

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM Z. NEWTON,

APPELLANT.

APPELLATE CASE NO. 2019-001797

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

RECEIVED
Aug 20 2020
SC Court of Appeals

INDEX

INDEX i

GUILTY PLEA HEARING TRANSCRIPT DATED OCTOBER 10, 2019.....1

MOTION TO RECONSIDER GUILTY PLEA SENTENCE FILED OCTOBER 23, 2019.....23

ORDER DENYING MOTION TO RECONSIDER GUILTY PLEA SENTENCE FILED
OCTOBER 28, 2019.....23

INDICTMENT.....27

SENTENCE SHEET.....29

CERTIFICATE OF COUNSEL31

STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	2018-GS-23-05590
COUNTY OF GREENVILLE)	
)	
)	
)	
STATE OF SOUTH CAROLINA,)	
PLAINTIFF,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
WILLIAM ZACHARY NEWTON,)	
DEFENDANT.)	
_____)	

October 10, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE LETITIA H. VERDIN, JUDGE

A P P E A R A N C E S:

KIMBERLY BOAN HOWARD, ESQ.
Attorney for the Plaintiff

CHARLES SIMS "CHAD" PROPST, JR., ESQ
Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

(There were no witnesses called.)

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
-----------	--------------------	-----------	------------

(There were no exhibits introduced.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 3:02 p.m.)

THE CLERK: Your Honor, this is Indictment Number 2018-GS-23-5590, State vs. William Zachary Newton. Thank you.

Please raise your right hand.

WHEREUPON,

WILLIAM ZACHARY NEWTON

After having been duly sworn, testified as follows:

THE COURT: Mr. Newton you are here today to plead to voluntary manslaughter. That carries two years up to 30 years; is that your understanding?

DEFENDANT NEWTON: Yes, ma'am.

THE COURT: That is also classified as a violent and most serious offense; is that your understanding?

DEFENDANT NEWTON: Yes, ma'am.

THE COURT: In other words, that "most serious" means it's two of your three strikes for purposes of life without the possibility of parole; do you understand that?

DEFENDANT NEWTON: Yes, ma'am.

THE COURT: Have you discussed this charge with your lawyer?

DEFENDANT NEWTON: Yes, ma'am.

THE COURT: Are you happy with what your lawyer's

1 done for you?

2 DEFENDANT NEWTON: Yes, ma'am.

3 THE COURT: Do you have any complaint to make against
4 law enforcement, the solicitor's office or your lawyer as
5 a result of this plea whatsoever?

6 DEFENDANT NEWTON: No, ma'am.

7 THE COURT: This sentencing sheet says you're
8 23 years old; is that right?

9 DEFENDANT NEWTON: Yes, ma'am.

10 THE COURT: How far did you go in school?

11 DEFENDANT NEWTON: I went all the way to the 12th
12 grade and didn't finish with one-half credit.

13 THE COURT: Oh, okay. Okay. What kind of work have
14 you done since then?

15 DEFENDANT NEWTON: I mean, I've just worked at
16 restaurants.

17 THE COURT: Sure. Okay. And have you ever been
18 treated for any kind of mental illness or substance abuse
19 problem, anything like that?

20 DEFENDANT NEWTON: No, ma'am. Just ADHD and bipolar.

21 THE COURT: Okay. Do you take medication for either
22 of those things?

23 DEFENDANT NEWTON: Yes, ma'am.

24 THE COURT: Did you take that medication today?

25 DEFENDANT NEWTON: No, ma'am.

1 THE COURT: Do you take it on a regular basis?

2 DEFENDANT NEWTON: Yes, ma'am.

3 THE COURT: Do you take it at morning or night?

4 DEFENDANT NEWTON: Morning and night.

5 THE COURT: Okay. Why didn't you take it this
6 morning?

7 DEFENDANT NEWTON: It wasn't given to me.

8 THE COURT: Okay. Do you feel clearheaded here
9 today?

10 DEFENDANT NEWTON: Yes, ma'am.

11 THE COURT: Do you feel like you understand what's
12 going on?

13 DEFENDANT NEWTON: Yes, ma'am.

14 THE COURT: Do you have any concerns about him,
15 Mr. Propst, whatsoever?

16 MR. PROPST: None whatsoever, Judge.

17 THE COURT: Okay. All right. Very well.

18 If you don't understand something I'm asking you or
19 something like that, please stop me, all right?

20 DEFENDANT NEWTON: Yes, ma'am.

21 THE COURT: Are you under the influence of drugs or
22 alcohol here today?

23 DEFENDANT NEWTON: No, ma'am.

24 THE COURT: Has anyone forced you to plead guilty?

25 DEFENDANT NEWTON: No, ma'am.

1 THE COURT: Has anyone promised you anything to get
2 you to plead guilty?

3 DEFENDANT NEWTON: No, ma'am.

4 THE COURT: When you plead guilty, you give up
5 certain constitutional rights. One is your right to
6 remain silent about this charge; do you know that?

