

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JUN 19 2020

S.C. SUPREME COURT

Appeal from Greenwood County
The Honorable J. Mark Hayes, II Circuit Court Judge

Case Nos 2015-CP-24-01268 and 2017-CP-24-00754

Appellate Case Nos 2020-000530 and 000574

The State,

Petitioner,

vs.

Maunwell J. Ervin, Jr.

Respondent.

Motion for Bond Pending Petition for Writ of Certiorari

Pursuant to Rule 246 of the South Carolina Appellate Court Rules, Maunwell J. Ervin Jr., the Respondent herein, moves the Court for an order granting him an appeal bond in this matter pending the Petition for Writ of Certiorari filed by the State. This motion is based upon the following:

Maunwell Ervin was arrested on December 10, 2010 and charged with several drug charges. He was released on a bond totaling \$20,000. Mr. Ervin was able to post bond. He fully

complied with the terms of his bond. He remained out on bond until his first trial which began in January of 2013. At that trial, Mr. Ervin was acquitted of possession of a firearm while engaged in a drug trafficking offense. The jury was unable to reach a verdict as to the other charges. His second trial began on July 23, 2013. After convictions for possession of marijuana with intent to distribute and possession of marijuana with intent to distribute within proximity of a school, he was sentenced to 10 years in prison on indictment 2011-24-GS-783 and five years consecutive in indictment 2011-GS-24-784. The jury again was not able to reach a verdict on the drug trafficking charge. On April 11, 2016, Mr. Ervin entered a plea to the trafficking charge and received a seven year concurrent sentence. His projected release date is February 6, 2021.

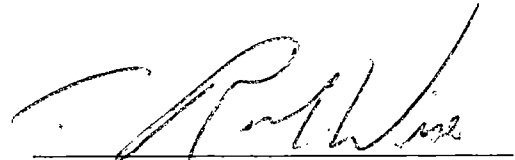
The Honorable J. Mark Hayes, II granted the Post Conviction Relief Petitions filed by Mr. Ervin, including the one where he entered a guilt plea to the drug trafficking charge. The State has filed a Petition for Writ of Certiorari. Mr. Ervin respectfully requests that this Court grant him permission to be released on bond pending the Petition for Writ of Certiorari filed by the State.

On November 15, 2014 Mr. Ervin was sentenced in federal court to a sentence of 34 months to run consecutively with his present sentence. See Exhibit A attached. If Mr. Ervin is granted a bond he will be released to the custody of the Federal Bureau of Prisons to serve his sentence. The revocation of his federal supervised release arose out of his conviction of the charges that are subject of this Post Conviction Petition. If Mr. Ervin is not granted a bond, and this Court affirms the lower court decision, Mr. Ervin will have spent time in State custody that could have been spent serving his federal sentence. In the event his Court reverses the lower court, Mr. Ervin will still be available to serve the remainder of this State sentence.

Due to the fact that Mr. Ervin will serve 85% of the 34 months sentence, this petition for write of certiorari should be completed before his federal sentence is completed.

Wherefore, Maunwell J. Ervin hereby moves this Court to release him on a personal recognizance bond so that he may be released to federal custody to serve his federal sentence pending the appeal in this matter.

June 15, 2020



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AO 245D (SCD Rev. 6/05) Judgment in a Criminal Case for Revocations
Sheet 1

**United States District Court
District of South Carolina**

UNITED STATES OF AMERICA

vs.

**AMENDED JUDGMENT IN A
CRIMINAL CASE** (Resentencing on Remand)
(For Revocation of Probation or Supervised Release)
(For Offenses Committed On or After November 1, 1987)

MAUNWELL JAAVAR ERVIN

Case Number: 8:00cr489-2
US Marshal's Number: 97067-071

David Plowden, AFD
Defendant's Attorney

THE DEFENDANT:

After having been sentenced on count 1 to a term of imprisonment followed by a term of supervised release on April 17, 2001.

- admitted guilt to violation of conditions of the term of supervision at his revocation sentencing held on December 16, 2013.
- was found in violation of condition(s) after denial of guilt.

Accordingly, the court has adjudicated that the defendant is guilty of the following offenses:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1 - 3	See violation petition	See violation petition

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has not violated condition(s) and is discharged as to such violation(s) condition.
- Forfeiture provision is hereby dismissed on motion of the United States Attorney.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

November 5, 2014
Date of Imposition of Judgment


Signature of Judicial Officer

Henry M. Herlong, Jr., Senior United States District Judge
Name and Title of Judicial Officer

November 15, 2014
Date

AO 245D (SCD Rev. 6/05) Judgment In a Criminal Case for Revocations
Sheet 2 - Imprisonment

10/14/14

DEFENDANT: MAUNWELL JAAVAR ERVIN
CASE NUMBER: 8:00cr489-2

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of thirty-four (34) months. This term shall be served consecutively to any term of imprisonment the defendant is currently serving.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at a.m./p.m. on.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

UNITED STATES MARSHAL

By

Deputy United States Marshal