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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2018-001186

The State,Respondent,

v.

Matt Stevens,Appellant.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF GENERAL SESSIONS

ORDER IN A CRIMINAL CASE
WARRANT(S): 2016A26105 00171
2016A26105 00172
INDICTMENT(S):

State of South Carolina

Matt Stevens
DEFENDANT(S)

| | |
|---|--|
| This form order submitted by: Benjamin H. Culbertson Presiding Judge | Attorney for : <input type="checkbox"/> State <input type="checkbox"/> Defendant |
| | or <input type="checkbox"/> Self-Represented Litigant |

DISPOSITION TYPE

- DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered. See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. See below for additional information.
- MOTION: Defendant's Amended Motion to Alter or Amend Judgment**
- GRANTED DENIED CONTINUED WITHDRAWN
- WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party
- OTHER:

IT IS ORDERED AND ADJUDGED: See Order of the Court below See attached
 Formal Order to follow; to be prepared by: State Defendant Other:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

Defendant seeks pre-trial detention credit on his sentence for the time he was on home detention prior to sentencing. The court denied credit for time spent on home detention.

Code of Laws of South Carolina 1976 §24-13-40 provides, in pertinent part, that "full credit against the sentence must be given for time served prior to trial and sentencing, and *may be given for any time spent under monitored house arrest.*" (emphasis added). Therefore, pre-trial detention credit for home detention is discretionary with the court.

This motion is decided without oral arguments.

Benjamin H. Culbertson
Circuit Court Judge
SCRC Form 4C (03/2013)

2148
Judge Code

June 13, 2018
Date
Page 1

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
2018 JUN 13 PM 1:18
FILED
CERTIFIED COPY

For Clerk of Court Office Use Only

This judgment was entered on the 13th day of June, 2018 and a copy mailed first class or placed in the appropriate attorney's box on this 13th day of June, 2018 to attorneys of record or to parties (when appearing pro se) as follows:

15th Circuit Solicitor

Daniel A. Hunnicutt

ATTORNEY(S) FOR THE STATE

ATTORNEY(S) FOR THE DEFENDANT(S)

Renee Elvis
CLERK OF COURT

Court Reporter: None

RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

CERTIFIED COPY

RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

2018 JUN 13 PM 1:18

FILED

STATE OF SOUTH CAROLINA)

GENERAL SESSIONS COURT

COUNTY OF HORRY)

HORRY COUNTY

State of South Carolina)

2018 APR 18 PM 2: 00 Case No.: 2016A02610500-171-172

Plaintiff,)

RECEIVED
CLERK OF COURT
HORRY COUNTY, SC

vs.)

Matt Stevens,)

**NOTICE OF MOTION AND
MOTION TO ALTER OR AMEND
JUDGMENT OR TO AMEND THE
COURT'S FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Defendant.)

TO: Fifteenth Circuit Solicitor's Office

YOU WILL PLEASE TAKE NOTICE that Defendant, by and through his attorney, Daniel A. Hunnicutt, Esquire, will move before this honorable Court for an order altering or amending the sentence imposed in this case by the Honorable Benjamin Culbertson in the following manner:

- 1) To give Defendant credit for the time he was on home detention, to wit, May 13, 2016, to April 12, 2018.

In the alternative, Defendant will move for an order of this Court amending the Court's findings of fact and conclusions of law regarding why Defendant was not given credit for the time he served on home detention. Defendant would ask the Court to specifically set forth all findings of fact and conclusions of law that underlied the Court's decision to refuse to give Defendant credit for his home detention. Said motions are made pursuant to Rules 59(e) and 52(b) of the South Carolina Rules of Civil Procedure.

Respectfully submitted,



Daniel A. Hunnicutt, Esquire SCB76139
Attorney for Defendant Matt Stevens

Conway, South Carolina
April 18, 2018

STATE OF SOUTH CAROLINA)

GENERAL SESSIONS COURT

COUNTY OF HORRY)

Case No.: 2016A26261050000171-172

State of South Carolina)

Plaintiff,)

vs.)

Matt Stevens,)

Defendant.)

