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Mar 31 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court of General Sessions**

Edward W. Miller, Circuit Court Judge

Case No(s): 2018GS2302547A, 2019GS2300600

Appellate Case No(s): 2023-000493

The State, Respondent,

v.

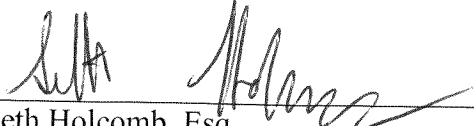
Jaquin Devonta Dodd, Appellant.

**AMENDED MOTION TO HOLD APPEAL IN ABEYANCE AND REMAND FOR A
HEARING ON THE MOTION TO RECONSIDER**

COMES NOW the Appellant, **Jaquin Devonta Dodd**, by and through his undersigned counsel, and moves this Court to hold his appeal in abeyance pending the outcome of his motion to reconsider. Counsel for Appellant timely filed a motion to reconsider on March 17, 2023 (attached) in Greenville County. Counsel for Appellant subsequently filed his appeal on March 24, 2023. Counsel for Appellant wants to ensure that the Greenville County Court of General Sessions retains jurisdiction to hear Appellant's motion to reconsider and, as a result, asks this court to hold the Appellant's appeal in abeyance and remand to the lower court for a hearing on Appellant's timely filed motion to reconsider.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: 
Seth Holcomb, Esq.

Bar No. 104908

Attorney for Defendant

305 E. North Street, Suite 123

Greenville, SC 29601

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March 31, 2023
Greenville, SC

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
)
The State of South Carolina)
)
Vs.)
)
Jaquin Davonta Dodd,)
Defendant.)

COURT OF GENERAL SESSIONS
INDICTMENT 2018GS2302547A, 2019GS2300600

MOTION TO RECONSIDER

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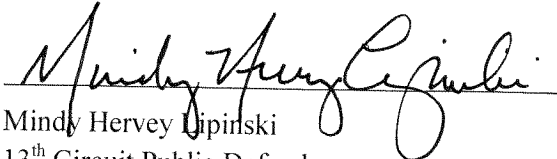
NOW COMES THE DEFENDANT, by and through his attorneys, Mindy Lipinski and Seth Holcomb of the 13th Circuit Public Defender's Office respectfully requesting this Court reconsider the ten (10) year sentence imposed on March 15, 2023.

1. Jaquin Dodd was originally arrested for the offense of Attempted Murder with multiple codefendants in February of 2018. After arrest, Mr. Dodd cooperated freely and gave a statement to law enforcement regarding what he knew and saw and was released on a \$25,000 bond.
2. There was never any allegation that this Defendant was armed.
3. All evidence was consistent that this Defendant was a minor player as a rear passenger of the non-shooting car.
4. At the sentencing hearing, the State acknowledged that the Defendant's testimony was most consistent of the three testifying codefendants.
5. Despite a lesser role and greater consistency, the Defendant was sentenced substantially similar to his two codefendants, Damous Beasley and Justin Miller who received ten and twelve years respectively.
6. While the State pointed to both other codefendants having to be impeached regarding their testimony with videotape evidence of their interviews; that was not the case of Mr. Dodd. For Dodd, the State merely expressed dissatisfaction to some of his answers on cross-examination. In fact Mr. Dodd confirmed many aspects of his statement that day regarding the events leading up to the shooting. The question to which the State took exception was a long compound question on cross examination, to which Mr. Dodd replied, "no." The Defense submits that the Dodd's answers were more a result of nervousness, confusion, and failing to follow compound questions than disrespect or obstruction.

7. As previously related to the Court, Mr. Dodd had educational deficits and had an IEP in place while in school. The Defense offers this to add context to his answers and tone with the court.
8. Since this event, the Defendant has secured gainful employment and only been arrested for minor traffic and marijuana charges.
9. The United States Supreme Court has recognized the constitutional principle of proportionality since Weems v. United States, 217 U.S. 349, 30 S. Ct. 544, 54 L. Ed. 793 (1910). In Robinson v. California, 370 U.S. 660, 82 S. Ct. 1417, 8 L. Ed. 2d 758 (1962), the U.S. Supreme Court recognized that even a ninety-day sentence may be disproportionate or cruel and unusual when the offense was a minor drug possession. In Solem v. Helm, the Supreme Court identified objective factors to guide the Court in reviewing proportionality under the Eighth Amendment, such as: 1) the gravity of the offense versus the harshness of the penalty, 2) the sentences imposed on similarly situated defendants in other jurisdictions, 3) the sentences imposed on similarly situated defendants in the same jurisdictions. Accordingly, the Defense asks that the Court reconsider its sentence in proportion to those sentences imposed against his co-defendant who were both more culpable and less cooperative and against similarly situated codefendants in other cases.
10. The Defendant requested access to the transcript of his testimony but was unable to secure the same from the State or Court Reporter prior to filing deadline. The Defense requests leave to modify the Motion upon receiving the same.

WHERE, the Defendant was the least culpable on the charges and provided the most consistent testimony of the three codefendants, the Defense respectfully submits the Defendant's sentence should be proportionally if not substantially less. The Defense does humbly request reconsideration of his sentences and a proportional downward departure from his codefendants.

Sincerely,


Mindy Hervey Lipinski
13th Circuit Public Defender
SC Bar #14704

This the 17th day of March, 2023
Greenville, S.C.