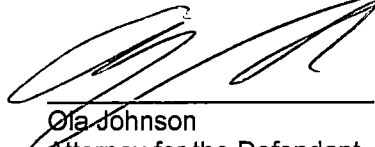
Appellant moves to reinstate the Notice of Appeal filed February 3, 2020 by trial counsel Ola Johnson as timely for the reasons that follow:

1. Appellant, CHESNEE LABRI MATTRESS, was convicted following trial before the Honorable Walton J. McLeod, IV, and a jury of Murder and Possession of a Weapon During the Commission of a Violent Crime on January 13, 2020.
2. Judge. McLeod sentenced appellant on January 16, 2020.
3. A post trial Motion to Reconsider Sentence was filed by Defense counsel Ola Johnson on January 16, 2020.
4. Judge McLeod denied this motion to reconsider without a hearing on January 27, 2020.
5. Undersigned counsel received written notice of this order (copies attached as EX: A) on January 27th, 2020.

6. Following receipt of the order, undersigned counsel filed a Notice of Intent to Appeal on behalf of the Appellant on February 3, 2020.
7. All parties were served by U.S. Mail and the Certificate of Service was filed as well. (copies attached as EX: B).
8. However, undersigned counsel inadvertently failed to include language in the Notice of Appeal regarding this post trial motion and the resulting order denying it. As a result this appeal was dismissed by this Court's order dated February 19, 2020 (copy attached as EX: C).
9. On the date this motion was filed trial counsel has also filed and served an Amended Notice of Appeal including this language.
10. In sum, the order denying the defense motion to reconsider sentence was signed and filed by the trial judge on January 27, 2020. The requirement of filing within 10 days under Rule 203(b)(2) SCACR began to run on January 27, 2020. *When a timely post-trial motion is made under Rule 29(a), SCRCrimP, "the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion." ; Rule 29, SCRCrimP.*

WHEREFORE, undersigned counsel for appellant respectfully requests that this appeal be reinstated, and that he be allowed to file the Amended Notice of Appeal of this conviction and sentence and order denying motion to reconsider sentence.

Columbia, South Carolina
March 2nd, 2020



Ofa Johnson
Attorney for the Defendant
PO Box 549
201 West Main Street, Suite G
Lexington, SC 29072
(803) 360-8692

EX: A

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

MOTION TO RECONSIDER SENTENCE

VS.)

2018GS3200920, 2018GS3200921

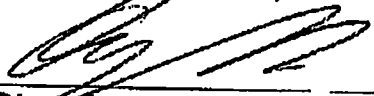
CHESNEE MATTRESS
DEFENDANT

ORIGINAL^{AS}

The Defendant in the above-captioned matter respectfully moves the court to reconsider the sentence it imposed on the Defendant on January 16, 2020 in Lexington County general Sessions Court by Judge Walton J. McLeod, IV.

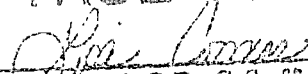
As grounds for the reconsideration and reduction, the Defendant urges that the interests of justice will be served by the granting of this request. The Defendant will present further grounds as necessary, both in open court and in camera at such date and time as the Court deems appropriate to set such a hearing.

Respectfully submitted,



Ola Johnson
Attorney for Defendant

2020 JAN 16 PM 3:56

A TRUE COPY

Lex. Co. C.C.C.P. G.S. & E.C.

EX: B

**OLA JOHNSON
ATTORNEY AT LAW**

Mailing Address:
P.O. Box 549
Lexington, SC
29071

Office Address:
201 West Main St.
Suite G
Lexington, SC

RECEIVED

e-mail: olajohnsonlaw@gmail.com

FEB 04 2020

Telephone: (803) 360-8692
Fax: (803)-994-8279

SC Court of Appeals

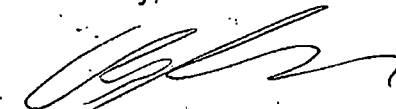
The South Carolina Court of Appeals
Attn: Notice of Appeal (Criminal)
PO BOX 11629
COLUMBIA, SC 29211

Appellant/ CHESNEE LABRI MATTRESS
Defendant:
Case Nos: **Indictment 2018GS3200920,**
2018GS3200921

Dear Sir or Madam:

Enclosed please find the Notice of Intent to Appeal on behalf of the Defendant in respect of the above referenced indictments, along with the sentencing sheet, Indictments and warrants. It is anticipated that this appeal will be handled by the Office of Appellate Defense, in view of the indigent status of the Appellant/Defendant.