**NOTICE OF MOTION AND
MOTION TO ALTER OR AMEND
JUDGMENT OR TO AMEND THE
COURT'S FINDINGS OF FACT AND
CONCLUSIONS OF LAW**


TO: Fifteenth Circuit Solicitor's Office

YOU WILL PLEASE TAKE NOTICE that Defendant, by and through his attorney, Daniel A. Hunnicutt, Esquire, will move before this honorable Court for an order altering or amending the sentence imposed in this case by the Honorable Benjamin Culbertson in the following manner:

- 1) To give Defendant credit for the time he was on home detention, to wit, May 13, 2016, to April 12, 2018.

In the alternative, Defendant will move for an order of this Court amending the Court's findings of fact and conclusions of law regarding why Defendant was not given credit for the time he served on home detention. Defendant would ask the Court to specifically set forth all findings of fact and conclusions of law that underlied the Court's decision to refuse to give Defendant credit for his home detention. Said motions are made pursuant to Rules 59(e) and 52(b) of the South Carolina Rules of Civil Procedure.

Respectfully submitted,



Daniel A. Hunnicutt, Esquire SCB76139
Attorney for Defendant Matt Stevens

Conway, South Carolina
April 18, 2018

STATE OF SOUTH CAROLINA)

GENERAL SESSIONS COURT

COUNTY OF HORRY)

Case No.:2016A26261050000171-172

State of South Carolina,)

Plaintiff,)

vs.)

CERTIFICATE OF SERVICE

Matt Stevens,)

Defendant.)

I, Daniel Hunnicutt, being duly sworn, state that I am the attorney for the Defendant, and that I delivered by hand delivery on the date set forth below, a copy of the documents described below.

DOCUMENTS

-Notice of Motion and Motion to Alter or Amend Judgment or to Amend the Court's Findings of Fact and Conclusions of Law.

ADDRESSEE:

**General Sessions Court
1301 Second Avenue
Conway, SC, 29526**

**Fifteenth Circuit Solicitor
P.O. Box 1276
Conway, SC, 29528**

**The Honorable Benjamin Culbertson
P.O. Box 479
Georgetown, SC, 29442**

Dated this 18th day of April in Conway, South Carolina.

DH

Daniel A. Hunnicutt, Esquire, SCB 76139
Post Office Box 1735
Conway, SC 29528
843-488-2424

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2016-GS-26-03716

STATE OF SOUTH CAROLINA,)

Plaintiff,) **Transcript of Record**

vs.)

July 10, 2017

MATT STEVENS,)

Defendant.)

B E F O R E:

Honorable Grace Gilchrist Knie
Horry County Courthouse
Conway, South Carolina

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

M. O'Brian Martin, Esquire
Attorney for State of South Carolina

Daniel A. Hunnicutt, Esquire
Attorney for Defendant

REPORTED BY:

Dixie C. Eubank
Circuit Court Reporter

PREPARED BY:

Kay H. Richardson
Circuit Court Reporter

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I N D E X

JULY 10, 2017

Pg.

Matt Stevens

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E X H I B I T S

No.

ID

EV

(No Exhibits were marked or admitted.)

1 JULY 10, 2017

2 MATT STEVENS, HAVING BEEN DULY SWORN,
3 TESTIFIED AS FOLLOWS:

4 THE COURT: Good afternoon, sir. It's Mr. Stevens; is
5 that correct?

6 MR. STEVENS: Yes, ma'am.

7 THE COURT: Can you hear me?

8 MR. STEVENS: Yes, ma'am.

9 THE COURT: Okay. Thank you. And I can hear you just
10 fine.

11 Mr. Stevens, I am going to first let the solicitor
12 announce the case and then I will come to you, go over some
13 very basic questions with you. We'll go back and let Mr.
14 Martin give us a more detailed idea of the facts and hear from
15 any victims that are present that wish to address the Court.
16 I will then hear from your legal, counsel and lastly from you.
17 Okay?

18 MR. STEVENS: Yes, ma'am.

19 THE COURT: Okay. Thank you, sir.

20 Mr. Martin?

21 MR. MARTIN: Thank you, Your Honor. This is the State of
22 South Carolina versus Matt Stevens, or Johnathon Matthew
23 Stevens. This is true-billed indictment 2016-GS-26-03176. He
24 is pleading to the lesser included offense of burglary second
25 degree violent. That does carry anywhere from zero up to 15

1 years. As previously discussed with Your Honor, we'll be
2 deferring sentencing for a 90-day period.

3 THE COURT: Okay. All right. Sir, Mr. Stevens, you have
4 heard the announcement of your case by the solicitor, sir, and
5 do you understand that the purpose of your being here today is
6 to enter a plea, and that would be as opposed to going forward
7 with a jury trial.