7 DEFENDANT NEWTON: Yes, ma'am.

8 THE COURT: You also give up your right to a jury
9 trial. At that trial, your attorney could call witnesses
10 for you, could cross-examine witnesses against you, and
11 the State would have to prove your guilt beyond a
12 reasonable doubt. But when you plead guilty, you give up
13 your right to a jury trial; do you know that?

14 DEFENDANT NEWTON: Yes, ma'am.

15 THE COURT: This indictment alleges, it was an
16 indictment for murder, and it alleges that you did, in
17 Greenville County, on or about the 30th day of January
18 2016, unlawfully and with malice aforethought kill Savon
19 or Savon Allen by the use of a pistol during the
20 commission of an armed robbery, and that the victim died
21 as a proximate result thereof. Have you had an
22 opportunity to review that indictment?

23 DEFENDANT NEWTON: Yes, ma'am.

24 THE COURT: And you're pleading guilty to the lesser
25 included charge of voluntary manslaughter?

1 DEFENDANT NEWTON: Yes, ma'am.

2 THE COURT: And how do you plead to this charge,
3 guilty or not guilty?

4 DEFENDANT NEWTON: Guilty.

5 THE COURT: You have ten days from today's date to
6 appeal this plea if you so choose, but you must do so in
7 writing to this court.

8 I want you to listen to the facts as stated by the
9 solicitor. I'm going to have a question or so for you
10 about it afterwards.

11 Yes, ma'am?

12 MS. HOWARD: Your Honor, if it may please the Court.

13 THE COURT: Yeah.

14 MS. HOWARD: The facts, on January 30, 2016, this
15 defendant and three other codefendants were involved in an
16 incident that led to one victim being killed as a result
17 of a gunshot wound and another victim being shot and
18 injured. The shooting itself took place at the Bojangles'
19 on Butler Road in Mauldin in Greenville County at
20 approximately 9 p.m. on the evening in question.

21 And one thing, Your Honor, to point to the Court that
22 the lead investigators in the case are present in the
23 courtroom ---

24 THE COURT: Thank you.

25 MS. HOWARD: --- Robert Thacker, and also Chief Ben

1 Ford, who's no longer with Mauldin, but they are both
2 present here.

3 This defendant and three other codefendants were
4 involved. In addition to Mr. Newton, it was Trevonte
5 Watts, Michelle Ike and Alexis Means. Watts and Newton
6 were 19 at the time of the incident, Ike was 16 And Alexis
7 Means was 15. Means pled guilty in March of 2017 to
8 murder, was given an indeterminate sentence by the
9 presiding Family Court's judge. Ike's case is still
10 pending, and Watts is set to plead guilty to voluntary
11 manslaughter as well. That was offered to him.

12 So this defendant and Watts were friends from
13 Hillcrest High School. Alexis the juvenile was Watts's
14 girlfriend at the time. And it was her statement that she
15 was friends with Michelle and then met the other one
16 subsequently.

17 On January 30, 2016, Alexis Means, the juvenile,
18 Watts and this defendant were at her house earlier in the
19 day. Michelle Ike showed up to the house upset with her
20 ex-boyfriend Javione Rosemond. Javione Rosemond was known
21 to be a marijuana dealer. Michelle then convinced the
22 other three people, this defendant included, to set up
23 Javione and rob him. To do this, they used Alexis Means's
24 phone to Snapchat with Javione and they pretended that
25 they wanted to purchase marijuana. However, there was

1 never any intention of purchasing drugs from Javione, and
2 the intention from the outset of the plan was to rob him.
3 This is corroborated by this defendant's statement to law
4 enforcement as well as statements from the other
5 codefendants.