Yours truly,



Ola Johnson

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FEB 04 2020

SC Court of Appeals

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM LEXINGTON COUNTY
THE HONORABLE Walton J. McLeod, IV

February 3, 2020

Indictment #s: 2018GS3200920, 2018GS3200921


THE STATE OF SOUTH CAROLINA -- Respondent

VS.

CHESNEE LABRI MATTRESS - Appellant

NOTICE OF INTENT TO APPEAL

CHESNEE LABRI MATTRESS was convicted of Murder and Possession of a Weapon During the Commission of a Violent Crime after a trial before the Hon. Walton J. McLeod, IV that began on January 13, 2020 in Lexington, South Carolina, and was sentenced on January 16, 2020 before the Honorable Walton J. McLeod, IV in Lexington, South Carolina. She appeals her conviction and sentence.



Ola A. Johnson
Attorney for Defendant

Other Counsel of record is:
Rhonda Patterson
Asst. Solicitor
205 East Main Street, Suite 309
Lexington, SC 29072

RECEIVED

FEB 04 2020

SC Court of Appeals

**NOTICE OF INTENT TO APPEAL
State of South Carolina**

Vs:

CHESNEE LABRI MATTRESS - Appellant

2018GS3200920, 2018GS3200921

CERTIFICATE OF SERVICE

I, Ola Johnson, do hereby certify that I have this day served the original of Appellant's Notice of Intent to Appeal upon the South Carolina Court of Appeals by U.S. mail, and copies of Appellant's Notice of Intent to Appeal to the Clerk of Court of Lexington County, and to Rick Hubbard, Solicitor, Eleventh Judicial Circuit and to the Office of the Attorney General and to the South Carolina Commission of Appellate Defense by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

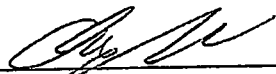
South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Clerk of Court
Lexington County
205 East Main Street
Suite 128
Lexington, SC 29072

Rick Hubbard
Solicitor
11th Circuit Solicitors Office
205 East Main Street, Suite 309
Lexington, SC 29072

Office of the Attorney General
Attn: Notice of Appeal (GS)
P.O. Box 11549
Columbia, SC 29211-1549

Dated this 3rd day of February, 2020



Ola Johnson
Attorney for Defendant
Post Office Box 549
Lexington, SC 29071
803-360-8692

EX: C

The South Carolina Court of Appeals

The State, Respondent,

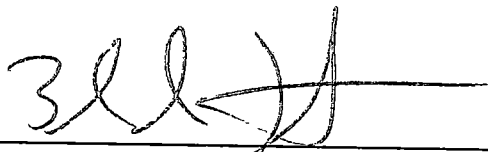
v.

Chesnee Labri Mattress, Appellant.

Appellate Case No. 2020-000183

ORDER

This appeal arises out of a sentence imposed on January 16, 2020. The proof of service provided with the notice of appeal shows service on February 3, 2020. Because the notice of appeal was not timely served, the appeal is dismissed. *See State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) (noting timely service of the notice of appeal is a jurisdictional requirement); Rule 203(b)(2), SCACR ("After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



_____, J.
FOR THE COURT

Columbia, South Carolina

FILED

February 19, 2020

cc:

Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire
Rhonda Wallace Patterson, Esquire
Robert Michael Dudek, Esquire

Ola A. Johnson, Esquire
Samuel R. Hubbard, III, Esquire

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MAR 02 2020
SC Court of Appeals

MOTION TO REINSTATE APPEAL

State of South Carolina
Vs:
Chesnee Mattress- Appellant

Appellate Case No. 2020-000183

2018GS3200920, 2018GS3200921

CERTIFICATE OF SERVICE

I, Ola Johnson, do hereby certify that I have this day served the original of Appellant's Motion to Reinstate Appeal upon the South Carolina Court of Appeals by hand delivery, and copies of Appellant's Motion to Reinstate Appeal to the Clerk of Court of Lexington County, and to Rick Hubbard, Solicitor, Eleventh Judicial Circuit and to the Office of the Attorney General and to the South Carolina Commission of Appellate Defense by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Rick Hubbard
Solicitor
11th Circuit Solicitors Office
205 East Main Street, Suite 309
Lexington, SC 29072