8 MR. STEVENS: Yes, ma'am.

9 THE COURT: And, sir, when you do that you are giving up
10 certain very important constitutional rights. Those rights
11 are your right to a jury trial, your right to remain silent,
12 and your right to confront witnesses against you. Do you
13 understand?

14 MR. STEVENS: Yes, ma'am.

15 THE COURT: And if you were to go forward and have a
16 trial on the charges against you, the burden of proof is on
17 the state, not on you, but on the state, the solicitor, to
18 prove every element of every charge against you beyond a
19 reasonable doubt. Do you understand that?

20 MR. STEVENS: Yes, ma'am.

21 THE COURT: And lastly, sir, all jurors would have to
22 agree as to your guilt in order for you to be found guilty; do
23 you understand that?

24 MR. STEVENS: Yes, ma'am.

25 THE COURT: And, sir, it is your wish today to waive

1 those very important constitutional rights and give up your --
2 especially the right to a trial by jury, in exchange for a
3 guilty plea?

4 MR. STEVENS: Yes, ma'am.

5 THE COURT: Okay. Now, sir, I'm looking at indictment
6 number 2016-GS-26-3716 and the offense is burglary second
7 degree violent, and the potential penalty for that offense is
8 zero to 15 years. Do you understand the offense to which you
9 are pleading, sir, and the potential penalty for that offense?

10 MR. STEVENS: Yes, ma'am.

11 THE COURT: Okay. And that this is a violent and serious
12 offense. Has your legal counsel explained to you the meaning
13 of that?

14 MR. STEVENS: Yes, ma'am.

15 THE COURT: Okay. And, sir, likewise, it's my
16 understanding that your original charges were burglary first
17 degree and that you were also charged with grand larceny. The
18 grand larceny is being dismissed and the burglary first degree
19 has been reduced to burglary second degree violent; do you
20 understand?

21 MR. STEVENS: Yes, ma'am.

22 THE COURT: Okay. Now, sir, do you have any questions
23 regarding the offense against you or the potential penalty for
24 that offense of your legal counsel, Mr. Hunnicutt, or of the
25 Court?

1 MR. STEVENS: No, ma'am.

2 THE COURT: Okay. Now, don't be offended; I ask
3 everybody the next question. Okay? Were you at any time in
4 your discussions with legal counsel or are you today under the
5 influence of alcohol, drugs, or any intoxicant that would
6 impair your judgment?

7 MR. STEVENS: No, ma'am.

8 THE COURT: Do you understand what you are doing?

9 MR. STEVENS: Yes, ma'am.

10 THE COURT: And, sir, are you aware of any physical,
11 mental, emotional, or other problem that you may have that
12 might affect your understanding of the plea today?

13 MR. STEVENS: No, ma'am.

14 THE COURT: Are you satisfied with the services of your
15 legal counsel?

16 MR. STEVENS: Yes, ma'am.

17 THE COURT: And do you wish to enter your plea at this
18 time?

19 MR. STEVENS: Yes, ma'am.

20 THE COURT: And how do you plead, sir, guilty or not
21 guilty?

22 MR. STEVENS: Guilty.

23 THE COURT: And are you doing so freely, voluntarily, and
24 intelligently?

25 MR. STEVENS: Yes, ma'am.

MATT STEVENS - BY THE COURT

1 THE COURT: All right, sir. How old are you?

2 MR. STEVENS: Thirty-three.

3 THE COURT: Thirty-three? And how far did you go in
4 school?

5 MR. STEVENS: Eleventh grade.

6 THE COURT: Okay. Did you get a GED?

7 MR. STEVENS: No, ma'am.

8 THE COURT: All right. Lastly, sir, do you understand
9 that this is a little bit unusual in that we will be deferring
10 sentencing in your case?

11 MR. STEVENS: Yes, ma'am.

12 THE COURT: And that your sentence could be issued by me
13 or it could be by another judge, and that you will not have
14 any control and I am not retaining jurisdiction over this
15 matter to issue the sentence; do you understand that?

16 MR. STEVENS: Yes, ma'am.

17 THE COURT: Has your legal counsel explained that to you?

18 MR. STEVENS: Yes, ma'am.

19 THE COURT: Do you have any questions at all before we go
20 forward?

21 MR. STEVENS: No, ma'am.

22 THE COURT: All right. Thank you, sir. I'll accept your
23 plea, but I want you to direct your attention to the solicitor
24 right now as he tells me more about the facts surrounding the
25 charge against you. Okay?

