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**Nov 02 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2022GS2401428

The State of South Carolina,

Respondent,

v.

Detavious Cunningham,

Appellant.

EXPLANATION OF APPEAL

On October 31, 2023, Defendant plead guilty to a trafficking in cocaine base second offense for a negotiated 16-year sentence.

On November 2, 2023, Defendant moved for reconsideration of the Court's treatment of the sentence as a second offense. Defendant argued that the Court misinterpreted S.C. Code Ann. § 44-53-470 based on his 2010 conviction on 2007-GS-24-01107.

The Court overruled this motion to reconsider. Defendant appeals his sentence and ruling on the motion to reconsider.

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