Clerk of Court
Lexington County
205 East Main Street
Suite 128
Lexington, SC 29072

Office of the Attorney General
Attn: Notice of Appeal (GS)
P.O. Box 11549
Columbia, SC 29211-1549

Dated this 2nd day of March, 2020



Ola Johnson
Attorney for Defendant
Post Office Box 549
Lexington, SC 29071
803-360-8692

AMENDED NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM LEXINGTON COUNTY
THE HONORABLE WALTON J. MCLEOD

March 2nd, 2020

Indictment #: 2018GS3200920, 2018GS3200921

Appellate Case No. 2020-000183

THE STATE OF SOUTH CAROLINA -- Respondent

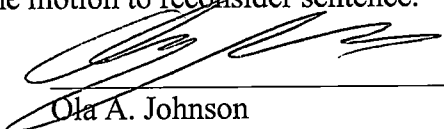
VS.

CHESNEE LABRI MATTRESS - Appellant

RECEIVED
MAR 02 2020
SC Court of Appeals

AMENDED NOTICE OF INTENT TO APPEAL

CHESNEE LABRI MATTRESS was convicted of Murder and Possession of a Weapon During the Commission of a Violent Crime after a trial before the Hon. Walton J. McLeod, IV that began on January 13, 2020 in Lexington, South Carolina, and was sentenced on January 16, 2020 before the Hon. Walton J. McLeod, IV. Defense counsel filed a post-trial Motion to Reconsider Sentence on January 16, 2020 and this was denied without a hearing by the order of the trial judge on January 27, 2020. Undersigned counsel received written notice of this order on January 27th, 2020. Appellant appeals her conviction and sentence and the order denying the motion to reconsider sentence.


Ola A. Johnson
Attorney for Defendant

Other Counsel of record is:

Rhonda Patterson

Asst. Solicitor

205 East Main Street, Suite 309

Lexington, SC 29072

AMENDED NOTICE OF INTENT TO APPEAL

State of South Carolina

Vs:

Chesnee Mattress- Appellant

Appellate Case No. 2020-000183

2018GS3200920, 2018GS3200921

RECEIVED
MAR 02 2020
SC Court of Appeals

CERTIFICATE OF SERVICE

I, Ola Johnson, do hereby certify that I have this day served the original of Appellant's Amended Notice of Intent to Appeal upon the South Carolina Court of Appeals by hand delivery, and copies of Appellant's Amended Notice of Intent to Appeal to the Clerk of Court of Lexington County, and to Rick Hubbard, Solicitor, Eleventh Judicial Circuit and to the Office of the Attorney General and to the South Carolina Commission of Appellate Defense by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Rick Hubbard
Solicitor
11th Circuit Solicitors Office
205 East Main Street, Suite 309
Lexington, SC 29072

Clerk of Court
Lexington County
205 East Main Street
Suite 128
Lexington, SC 29072

Office of the Attorney General
Attn: Notice of Appeal (GS)
P.O. Box 11549
Columbia, SC 29211-1549

Dated this 2nd day of March, 2020



Ola Johnson
Attorney for Defendant
Post Office Box 549
Lexington, SC 29071
803-360-8692

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Possession of a Weapon During the
Commission of a Violent Crime

§ 16-23-0490

At a Court of General Sessions, convened on April 2018, the Grand Jurors of Lexington County present upon their oath:

That **Chesnee Labri Mattress** did in Lexington County, South Carolina on or about October 11, 2017 knowingly and willfully possess a firearm during the commission of a violent crime, to wit: murder, such weapon described as a Taurus .40 caliber pistol in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

RECEIVED

FEB 04 2020

SC Court of Appeals

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



ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Michael J Hart

Law Enforcement Case #: 17020311

RWP

ARREST WARRANT NUMBER

2017A3210201742

ACTION OF GRAND JURY

TRUE BILL

David B. Goff 4-9-18
Foreperson of Grand Jury
Date:

VERDICT

Guilty

Joseph Mink 1-10-20
Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS3200921

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2018

THE STATE

vs.