1 MR. STEVENS: Yes, ma'am.

2 THE COURT: Yes, sir, Mr. Martin?

3 MR. MARTIN: Thank you, Your Honor.

4 Back on April the 16th of 2016, officers with the Horry
5 County Police Department were dispatched to [REDACTED] Address
6 in the Green Sea section of Horry County in reference to a
7 burglary that had already taken place. Officers arrived on
8 the scene, did indeed find that the backdoor of the residence
9 had been pried open and parts of the residence had been gone
10 -- had been pretty much ransacked and gone through. The
11 victim was missing two safes, approximately \$2300 in cash,
12 several pieces of jewelry, a flat-screen television, and some
13 personal items, titles and deeds and stuff that were in the
14 safe. In addition to that, Your Honor, a Colt .22 revolver
15 pistol, and a .22 rifle were also stolen out the house. Being
16 weapons that were stolen during the commission of a burglary
17 is how we get up to first degree burglary in this case. After
18 -- subsequently, a detective with the Horry County Police
19 Department was investigating another crime when the suspect
20 that he was interviewing recounted to him the facts of this
21 burglary case. The detective, being unaware of all of those
22 facts, went and pulled the case report from the burglary and
23 all the details that were given by the suspect that was being
24 interviewed was consistent with the details that were included
25 in the report. It was through that and further investigation

1 that the Horry County detective linked Mr. Stevens here and
2 three other codefendants to the planning and commission of the
3 burglary.

4 THE COURT: Thank you.

5 Okay. And is the victim present?

6 MR. MARTIN: The victim is present, Your Honor, Ms. Linda
7 Bright here. She advised me she does not wish to address the
8 Court at this time.

9 THE COURT: Okay. Good afternoon, ma'am. Thank you for
10 being here.

11 Okay. I find that there is a factual basis for the plea.
12 Yes, sir, Mr. Hunnicutt.

13 MR. HUNNICUTT: Yes, Your Honor. May it please the
14 Court? I'd like to point out that Mr. Stevens is the father
15 or a young son and daughter. He's owns a landscaping business
16 that he's owned for several years; so he does have a job. At
17 the time of the incident he was boyfriend of one of the
18 codefendants. We're not here to quibble about the facts, but
19 we would -- it's our position that he took one of the least
20 active roles in the, in the burglary or any of the
21 codefendants, but we do believe he participated enough to be
22 under the hand of one. We would point out as well that he was
23 suffering from some substance abuse issues as well as the
24 other codefendants at the time of the -- although that doesn't
25 excuse his behavior, it does at least somewhat explain it, so

1 -- but we are here to take responsibility for his actions.

2 THE COURT: Okay. And what was the date of the offense,
3 Mr. Martin?

4 MR. MARTIN: It was April 16th of 2016, Your Honor.

5 THE COURT: And that address one more time?

6 MR. MARTIN: It was [REDACTED Address], that'll be in Green
7 Sea, South Carolina.

8 THE COURT: In Horry County?

9 MR. MARTIN: Yes, ma'am.

10 THE COURT: Okay. Yes, sir. I'm happy to hear from you,
11 Mr. Stevens.

12 MR. STEVENS: I'm sorry.

13 THE COURT: Okay. And Mr. Martin, you may have stated it
14 and I missed it, but currently are there conditions of Mr.
15 Stevens' bond?

16 MR. MARTIN: There are conditions of his bond, Your
17 Honor, that we would ask to remain intact, those being that he
18 is on a GPS monitor at this time and obviously no contact with
19 the victim, her family in any way, shape, or form. And we'd
20 ask that those conditions remain in place at this time.

21 THE COURT: Okay. And for what period are you requesting
22 that sentencing be deferred, sir?

23 MR. MARTIN: Your Honor, we would request that it be
24 deferred for 90 days, which I think puts it at October 10th.

25 THE COURT: Okay. Anything else, Mr. Hunnicutt?

RULING OF THE COURT

1 MR. HUNNICUTT: No, Your Honor.

2 THE COURT: Anything else, Mr. Stevens?

3 MR. STEVENS: No, ma'am.

4 THE COURT: Oh, and lastly, Mr. Martin, you may've said
5 it, but what -- is there restitution owed to the victims?

6 MR. MARTIN: We're not seeking restitution in this case,
7 Your Honor; no, ma'am.

8 RULING OF THE COURT:

9 THE COURT: Okay. It would be the order of the Court
10 with regard to State of South Carolina, County of Horry versus
11 Matt Stevens, indictment number 2016-GS-26-3716, as to the
12 offense of burglary second degree violent, in violation of
13 South Carolina Code Section 16-11-312(B), I -- it would be the
14 order of the Court that sentencing will be deferred for 90
15 days and that the conditions of bond will remain in full force
16 and effect.