6 Once the four codefendants made contact with Javione,
7 it was planned for them to meet at the Bojangles'. Around
8 9 p.m., Alexis uses her car to take all four of them
9 there. In the car were two weapons, a pistol that was
10 later possessed by this defendant, and an AR-15 that was
11 later possessed by Trevonte Watts.

12 When they arrived at Bojangles', Alexis drove to the
13 apartment complex behind the Bojangles' and dropped off
14 this defendant and the codefendant Watts. She popped her
15 trunk to allow them to retrieve the weapons from her
16 trunk, and then she went to Bojangles' to wait on them.
17 Watts, armed with an AR-15, and this defendant, armed with
18 a pistol, crept up the hill behind the Bojangles' and
19 waited to approach Javione and rob him when he arrived
20 ambush style.

21 When Alexis first pulls into the Bojangles' parking
22 lot near Javione's car, it was next to the drive-through
23 window, so they decided that was too much out in the open.
24 They pulled to the back of the parking lot near the trash
25 can area.

1 When they get there, this defendant and Watts
2 surprise the other car. Watts walks to one side of the
3 car and Newton to the other. They present the weapons and
4 multiple shots are fired. Watts drops his weapon, the
5 AR-15, behind the vehicle, and runs back to the car. It's
6 later determined he was shot in the arm.

7 One of the victims in the other car, Willie Wilson,
8 jumps out and tries to flee to safety. This defendant
9 chases him, runs towards him, and then ended up coming
10 back to Alexis's car. Alexis pops her trunk. Newton --
11 this defendant grabs both of the weapons, dumps them into
12 the trunk. They all -- they all tell Alexis to get out of
13 there. So she drives to the hospital and stays there with
14 Trevonte Watts.

15 Back at Bojangles', law enforcement and EMS respond
16 to find one victim shot but still alive and the other shot
17 and killed. The person that was originally targeted,
18 Javione Rosemond, was not one of the individuals that ever
19 came to Bojangles'. He sent the other two people, the
20 deceased person being Savon Allen.

21 The incident was captured by video surveillance from
22 the restaurant. After the victims were shot, the car
23 rolls part of the way through the back of the parking lot
24 toward the road. It was stopped by one of the concrete
25 dividers in the parking lot, so when law enforcement and

1 EMS get to the vehicle, they find the deceased victim
2 halfway in and halfway out of the car, sprawled out in the
3 parking lot. The other victim was taken to the hospital.

4 After the incident, this defendant and Michelle Ike
5 go back to Alexis's house where the planning first
6 started. And they had the weapons and they had the car in
7 Alexis's garage. Through investigation, they identified
8 the four people that were involved. They were arrested
9 shortly thereafter, and all four were charged with murder
10 and other related charges, Your Honor.

11 One of the codefendants -- those are the facts that
12 would have presented at trial.

13 One of the codefendants, Michelle Ike, has not been
14 willing to plead guilty. We will be going forward in a
15 trial with her, one of the reasons that we want to make
16 sure that Mr. Newton agrees with the facts as they were
17 read and as to her involvement as well as to his and the
18 other codefendants.

19 THE COURT: All right. Mr. Newton, you heard the
20 facts as stated by the solicitor. How do you plead to
21 those charges, guilty or not guilty?

22 DEFENDANT NEWTON: Guilty.

23 THE COURT: All right. And those facts as she read
24 them to the Court, are those accurate?

25 DEFENDANT NEWTON: Yes, ma'am.

1 THE COURT: As to both your involvement and the
2 codefendants' involvement?

3 DEFENDANT NEWTON: Yes, ma'am.

4 THE COURT: Do you want to ask any specific
5 questions?

6 MS. HOWARD: The one specific that I would like to
7 ask is just to clarify that Michelle is the one --
8 Michelle Ike was the one that showed up and had the
9 contacts to be made with Javione Rosemond.

10 DEFENDANT NEWTON: Yes, ma'am.

11 MS. HOWARD: And she was, in fact, the one that
12 helped y'all and convinced y'all to set up the drug deal
13 and rob him; is that correct?

14 DEFENDANT NEWTON: Yes, ma'am.

15 MS. HOWARD: Okay. And does she have any involvement
16 in helping you get back to the house and have the car and
17 the guns?