Chesnee Labri Mattress

CDR #: 0549

Indictment for

**Possession of a Weapon During the
Commission of a Violent Crime**

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

RECEIVED

MAR 02 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder

§ 16-03-0010

At a Court of General Sessions, convened on April 2018, the Grand Jurors of Lexington County present upon their oath:

That **Chesnee Labri Mattress** did in Lexington County on or about October 11, 2017, willfully and feloniously kill one Annette Riley with malice aforethought, either express or implied, by shooting her in the face and that the victim died as a proximate result thereof, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

RECEIVED
FEB 04 2020
SC Court of Appeals

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



ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Michael J Hart

Law Enforcement Case #: 17020311

RWP

ARREST WARRANT NUMBER

2017A3210201741

ACTION OF GRAND JURY

TRUE BILL

David B. Gill 4-9-18

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Joseph Min 1-10-20

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS3200920

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2018

THE STATE

vs.

Chesnee Labri Mattress

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

RECEIVED

MAR 02 2020

SC Court of Appeals

30-14c

STATE OF SOUTH CAROLINA

COUNTY OF Lexington VS. STATE

Chesnee Labri Mattress

AKA:

Race: Black Sex: F Age: 25

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#: SC02166955

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS32009207 A/W#: 2017A3210201741 Date of Offense: 10/11/2017 S.C. Code § : 16-03-0010 CDR Code #: 0116 RECEIVED FEB 04 2020 SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Solicitor 15969 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 35 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: 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. 828 days

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:

Table with 3 columns: Description, Amount, Total. Rows include § 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 Clerk of Court/ Deputy Clerk Court Reporter: SCCA/217 (04/2018)

RECEIVED MAR 02 2020 SC Court of Appeals 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: 2765 Sentence Date: 1-16-2020

0-543

STATE OF SOUTH CAROLINA)
 COUNTY OF Lexington)
 STATE VS.)
Chesnee Labri Mattress)
 AKA: _____)
 Race: Black Sex: F Age: 25)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: _____)
 DL#: _____ SID#: SC02166955)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS3200921
 A/W#: 2017A3210201742
 Date of Offense: 10/11/2017
 S.C. Code § : 16-23-0490
 CDR Code #: 0549

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 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: _____

15969 _____
 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 5 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:
 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. 828 days

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 _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job _____
 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 \$ _____

Clerk of Court/ Deputy Clerk Alisa Annette
 Court Reporter: Depp
 SCCA/217 (04/2018)

RECEIVED
 MAR 02 2020
 COURT OF APPEALS

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 Walsh
 Judge Code: 2765
 Sentence Date: 1-16-2020

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

The State of South Carolina)

vs.)

Chesnee Labri Mattress,)
Defendant.)

) IN THE COURT OF GENERAL SESSIONS
) THE ELEVENTH JUDICIAL CIRCUIT

Indictment Nos.: 2018-GS-32-00920
2018-GS-32-00921

VERDICT FORM

PLEASE MARK THE APPROPRIATE VERDICT BELOW AND FOLLOW THE
ACCOMPANYING INSTRUCTIONS CAREFULLY.

1. INDICTMENT 2018-GS-32-00920 - AS TO THE CHARGE OF *MURDER*, WE
THE JURY UNANIMOUSLY FIND THE DEFENDANT

X GUILTY OF MURDER

_____ NOT GUILTY

2. INDICTMENT 2018-GS-32-00921 - AS TO THE CHARGE OF *POSSESSION OF
A FIREARM DURING COMMISSION OF A VIOLENT CRIME*, WE THE JURY
UNANIMOUSLY FIND THE DEFENDANT

X GUILTY OF POSSESSION OF A FIREARM DURING
COMMISSION OF A VIOLENT CRIME

_____ NOT GUILTY

STOP AND END YOUR DELIBERATIONS

Please sign and date.