17 Any questions, gentlemen?

18 MR. MARTIN: No, ma'am, Your Honor.

19 MR. HUNNICUTT: No, Your Honor.

20 THE COURT: Okay. All right. Thank you all.

21 ADJOURNED

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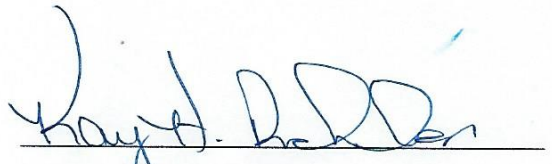
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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the plea hearing held in the case of State of South Carolina v. Matt Stevens, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on July 10, 2017, as reported by Dixie C. Eubank.

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



Kay H. Richardson
Official Court Reporter

March 24, 2021.

| | |
|----------------------------|----------------------------------|
| STATE OF SOUTH CAROLINA) | IN THE COURT OF GENERAL SESSIONS |
| COUNTY OF HORRY) | 2016-GS-26-03716 |
| The State, |) |
| |) |
| Plaintiff, |) Transcript of Record |
| |) |
| vs. |) April 12, 2018 |
| |) |
| Johnathan Matthew Stevens, |) |
| |) |
| Defendant. |) |

B E F O R E:

Honorable Benjamin H. Culbertson
Horry County Courthouse
Conway, South Carolina

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

O'Bryan Martin, Esquire
Attorney for Plaintiff

Daniel Hunnicutt, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

1 (There were no exhibits marked during the hearing.)

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1 (On the record, April 12, 2018. Defendant is sworn by
2 the clerk.)

3 MR. MARTIN: Thank you, Your Honor. This is the State of
4 South Carolina versus Johnathan Matthew Stevens. He's here on
5 true-billed indictment 2016-GS-26-03716. That is an
6 indictment for first degree burglary. The Defendant has
7 previously pled guilty, and I apologize I don't have the date,
8 Your Honor, from July, Your Honor, July 10th.

9 THE COURT: July 10th, 2017.

10 MR. MARTIN: Yes, Your Honor. He was sentenced and
11 entered a guilty plea on that date to the lesser included
12 charge of burglary second degree non-violent. We deferred
13 sentencing at the time because Mr. Stevens had offered, I
14 believe in an attempt to, to gain some consideration from the
15 State in his sentencing to work with officers of the Horry
16 County Drug Enforcement Unit in some ongoing investigations
17 that they had. I've been informed that Mr. Stevens has ceased
18 cooperation in working with the drug enforcement unit, which
19 is the reason why we brought him back at this time for
20 sentencing.

21 Your Honor, if I may, I'd like to go into a few details
22 of this crime here. There were also three other Codefendants
23 who were -- subsequently pled guilty, one who was tried and
24 sentenced in this case.

25 Back on April 16th of 2016 officers with the Horry County

1 Police Department were dispatched to [Address] in the
2 Green Sea area of Horry County here in reference to a burglary
3 that had already occurred. The victim in this case, Ms. Linda
4 Bryant, is here present in the courtroom today and would like
5 to address you at the right time. This was her home. The
6 residence had been burglarized. The inside of the house had
7 been trashed. In addition, there were two safes that were
8 stolen approximately containing \$2300 in cash, numerous items
9 of irreplaceable jury, vehicle titles, as well as a flat
10 screen TV and two weapons, including a Colt 22 revolver that
11 were taken out of the house.

12 Through subsequent investigation, officers determined
13 that in this case Mr. Stevens, along with the victim's
14 granddaughter in this case and two other confederates had
15 hatched the plan, and it's the State's allegation that Mr.
16 Stevens was the principal in this matter with the others being
17 his coconspirators to burglarize and rob Ms. Linda Bryant's
18 home, who was the residence of one of his Codefendants, a Ms.
19 Kayla Wright, who at the time was his girlfriend.