18 DEFENDANT NEWTON: No, ma'am.

19 MS. HOWARD: She did not?

20 DEFENDANT NEWTON: No, ma'am.

21 MS. HOWARD: Did she go back to the house with you?

22 DEFENDANT NEWTON: Yes, ma'am.

23 MS. HOWARD: Does she -- had the guns?

24 DEFENDANT NEWTON: No, ma'am.

25 MS. HOWARD: That was just you.

1 DEFENDANT NEWTON: Yes, ma'am.

2 MS. HOWARD: Okay. Thank you.

3 THE COURT: All right. Are you satisfied?

4 MS. HOWARD: Yes.

5 THE COURT: All right. I'll accept your plea as
6 being freely and voluntary made with the advice of
7 extremely competent counsel with whom you say you're well
8 satisfied and the plea does have a substantial factual
9 basis.

10 Has the victim's family been notified?

11 MS. HOWARD: Yes, Your Honor. The victim that was
12 shot and survived has been notified, did not wish to be
13 here. The deceased victim has a grandmother in Florida
14 that has been in contact with us the whole time. She
15 wanted to be here. She was not able to, but has been the
16 one we notified. So we have complied with the Victims'
17 Rights Act, Your Honor.

18 THE COURT: All right. Does he have any prior
19 record?

20 MS. HOWARD: He has a 2015 shoplifting.

21 THE COURT: Okay.

22 MS. HOWARD: And he has been in jail 1,348 days.

23 THE COURT: Any input from the State as to
24 sentencing?

25 MS. HOWARD: Your Honor, the State is recommending

1 30 years.

2 THE COURT: Okay. And I know that law enforcement is
3 here. Is there anything you'd like to say, sir?

4 MR. THACKER: No, ma'am.

5 THE COURT: I sure do appreciate you being here.
6 Thank you.

7 MR. THACKER: Yes, ma'am.

8 THE COURT: All right. Yes, sir?

9 MR. PROPST: Thank you, Judge.

10 Just before I dive in, I just want to make clear that
11 we've been willing to cooperate with the State, give
12 statements. And I think that satisfies what the State was
13 seeking. I just want that taken into consideration as you
14 hear our presentation that Mr. Newton, while definitely
15 involved and taking responsibility, he was willing to
16 cooperate and help secure at least a conviction against
17 Michelle, Ms. Ike.

18 Judge, as you heard, this is a tragic event that I
19 don't think anyone meant to happen. This was set up as a
20 robbery, and things went out of control, they happened
21 fast, and here we are.

22 I think in going forward to trial, and the State's
23 aware of this, there is a question of who actually shot
24 first. There's shots fired from inside of this truck and
25 shots fired from out. Their contention would be that

1 Mr. Newton fired first, ours is that, you know, the victim
2 did. But that doesn't change the fact that a manslaughter
3 was committed, and that's what Mr. Newton is pleading
4 guilty to and taking responsibility for.

5 It turned into -- as I said, it happened fast.
6 Turned into a situation of fire or be killed. And, again,
7 that doesn't excuse any actions. He shouldn't have been
8 -- with a gun shouldn't have been there, and I think the
9 first thing that Mr. Newton will tell you is that if he
10 could take any one thing back in his life, it would be
11 that two-, three-hour sequence of events that led to this.

12 We agree substantially with the facts. Just a little
13 -- to add just a little bit, Mr. Newton was actually out
14 and about and got a call to come back to Ms. Ike's house
15 with the car and then was filled in and convinced to be
16 part of this plan and went there. So he wasn't a
17 ringleader, necessarily.

18 He also -- just to note, my understanding is that the
19 guns belonged to the codefendant, but that doesn't lessen
20 Mr. Newton's actions.

21 You heard he does not have a prior record other than
22 that shoplifting and was actually 19 years old at the time
23 of the incident. He's 23 today, has sat in jail this
24 entire time.

25 Over the course of my representation, I've seen him

1 go from this naive 19-year-old to -- I've seen some growth
2 in him as a person. He's gone from trying to lessen his
3 responsibility to owning up and understanding what he did
4 and the consequences of his actions, and I've seen him
5 grow up just being in that jail and being forced to grow
6 up in a tough way. On top of that, he spent the better
7 part of the last three years -- roughly three years in
8 protective custody because the victims have associates in
9 the jail that have made threats and went out against
10 Mr. Newton, because word travels around the jail and
11 that's how he's been able to stay safe.

