

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

FILED
2023 JAN -3 AM 11:27

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

State of South Carolina,

Plaintiff,

v.

April Juliann Middleton,

Defendant.

Indictment No.(s): 2022-GS-08-00514

JEAN G. JERRY
CLERK OF COURT
BERKELEY COUNTY, SC

**ORDER ON STATE'S MOTION
FOR RECONSIDERATION**

RECEIVED

Jan 05 2023

SC Court of Appeals

Presiding Judge:	Hon. Deadra L. Jefferson
State's Attorney:	Kawohi Morris, Esq.
Defendant's Attorney:	Steve Davis, Esq.
Date of Hearing:	December 13, 2022
Court Reporter:	Melissa Singletary

This Motion was heard on December 13, 2022. Present at the hearing was Kawohi Morris, Esq. representing the State, Steve Davis, Esq. on behalf of the Defendant, the Defendant, April J. Middleton and Lakara Alston.¹ This matter came before the Court on the State's Motion for Reconsideration of Sentence, filed June 30, 2022 and received by the Court on June 30, 2022.² The Defense filed their response to the motion on July 20, 2022 and was received by the Court on July 20, 2022. The State asks the Court to reconsider the condition of the mutual restraining order it imposed with the consent of the parties on June 22, 2022.

Having considered the State's Motion for Reconsideration in its entirety, the Defendant's response as well as the various interests balanced by the Court at the time of the ruling, the State's Motion for Reconsideration of Sentence is Granted.

¹ Lakara Alston, the victim, was present and thanked the Court for the opportunity to address the Court.
² Defendant's Motion for Reconsideration of Sentence was timely filed and served upon the Court. See Rule 29, SCRCrimP ("Except for motions for new trials based on after-discovered evidence, post-trial motions shall be made within (10) days after the imposition of the sentence.").


1/10/23
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CONCLUSIONS OF LAW

“The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion.” State v. Warren, 392 S.C. 235, 238, 708 S.E.2d 234, 235 (Ct. App. 2011) (citing State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). A judge, “has broad discretion in sentencing within statutory limits.” Interest of Christopher H., 432 S.C. 600, 854 S.E.2d 853 (Ct. App. 2021) (quoting In re M.B.H., 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010)). Furthermore, a judge, “must be permitted to consider any and all information that reasonably might bear on the proper sentence for a particular defendant.” Id. The South Carolina Supreme Court has held, “it is proper for the trial judge, in open court, in the presence of the defendant, to inquire into any relevant facts in aggravation or mitigation of punishment,” notably, “the fullest information possible concerning the defendant’s life and characteristics.” State v. Cantrell, 250 S.C. 376, 379–80, 158 S.E.2d 189, 191 (1967) (citing Williams v. People of State of New York, 337 U.S. 241, 69 S. Ct. 1079 (1949)).

This Court finds that based on the withdrawal of the consent by the parties to the imposition of the mutual restraining order the Motion is granted. The sentence is amended and the condition of the mutual restraining order is amended to a restraining order. April J. Middleton is restrained from any contact direct or indirect or through social media with Lakara Alston. However, this restraining order is subject to any orders of the Family Court regarding the minor child shared by April J. Middleton and Terry Profit, Jr.

Having fully considered the State’s Motion for Reconsideration, the evidence presented at the hearing, as well as having fully reviewed the record and the various interests balanced by the

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Court at the time of the ruling, the State's Motion for Reconsideration of Sentence is hereby
Granted.

AND IT IS SO ORDERED.



Hon. Deadra L. Jefferson
Gen. Sessions Chief Administrative Judge
Ninth Judicial Circuit

December 27, 2022
Charleston, South Carolina
At Chambers

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