20 Subsequently after that, as I said, it's the police
21 belief as well as the State's that Mr. Stevens was the
22 principal in organizing this crime. He was the one who picked
23 out the victim. He's the one who chose the residence. He's
24 the one who directed others to commit the crime. They,
25 therefore, then carried out this crime for him. Once the

1 stolen property was removed from the home and left, the three
2 Codefendants in this case then met up with Mr. Stevens who was
3 some miles down the road and turned all of the stolen material
4 over to him, which he then took possession of and none of
5 which has been seen since.

6 His Codefendant in the case, like I said, was a Kayla
7 Gayle Wright, who is the victim's granddaughter. In this case
8 the State offered numerous plea offers to Ms. Wright in order
9 to gain her testimony against Mr. Stevens, who as I said the
10 State alleges is the principal in these crimes. She refused
11 to do so. She was tried in January of 2017 for first degree
12 burglary and grand larceny. She was convicted on those
13 charges, and Judge Gibbons at that time sentenced her to 24
14 years in prison, Your Honor. It was only after significant --
15 after those prison sentences and other developments, including
16 me going up to meet with Ms. Wright at the correctional
17 facility, in which she finally agreed to cooperate and offer
18 testimony against Mr. Stevens. It was only at that point when
19 he was about to go on trial for first degree burglary and once
20 he realized that the Codefendant, Ms. Wright, had been
21 convicted for, unwillingness to cooperate with the State
22 before, had now decided she wanted to cooperate with us, it
23 was only then in which he acquiesced to admitting a plea of
24 guilty to this crime, only before his plea day to go to the
25 Horry County Police and offer his assistance to them. Because

1 of the interest that the police had in him, I agreed at that
2 time to let him plead guilty to burglary second non-violent,
3 which was the first concession here made by the State.

4 THE COURT: Well, wait a minute. According to the
5 sentencing sheet he pled guilty to burglary second violent.

6 MR. MARTIN: That's right. I'm sorry.

7 THE COURT: Yeah.

8 MR. MARTIN: Violent. You're right. I, I apologize,
9 Your Honor. It's been a few months.

10 THE COURT: Right.

11 MR. MARTIN: It was at that time that he did enter the
12 plea. I allowed him to enter the plea then to the burglary
13 second violent and then deferred his sentencing so that he
14 could go out and conduct operations or do whatever the drug
15 enforcement unit or the Horry County Police had wanted him to
16 do.

17 From that involvement that he had with the drug
18 enforcement unit in this case, I have spoken with his case
19 agent who has informed me that initially Mr. Stevens was very
20 cooperative with them. He went out and made several
21 controlled buys for them leading to an arrest, but subsequent
22 to that, maybe I'm not sure what his reasons for it would be,
23 but that he became increasingly uncooperative with them,
24 always had an excuse, wouldn't pick up the phone, quit
25 providing relevant information, and it was after that time

1 they called and informed me that they had gone as far as they
2 could go with him. He wasn't providing any more services to
3 them for whatever reason, and so we've brought him back here
4 today for sentencing.

5 THE COURT: All right.

6 MR. MARTIN: The State in this case, Your Honor, is going
7 to make a recommendation sentencing range of six to the
8 maximum of ten years. It is the State --

9 THE COURT: I mean, the maximum is 15 years.

10 MR. MARTIN: 15, I apologize, Your Honor, of six to
11 -- six to 15 years. So like, as I said, the victim is here
12 and she would like to speak at that time, and I would just
13 mention that along with Ms. Wright's conviction there was a
14 second Codefendant, a Mr. William Antwan Gaskins, who also
15 pled guilty and received a five-year sentence in this case as
16 well.

17 THE COURT: All right.

18 All right. Mr. Hunnicutt, you represent Matt Stevens on
19 this charge?

20 MR. HUNNICUTT: That's correct, Your Honor.

21 THE COURT: Anything in mitigation?

22 MR. HUNNICUTT: Yes, Your Honor. I really feel that in
23 this case the State is trying to, to have its cake and, and
24 eat it, too. Contrary to, to what the State has, has told
25 you, Mr. Stevens has cooperated fully with the, with the DEU