12 Judge I've got a letter. Mr. Newton's family is back
13 here, his grandmother, brother, sister and mom on the
14 front row. His mother wrote a letter, if I could pass it
15 up, just kind of attesting to Mr. Newton and his
16 character. I've shown a copy to the State as well.

17 I don't know if they'd like to speak at the
18 appropriate time, but I told them they may have an
19 opportunity.

20 (Pause in proceedings.)

21 THE COURT: Okay. Thank you.

22 MR. PROPST: Judge, just to piggyback on that letter,
23 Mr. Newton, never been a violent guy aside from this one
24 night. Came about a credit and a half short of graduating
25 from high school just because he was being a dumb kid. He

1 was focused on more clowning around in school. He was
2 acting up in class as a result of that. And never any
3 fights, no real issues with his attitude. But he just
4 never finished school, and as a result of not finishing
5 school, he ended up being kicked out of his mother's
6 house, was kind of floating around experiencing tough love
7 and this happened. He's a very impressionable young man,
8 especially at that time not having a strong -- he had a
9 strong support system, but he was going through some
10 things that he needed to figure out on his own, so he
11 leaned heavily on his codefendant Mr. Watts. The family
12 helped take care of him, and I think Mr. Newton kind of
13 followed his lead and kind of led him to where he is.

14 And, again, I don't want to minimize his impact and
15 what he did. And he'll tell you that. But I just want
16 you to understand that he's not necessarily a leader. He
17 didn't have this idea, but he followed along when he
18 shouldn't have.

19 Judge, we know that the State is recommending
20 30 years. I take that as a straight-up plea.

21 THE COURT: Sure.

22 MR. PROPST: We'd ask that you consider a 15-year
23 sentence, noting that -- taking into consideration that he
24 did cooperate, he was willing to cooperate, he's owning up
25 to what he did, he's got no prior record, and he spent

1 this entire time in jail patiently waiting, has not caused
2 any issues, and he's been in protective custody because
3 he's scared for his safety.

4 And I don't know if any of you want to say something
5 on behalf of Mr. Newton.

6 THE COURT: Yes, please. Stand and tell me your
7 name, please.

8 MS. NEWTON: Kim Newton. I'm Zachary's mother.

9 THE COURT: Okay. And I've read your letter. I
10 appreciate it.

11 MS. NEWTON: Zachary has always been a good kid, very
12 loving. So needless to say, that this night has just
13 taken apart our family and just ripped our hearts out. We
14 want him home, and he's made this decision because he's
15 ready to come home. He got denied bond all the times that
16 he went, which was okay because we knew that he was safe.
17 But we just -- we've been waiting for this day, and I
18 would do anything to bring him home with me. But please
19 have mercy on him.

20 THE COURT: I really do appreciate it. And you're
21 prepared and you understand that he's not going home
22 today. I mean, I just need you to be working in that
23 framework. Okay. I know you love him. I know you --
24 I've got children myself. And I know you love him and I
25 know this is incredibly hard, but you know I just want you

1 to be prepared.

2 MS. NEWTON: And I know nothing can change what
3 happened, and I'm so deeply sorry for the loss of that boy
4 because nobody wants to lose a child.

5 THE COURT: Yeah, yeah. Thank you.

6 MR. PROPST: And, Judge, just to continue with what I
7 was saying about seeing him grow in jail, he actually --
8 we've met a good bit over the past three weeks. And he
9 just out of nowhere started saying that knowing that
10 significant time is coming, he's going down to SCDC with
11 the mindset that he's going to get his GED.

12 THE COURT: Good.

13 MR. PROPST: He's going to get the work. He's
14 learned skills.

15 THE COURT: Good.

16 MR. PROPST: Maybe pursue welding, something like
17 that. So the opportunities are there if you want them in
18 SCDC. And on his own he came up with that, that that's
19 what he's going to do. He's not feeling sorry for
20 himself. He's been remorseful. And I just think that
21 while a significant time is warranted, a 15-year sentence
22 is fair in this situation.

23 Again, he's not -- other than this night, he's not
24 been a violent kid. He's very friendly, just comes from a
25 good family who's here to support him. And we just ask

1 ultimately for leniency from the Court. And that's it.

2 THE COURT: Is there anything your client would like
3 to say?

4 DEFENDANT NEWTON: Yes, ma'am.

5 THE COURT: Yes, sir.

6 DEFENDANT NEWTON: I'm accepting full responsibility
7 today for what I've done. And I'd like to say sorry to
8 all parties that were involved, and that I'm willing to
9 accept anything that -- everything that's happened today.

