

Allen Stone 267003
Tiger River CT 4-8-212
200 Prison Rd,
Enoche, S.C. 29335

Aug 13th, 2021

RECEIVED

AUG 19 2021

SC Court of Appeals

S.C. Court of appeals
Jenny Abbott Kitchings
1220 Senate Street
Columbia, S.C. 29201

Re: Allen Stone v. State case No 2018-001847
Conflict, See Lower Court Records.

Dear Mrs Kitchings,

Let the record reflect that the whole lower court record is deficient Performance and Prejudiced by counsel's misrepresentation the Jail Video Visits and record will show constitutionally ineffective assistance of Due Process, Enclosed is a letter from Public Defender office Kelly K. Solor Stating she was shocked that Judge Horington didn't go along with state 1 year recommendation and continue there after, which I would have been released Sept 1, 2016, And for the record of the July 26, 2016 revocation hearing was scheduled for Aug 8, 2016 and I was only notified on Video Visit July 23, 2016 and counsel failed to call my witnesses, Patted me on the back and said 15 years Mr. Stone See ya! And also enclosed for the record is the lower courts PCR Records and

II P.S. I sent this to State
Classification as well to
be applied.

Clerk of court of Charleston's records.

Letter from Kelly Solar Nov. 7, 2016

Solar never mentioned or brought up the
1 year recommendation at the hearing. And there
was a written recommendation that was suppose
to be presented at the Aug 8, 2016 hearing
which Solar changed without my consent or
signature. Also the Sentencing Sheet states
The defendant is given credit for pre-revocation
hearing detention time on current probation
violation to be calculated and applied
by the S.C. Dept of corrections

The suspended sentence be revoked and the
above named defendant be required to serve
15 (year) the remainder of the original
sentence, and or pay \$0 Enclosed is a

copy and letter from General Counsel Mathew
Buckner SCOPPS, my sentence started Jan, 17, 2014
now I'm doing a 15 year sentence plus 1 1/2
year probation plus 90 days inpatient Shields
ministries program, which was supposed to
had been Turning Leaf Program, I never went to
but sentenced to. My conflict is written
recommendation not presented and granted PCR
in the lower court records. Please investigate

15 year + 1 1/2 + 119 day in jail 16 1/2 on 15. 4-8
Thank to Care 2000. Steve 71-702 212

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
Patricia A. Kennedy
Chief County Public Defender

Ninth Circuit Public Defender
Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Lorelle D. Proctor
Chief County Public Defender

November 7, 2016

Allen Stone #267003
MacDougall Correctional Inst. C-2
1516 Old Gillard Rd.
Ridgeville, SC 29472

Dear Allen,

I am in receipt of your letter dated October 31, 2016 regarding needing my help with your probation revocation sentence. Please understand that I was shocked in court when Judge Harrington revoked your probation sentence in full. The recommendation of the Hearing Officer from the Department of Probation was a revocation of only one year. From my previous experiences with Judge Harrington, I felt that she would likely follow that recommendation, although I could not and would not promise it. Ultimately, the judge has the sole discretion to make the determination as to your sentence.

I will be in court next week with Judge Harrington and will be asking her to reconsider your case. Please understand that I cannot promise that she will do so. I will let you know the outcome as soon as possible.

Sincerely,


Kelly K. Solar
Assistant Public Defender

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 GREYSTONE BLVD
POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.dppps.sc.gov/

July 30, 2021

Allen Stone, SCDC #267003
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

Dear Mr. Stone:

I've received your letter dated October 31, 2019 in which you are requesting the time you spent on probation to be credited toward your revocation.

Regarding your credits, it is the responsibility of the Department of Corrections to calculate and apply credits whatever credits you may be entitled to. This Department cannot award them, or have them applied to your sentence.

That being said, you seem to be of the belief that you are entitled to credit toward your sentence for the time you spent while on probation. This is simply not the case. While you are on probation, the sentence is suspended. Upon a violation, the court can revoke probation and require the offender to serve all or a portion of the suspended sentence. See S.C. Code Section 24-21-460: Action of court in case of violation of terms of probation.

I hope this addresses your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan", followed by a horizontal line.

Matthew C. Buchanan
General Counsel

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Charleston
STATE VS. Allen Stone

Indictment Number: 14 -GS- 10 03141
Probation C/W #s: W-10-16-0102

AKA: Allen Stone
Race: W Sex: M
DOB: _____
SSN: _____
SID#: 00308656

Name of Original Offense: Burglary 2nd Violent
Original A/W #: 2014A1010200294
Date of Original Offense: 1-17-14
Conviction S.C. Code §: 16-11-0312(B)
Conviction CDR Code #: 0101816
Original Sentence: 15 yrs ss 5 yrs prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 8/11/14 in the Court of General Sessions of Charleston County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated _____ after hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
1, 2, 5, 6, 7, 9, 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 15 months (years) the remainder of the original sentence, and/or pay \$ 0.
- the suspended sentence be revoked, and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage/balance)
 - Restitution (and 20%) (arrearage/balance)
 Civil judgment:
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)
- Additional Conditions ordered by the Court:

CTS. Revoke in full. terminate probation. NO administrative monitoring. NO CJ for money.

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served _____ months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 27th day of July, 2016
Charleston, SC

Presiding Judge [Signature]
Judicial Circuit _____

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of the Court's order and all attachments.

Offender's Signature [Signature] Witnessed by [Signature]

Signed this 26 day of July, _____, SC
By [Signature] CLERK, C.G.S. & E.C.
City Charleston

Allen Stone 267003
Tyger River CI U-8-212
200 Prison Rd
Enoree, S.C.

29335

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AUG 19 2021

AUG 16 2021

SC Court of Appeals
RCI MAILROOM

SC. Court of Appeals
Clerk of Court Jenny A. Kitchings
1220 Senate Street
Columbia, S.C.



LEGAL MAIL

Legal Mail
SCDC
Christmas
Packet

29201-376999

29201