1 and has given them as much information as he possibly could.
2 According to the agent that he worked for, he did do several
3 controlled buys, actually resulting in two arrests, one of a
4 fairly high level cocaine dealer and another one of a fairly
5 high level heroin dealer. On four to five occasions he was
6 able to buy cocaine between one and one and a half ounces.
7 Anybody who's selling that much is obviously fairly high up
8 the food chain, was able to purchase a quarter ounce of, of
9 heroin for them and resulting in charges against two separate
10 individuals. The reason that he has been unable to cooperate
11 with them much in the past few months is because his cover is
12 basically blown. It's a small community in the Loris area,
13 and the drug dealers are fairly smart in their own, their own
14 way, and nobody's willing to, to do anything with him anymore,
15 but he has done everything that he can do for the State and
16 not to -- not only has he helped them with the two, the two
17 arrests that they have been able to make, he's given them
18 untold amounts of information that they have used in various
19 ways to get other people.

20 Your Honor, obviously, we have a very bad drug problem,
21 not just in this county, in the state and in the country and
22 we need people to be willing to, to work with law enforcement
23 to, to help them. Nobody's going to be willing to do that if
24 they're looking at basically getting the same sentence they
25 would have got if they pled guilty anyway. Also, to

1 contradict the State just a little, there was an offer for him
2 to plead guilty to burg second up to the, the day of his
3 trial. There was never any -- I don't believe that was a
4 concession made for him to, to work with the police because
5 that was what had been offered from day, from day one, and so
6 that was --

7 THE COURT: So why did they defer sentencing?

8 MR. HUNNICUTT: The deferred sentencing was for him to
9 work with the police.

10 THE COURT: Okay.

11 MR. HUNNICUTT: And so the -- what we were told was that
12 if he worked with them that there would be a concession on his
13 sentence and now the State is asking for a sentence in a range
14 up to and including the maximum penalty. As the State pointed
15 out to you, one of his Codefendants pled guilty with no
16 assistance to the State and only received five years. We
17 believe, Your Honor, or I, I truly believe Mr. Stevens has,
18 has put his life and his family's safety on the line for the
19 State. You know, he had his reasons for doing it, but these
20 are the deals that have to be made to, to fight our drug
21 problem in this county, and nobody's going to be willing to,
22 to make those deals if the State's going to turn around and
23 come in and ask for the maximum sentence or even more of a
24 sentence than he probably would have got if we negotiated the,
25 the, the time in the first place.

1 We believe that Mr. Stevens deserves a chance to, to get
2 his life back together, and I would point out that it was,
3 even this crime that we're here for today, was a result of the
4 drug problems of, of not only Mr. Stevens but the people who
5 were his coconspirators, and so this is the underlying problem
6 that we're, we're trying to, to solve, and it needs to be
7 solved, and Mr. Stevens has, has tried to help in that regard,
8 and I feel as though -- I don't see how much more they could
9 have reasonably expected to have gotten out of him other than
10 two high level, high level drug busts. Mr. Stevens has heard
11 rumors that there are, there are people who are coming to, to
12 kill him or his family. He has small children and a wife, and
13 we would -- we'd like for him to have a chance to get his life
14 back together.

15 I firmly believe that the, the appropriate course of
16 action would be to give him a decent sentence but to suspend
17 it and give him probation to give him a chance to get his life
18 back together. If he's as bad as they think he is, then he
19 will screw up and he will end up serving that sentence.

20 I would point out if the Judge or if Your Honor, excuse
21 me, does choose to go with the State's recommendation, he has
22 done 23 months of house arrest, and we would ask that he get
23 credit for that, but Your Honor, in this particular case I
24 just cannot ask the Court to go with the, the State's
25 recommendation. I can't see how we could possibly give more

1 than the five years that a Codefendant who has not given so
2 much to the, the DEU, I don't see how we could justify giving
3 him more than, than that, and so we would ask Your Honor -- I,
4 I firmly believe that in this particular case, given the
5 cooperation that he has given to the State, that the, the time
6 served would, would be sufficient. I don't believe that it's,
7 it's fair to risk, even if we think that it's fair to risk his
8 life, it's not fair to risk the life of his, his family and
9 his children. They deserve a chance to start their life over
10 and that's what we would ask that the Court do.