Joseph Meier
Jury Foreperson

1-16-20
Date

RECEIVED
MAR 02 2020
SC Court of Appeals

ARREST WARRANT
2017A3210201742
 STATE OF SOUTH CAROLINA
 County Municipality of
 Lexington

THE STATE
 17020311

Chesnee Labri Mattress
 Address: [REDACTED]
 Phone: [REDACTED] SSN: [REDACTED]
 Sex: F Race: B Height: 5 Weight: 135
 DL Date: [REDACTED] DL #: [REDACTED]
 DOB: [REDACTED] Agency OR#: SC0320000
 Prosecuting Agency: Lexington County Sheriff
 Prosecuting Officer: Michael J Hart - A04837
 Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death
 Offense Code: 16-23-0-111
 Code/Ordinance Sec: 16-23-0-111
 The defendant is COUNTY MUNICIPALITY FOR SERVICE IN THE
 County Municipality of
 I, the undersigned, do hereby certify that the above named person is the defendant in the case described in the law.
 (L.S.)
 Date: _____

RETURN
 A copy of the arrest warrant was delivered to defendant on _____ at _____
 RETURN WARRANT TO:
 General Sessions
 Mark H. Westbrook Judicial Center
 205 East Main Street
 Lexington, SC 29022
ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
 County Municipality of
 Lexington

AFFIDAVIT ORIGINAL (Not Applicable to S.C. Attorney General Act 74, 1995, 2006, 12)

Personally appeared before me the undersigned **Michael J Hart** who is duly sworn and says that defendant **Chesnee Labri Mattress** is the person named in the following petition:
 On or about 10/11/2017, at approximately 0830 hours, while in the area of 361 State Road Rd in the Gaston area of Lexington County, South Carolina the defendant, Chesnee L. Mattress did commit the crime of possession of a firearm during a violent crime. The defendant did present a .40 caliber firearm and fired several rounds toward the victim, striking her once in the face causing her subsequent death. The defendant fled the scene with co-defendants and was located at her residence, 1816 Village Ct, during the execution of a lawfully obtained search warrant. Pursuant to the warrant a Taurus, 40 caliber pistol, serial number SFM427660, magazines, and ammunition matching the spent brass casings on the scene were also located in the suspect's residence. The defendant did confirm that the pistol located was the one used during the incident. The defendant did provide a written statement after being duly warned of her Miranda Rights and a witness statement was also collected that project the facts.

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I believe that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:
 On 10/11/2017, at approximately 0830 hours, while in the area of 361 State Road Rd in the Gaston area of Lexington County, South Carolina the defendant, Chesnee L. Mattress did commit the crime of possession of a firearm during a violent crime. The defendant did present a .40 caliber firearm and fired several rounds toward the victim, striking her once in the face causing her subsequent death. The defendant fled the scene with co-defendants and was located at her residence, 1816 Village Ct, during the execution of a lawfully obtained search warrant. Pursuant to the warrant a Taurus, 40 caliber pistol, serial number SFM427660, magazines, and ammunition matching the spent brass casings on the scene were also located in the suspect's residence. The defendant did confirm that the pistol located was the one used during the incident. The defendant did provide a written statement after being duly warned of her Miranda Rights and a witness statement was also collected that project the facts.

Signature of Affiant: *Michael J Hart*

STATE OF SOUTH CAROLINA
 County Municipality of
 Lexington

Affiant's Address: 321 Ghorat Road
 Lexington, SC 29072
 Affiant's Telephone: _____

ARREST WARRANT
 TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
 It appearing from the above affidavit that there are reasonable grounds to believe that on or about 10/11/2017 defendant **Chesnee Labri Mattress** did violate the criminal laws of the State of South Carolina to the substance of County Municipality of Lexington as set forth below:
DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death
 Having been provided as the end of the above affidavit having sworn before me, you are empowered and directed to arrest the said defendant and bring her or him before me as provided in the law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his or her arrest or no later than 10-11-2017.
 Judge's Address: 139 East Main St
 Lexington, SC 29072
 Judge's Telephone: _____
 Issuing Court: Magistrate Municipal Circuit
ORIGINAL ORIGINAL ORIGINAL

State v. Mattress

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MAR 02 2020
SC Court of Appeals

LE Report: 11-2-17

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

IN THE COURT OF GENERAL SESSIONS
THE ELEVENTH JUDICIAL CIRCUIT 27 PH12:25
Indictment Numbers: 2018GS3200920
2018GS3200921

