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March 9, 2020

Clerk of Court  
SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RE: State v. Antonio Simmons**  
**Appellate Case No. 2020-000088**

**RECEIVED**

**MAR 12 2020**

**SC Court of Appeals**

Dear Ms. Kitchings:

Enclosed please find a copy of the sentencing order in the above-referenced case, which is being provided in response to this Court's February 28, 2020 notice.

Please notify me if anything further is needed from my office.

Sincerely,



Christopher R. Geel  
*Attorney at Law*

cc: *Alan McCrory Wilson, Esq.*      *Robert Dudek, Esq.*  
*William M. Blich, Esq.*      *Antonio Simmons*  
*Scarlett Wilson, Esq.*  
*David Osborne, Esq.*

RECEIVED

MAR 12 2020

SC Court of Appeals

State of South Carolina  Charleston County    State of South Carolina  v.  Antonio Simmons	In the Court of General Sessions  Warrant No(s): 2014A1010900229, 2014A1010900232, 2014A1010900193, 2014A1010900276, 2014A1010201854   <p style="text-align: center;"><b>SENTENCING ORDER</b></p>
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The above-referenced case was remanded for re-sentencing pursuant to a September 19, 2019 Order granting the defendant's application for Post-Conviction Relief. The PCR court found that the sentence previously imposed in the above-referenced case was prohibited by S.C. Code § 16-11-330.

On January 10, 2020 the court convened a re-sentencing hearing. The defendant was present and represented by new counsel. Defense counsel argued that the court was constrained to sentence the defendant to 18 years' incarceration, in light of North Carolina v. Pearce, 395 U.S. 711 (1969). During the hearing, the defendant indicated that he did not want to be re-sentenced, but instead wanted to withdraw his prior guilty plea. Additionally, the defendant requested a jury trial on all of his charges. Defense counsel indicated to the court that he did not believe the court was authorized to grant the defendant's request, given the procedural posture of the case. The State agreed. Having considered the arguments of both parties, the court hereby imposes the following sentence:

**The defendant shall serve a term of incarceration of 28 years on each of the above-stated warrants, each sentence to be served concurrently, with credit for time served.**

The court is mindful of its responsibility pursuant to North Carolina v. Pearce, 395 U.S. 711 (1969), and hereby notes for the purposes of the appellate record that the prior negotiated plea and sentencing range was only accepted *because* the court intended to suspend a portion of

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JAN 15 2020

JULIE J. ARMSTRONG  
CLERK, C.P. & G.S.

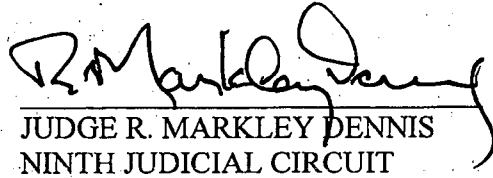
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the defendant's sentence in order to ensure the defendant's continued supervision after his release from state custody. Because such a sentence is not permitted under the law as it stands, the court elects to sentence the defendant to the maximum term allowable under the terms of the negotiated plea.

IT IS SO ORDERED.

  
JUDGE R. MARKLEY DENNIS  
NINTH JUDICIAL CIRCUIT

DATE: 1/14/2020

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**F I L E D**

JAN 15 2020

JULIE J. ARMSTRONG  
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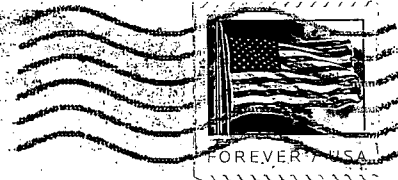
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MAR 12 2020

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