11 THE COURT: All right. Mr. Stevens, anything you want to
12 say?

13 MR. STEVENS: No, sir.

14 THE COURT: All right. You said the victim wished to
15 speak?

16 MR. MARTIN: Yes, Your Honor.

17 THE COURT: All right. She needs to come forward. Yes,
18 ma'am, your name?

19 MS. BRYANT: Linda Bryant.

20 THE COURT: All right. Ms. Bryant, what would you like
21 to say?

22 MS. BRYANT: I'm sorry?

23 THE COURT: What would you like to say?

24 MS. BRYANT: Your Honor, this has been a long hard two
25 years, and you speaking of kids, I'm raising a five year old

1 that had to go in that night when the house was so demolished,
2 his little things gone. So I know all about kids. I've not
3 just lost what they took from me, I have a granddaughter that
4 is incarcerated. That hurts. I miss her. I love her, but
5 she's gone. All I want, Your Honor, I would love to feel some
6 peace in my heart that I could just get some justice because I
7 have chased you for two years, Matt. The first time I ever
8 met you was January the 10th, the day my mother died, and you
9 played me from there on, and I'm hurt, and I'm, I'm just now
10 devastated just bring up a child. I got the child from where
11 it was taken from your presence of abuse, a snatch order March
12 the 30th. I've got the child. Your Honor, it sickens me. I'm
13 sad. It's just like a death. You don't get over it. You
14 just don't get over it and that's just your games, and no,
15 they don't need a pat on the hand from me and anybody else
16 because this is not their first rodeo and won't be their last.
17 You can go and you can buy property and you can be building,
18 putting down swimming pools and everything else, but you go in
19 my house and you take what I got that I worked all my life for
20 that I can never get back, no. It makes me feel so, so sick.
21 That's every day of your life, and please, Your Honor, please,
22 thank you.

23 THE COURT: All right. Prior record?

24 MR. MARTIN: Just a second, Your Honor. Your Honor, he
25 has a 2004 assault and battery of a high and aggravated nature

1 where he was sentenced to five years that was suspended to
2 three years probation, in addition to, in addition to a
3 misdemeanor larceny in 2010 out of Whiteville, North Carolina,
4 in addition to a charge of assault, of assault with the
5 infliction of a serious injury in 2012. That's all I'm
6 showing, Your Honor.

7 THE COURT: All right.

8 MR. HUNNICUTT: Your Honor, Mr. Stevens did want me to
9 point out to you as well that he is a small business owner.

10 THE COURT: I've already heard. That's fine.

11 MR. HUNNICUTT: Thank you, Your Honor.

12 THE COURT: All right. Mr. Stevens, you have pled guilty
13 on July 10th, 2017, to the charge of burglary in the second
14 degree, being a violent classification. The sentence of the
15 Court is that you be confined to the State Department of
16 Corrections for 12 years. You'll get credit for any pretrial
17 detention, but not for the home detention. All right.

18 MR. MARTIN: Thank you, Your Honor.

19 THE COURT: Thank you.

20 (Adjourned.)

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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Hearing held in the case of The State versus Johnathan Matthew Stevens, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on April 12, 2018.

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

Grace L. Hurley, CVR-CM-M
Official Reporter

September 13, 2018.

STATE OF SOUTH CAROLINA

COUNTY OF Horry)
STATE VS.)

Matt Stevens)

AKA: Johnathan Matthew Stevens)

Race: WHITE Sex: M Age: 33)

DOB: DOB 1983 SS#: MINOR)

Address: MS Address)

City, State, Zip: Green Sea, SC 29545)

DL#: _____ SID#: SC01544376)

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Burglary, 2nd Degree, Violent (after 06/20/85) (0-15)

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

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.

ATTEN: [Signature] 102435 [Signature] 76139

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 12 days/months/years or under the Youthful Offender Act not to exceed X years

and/or to pay a fine of \$ X; provided that upon the service of X days/months/years and/or payment

of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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 State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-133

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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 (Assessments 107.5%) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 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 Renee N. Elvis

Court Reporter: Grace Hurley / CR: Dixie Eubank plea

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2603716

A/W#: 2016A2610500171

Date of Offense: 4/16/2016

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

CONVICTED OF or PLEADS

6-15 yrs.

2016 APR 22 PM 5:11
Horry County
FED

PTUP _____ days/hours Public Service Employment

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 \$ 25.00 beginning 5/12/2016

\$ _____ paid to Public Defender Fund

Other: _____

Sentence Deferred for 90 days
Conditions of Bond to Remain in
place. Per

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]

Judge Code: 2760 2148

Sentence Date: 7/10/17 April 12, 2015

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

June 28, 2021

s/Scarlet B. Moore

Scarlet B. Moore, #72534

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