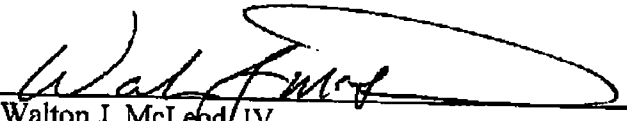
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SC Court of Appeals

ORDER DENYING MOTION
TO RECONSIDER SENTENCE


The Defendant filed a Motion to Reconsider Sentence on January 16, 2020. The Defendant argues that the interests of justice will be served by granting her motion. The Defendant was convicted of the Murder of Annette Riley in Lexington County by a jury on January 16, 2020. The Defendant was also convicted of Possession of a Firearm during the Commission of a Violent Crime by that same jury. A sentence for Murder ranges from thirty (30) years to life imprisonment. A sentence for Possession of a Firearm during the Commission of a Violent Crime ranges from zero (0) to five (5) years.

At the sentencing phase, the State sought the maximum sentence while the Defendant asked for the minimum. The Defendant was sentenced to thirty-five (35) years for Murder and five (5) years for Possession of a Firearm during the Commission of a Violent Crime to be served concurrently. Accordingly, the court disagrees that the interests of justice will be further served in reducing the sentence in this case and finds that Defendant is not entitled to a reduction of sentence. THEREFORE, the court DENIES Defendant's Motion to Reconsider Sentence.

IT IS SO ORDERED.


Walton J. McLeod IV
Presiding Judge

January 27, 2020
Lexington, South Carolina

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

MOTION TO RECONSIDER SENTENCE

VS.)

) 2018GS3200920, 2018GS3200921

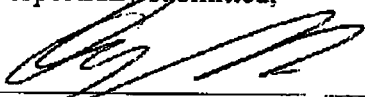
CHESNEE MATTRESS)
DEFENDANT)

ORIGINAL^{AS}

The Defendant in the above-captioned matter respectfully moves the court to reconsider the sentence it imposed on the Defendant on January 16, 2020 in Lexington County general Sessions Court by Judge Walton J. Mcleod, IV.

As grounds for the reconsideration and reduction, the Defendant urges that the interests of justice will be served by the granting of this request. The Defendant will present further grounds as necessary, both in open court and in camera at such date and time as the Court deems appropriate to set such a hearing.

Respectfully submitted,




Ola Johnson
Attorney for Defendant

FILED

2020 JAN 16 PM 3:56

CLERK OF COURT
LEXINGTON COUNTY

A TRUE COPY



Lex. Co. C.C.C.P., G.S. & F.C.

**OLA JOHNSON
ATTORNEY AT LAW**

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29072

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Telephone: (803) 360-8692
Fax: (803)-994-8279

March 2nd, 2020

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SC Court of Appeals

The South Carolina Court of Appeals
Attn: Motion to reinstate Appeal and Amended Notice of Appeal (Criminal)
PO BOX 11629
COLUMBIA, SC 29211

Appellant/
Defendant: Chesnee Mattress
Case Nos:

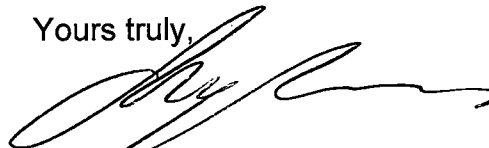
Indictment
2018GS3200920,
2018GS3200921

Appellate Case No. 2020-000183

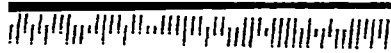
Dear Sir or Madam:

Enclosed please find the Motion to Reinstate Appeal and the Amended Notice of Intent to Appeal on behalf of the Defendant in respect of the above referenced indictment, along with the sentencing sheet, Indictments, motion, order and warrants. It is anticipated that this appeal will be handled by the Office of Appellate Defense, in view of the indigent status of the Appellant/Defendant.

Yours truly,



Ola Johnson



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Ola Johnson
Attorney at Law
P.O. Box 549
Lexington, S.C.
29071

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FEB 04 2020

SC Court of Appeals

The South Carolina Court of Appeals
Attn: Notice of Appeal (Criminal)
PO BOX 11629
COLUMBIA, SC 29211