10 THE COURT: I appreciate your saying that.

11 I know that -- I'll just start out first by saying,
12 Mr. Propst, you've done your client an incredible service
13 getting this moved from a murder to a manslaughter. I
14 mean, that's just a game-changer. There's nothing else
15 that can be said about that for you. And coming in here
16 and having the ability, working out a deal where you could
17 argue for -- you know, the ability where you can argue
18 under the 30-year recommendation, again, I just commend
19 you for what you've done on his behalf.

20 You know, Mr. Newton, I can't ignore the fact that
21 we've got a person who's dead as a result of what you did,
22 and I can't ignore the fact that it was done under the
23 circumstances it was done under. But I take into account
24 your age. I take into account that you were young when
25 you did it. I take into account that I think you are

1 truly remorseful today and really do want to change your
2 life. You've got a wonderful family that's supporting
3 you. And I take into account you served considerable
4 time.

5 Taking everything into consideration, the sentence of
6 the Court is 25 years, credit for 1,348 days. Good luck
7 to you. Good luck.

8 MR. PROPST: Thank you, Judge.

9 (WHEREUPON, proceedings concluded at 3:24 p.m.)

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 10th day of October, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 28, 2020

Cheryl A. Smith

Cheryl A. Smith, CVR-M
Court Reporter

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 CJC SC JL 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 posited 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

EXHIBIT OFFICE
OCT 23 2019

RECEIVED

Denise
10/23/19

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;

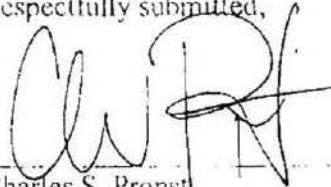
5. During the Defendant's hearing, the assistant solicitor indicated that the co-defendants created a plan to rob the victim. The Defendant took no part in the planning of the robbery. He was not part of the group when this plan was made. He was later asked to rejoin the group. The Defendant was then 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
 Tracy Burkett

DOCKET NO. 2018-GS-23-KB

005590

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

July TERM 2018

THE STATE

vs.

WILLIAM ZACHARY NEWTON

WITNESSES

R Thacker

Mauldin Police Department

1/31/2016

ARREST WARRANT NUMBER

2016A2320300029

ACTION OF GRAND JURY
TRUE BILL

Clay Tuttle

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0116

MURDER

VIOLATION § 16-03-0010

Foreperson of Petit Jury

Date:

ENTERED
ACCT *led*

RECEIVED

OCT 22 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on

JUL 31 2018

the Grand Jurors of Greenville

County present upon their oath:

That WILLIAM ZACHARY NEWTON did in Greenville County, on or about the 30th day of January, 2016, unlawfully and with malice aforethought kill SAVON ALLEN by the use of a pistol during the commission of an armed robbery and that SAVON ALLEN died as a proximate result thereof. This is in violation of §16-3-0010 of the South Carolina Code of Laws (1976) as amended.

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

W. Howard

SOLICITOR

BAR # 73639

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

197-0090
29

COUNTY OF Greenville
STATE VS.

INDICTMENT/CASE#: 2018GS2305590

William Zachary Newton

A/W#: 2016A2320300029

AKA: _____

Date of Offense: 1/30/2016

Race: WHITE Sex: M Age: 23

S.C. Code § : 16-03-0010, 0020

DOB: _____ SS#: _____

CDR Code #: 0116

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Voluntary Manslaughter

CONVICTED OF or PLEADS

SENTENCE SHEET

in violation of § 16-3-0050 of the S.C. Code of Laws, hearing CDR Code # 0217

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or 2nd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. WZN (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Howard 73639 William Newton 100399
Howard, Kimberly Boan SC Bar# Defendant PROPST, CHARLES SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 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 SCDoc.

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: \$ _____ days/hours Public Service Employment

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 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	\$ 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)		\$ 3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk Paul B. Wiekens

Court Reporter: Jessica C Smith

- 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: _____

RECEIVED

OCT 22 2019

SC 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 _____

Judge Code: 2763 2162

Sentence Date: 10-10-19

RECEIVED

Aug 20 2020

30

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

s/ Lara M. Caudy _____

Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of August, 2020.