

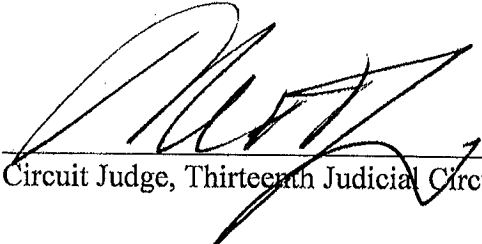
THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
CHRISTOPHER STEPHEN QUICK,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment Nos.:
2019A2310100558
20-4140
ORDER DENYING STATE'S MOTION
RECONSIDER SENTENCE

23 OCT 4 PM 10:25
Brice Barrett, J.C. CIVIL SC

WHEREAS, the above defendant, **Christopher Quick**, was before the Honorable Alex Kinlaw Jr., in a motion hearing on September 1st, 2023 on State's motion to reconsider his sentence. Mr. Quick pled guilty on the above warrant and was sentenced by the Honorable Alex Kinlaw Jr. on August 8th, 2023. Subsequently, the State filed a motion to reconsider that sentence on August 17th, 2023. After consideration of all arguments from the State and the Defendant, the State's motion to reconsider the Defendant's sentence is DENIED.

AND IT IS SO ORDERED.



Circuit Judge, Thirteenth Judicial Circuit

Greenville, South Carolina
This 2 day of October, 2023

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Oct 16 2023
SC Court of Appeals

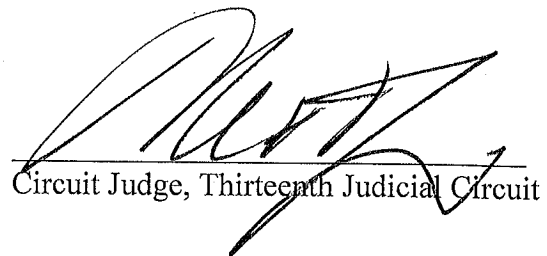
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2023 OCT 16 10:25
BPC GREENVILLE SC

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AND IT IS SO ORDERED.


Circuit Judge, Thirteenth Judicial Circuit

Greenville, South Carolina
This 2 day of October, 2023

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Oct 16 2023
SC Court of Appeals

2019A2310100 558

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
)
THE STATE OF SOUTH CAROLINA)
)
v.)
)
CHRISTOPHER S. QUICK,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

Indictment No.: 2020GS2304140

MOTION TO RECONSIDER

2023 OCT 17 PM 2:42
BROCKWAY COURT HOUSE
GREENVILLE, SC

COMES NOW, the State, who by and through their representative, Anthony McCollum, Jr., and pursuant to Rule 29 of the S.C. Rules of Criminal Procedure, hereby moves this Court to reconsider the sentence ordered during the Defendant's General Sessions guilty plea hearing on the above-referenced indictment.

The Defendant, Christopher Stephen Quick, plead guilty before the Honorable Alex Kinlaw, Jr. on August 7, 2023 to a charge of Criminal Sexual Conduct with a Minor, 2nd degree. The Defendant was sentenced to 20 years suspended to 10 years in the South Carolina Department of Corrections. The Defendant's active sentence would be followed by probation for a period of 5 years where he would be required to complete Sex Offender Counseling. The Court ordered that this Defendant be given credit for 992 days that he spent on GPS monitoring prior to his conviction.

It is the position of the State that the 992 days credited to the Defendant for his time on GPS monitoring is not appropriate. GPS monitoring is not considered "monitored house arrest" under South Carolina Code §24-13-40. The relevant portion of §24-13-40 states in part, "In every case in computing the time served by a prisoner, 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." It is recognized under South Carolina jurisprudence that "penal statutes

I certify this and any attachments to be complete, exact, and true copy(s) of the original document(s).

Alice Cooper
Clerk of Court C.P. & G.S.
Greenville, SC
Dated 10/12/2023

DKM

are to be construed 'strictly against the State and in favor of the defendant.'" Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991). "It is well established that in interpreting a statute, the court's primary function is to ascertain the intention of the legislature. When the terms of the statute are clear and unambiguous, the court must apply them according to their literal meaning. Furthermore, in construing a statute, words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation." State v. Leopard, 349 S.C. 467, 471, 563 S.E.2d 342, 344 (Ct.App.2002).

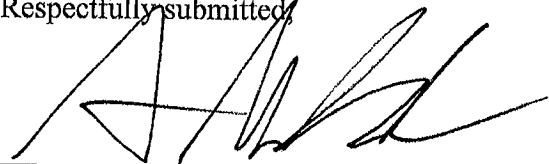
It is clear from the language in §24-13-40 that the terms of the statute are unambiguous. Therefore, the Court must apply the literal, plain, and ordinary meaning of the words in the statute. In determining the literal, plain, and ordinary meaning of the words at issue in the statute, we can look to *The American Heritage Dictionary of the English Language* which defines monitor as "to keep watch over" or "To keep track of by means of an electronic device". **The American Heritage Dictionary of the English Language 848 (William Morris ed., 1975).** The Dictionary defines house arrest as "confinement to one's domicile by administrative or judicial order". **The American Heritage Dictionary of the English Language 638 (William Morris ed., 1975).**

In the present case, the Defendant as a condition of his bond was ordered to be placed on a GPS monitor with an exclusionary zone around the victim's residence and the Defendant was also ordered to have no contact with the victim either directly or indirectly. It is evident from the conditions stated on this Defendant's bond paperwork [**See attached**] that the Defendant was able to move about the jurisdiction free from any confinement to his home as long as he maintained no contact with the victim and stayed away from the exclusionary zone. Given the above facts, the Defendant should not be entitled to the grant of the time he spent on GPS

electronic monitoring prior to his conviction because it does not comport with the plain language of §24-13-40 of the South Carolina Code of Laws.

WHEREFORE, the State respectfully requests that this Court amend the sentencing sheet on the above captioned indictment to remove the credit given to the Defendant for time spent on GPS monitoring or in the alternative the Court order a hearing to be scheduled to reconsider the grant of credit for the days spent on GPS monitoring at the imposition of sentence for the Defendant's guilty pleas to Criminal Sexual Conduct with a Minor, 2nd degree.

Respectfully submitted,



Anthony J. McCollum, Jr. – Assistant Solicitor
Thirteenth Judicial Circuit-Greenville County
305 East North Street – Suite 325
Greenville, SC 29601
SC Bar # 103761

Dated: August 17, 2023
Greenville, South Carolina

CERTIFICATE OF SERVICE

I HEREBY certify that a true copy of the foregoing has been furnished by hand or by U.S. mail to Rachel A. Kepley, Esq. at the Office of the 13th Circuit Public Defender, 305 E. North Street, Suite 123, Greenville, SC 29601.

23 AUG 17 PM 2:43
Erica Garrett, CDP 841, SC

Respectfully submitted,



Anthony J. McCollum, Jr. – Assistant Solicitor
Thirteenth Judicial Circuit-Greenville County
305 East North Street – Suite 325
Greenville, SC 29601
SC Bar # 103761

Dated: August 17, 2023
Greenville, South Carolina