

WRITTEN EXPLANATION OF ISSUE TO BE REVIEWED ON APPEAL ATTACHED TO THE NOTICE OF APPEAL FROM THE SENTENCE IMPOSED BY THE COURT OF GENERAL SESSIONS

The State,

John E. Kronenberger,

vs.

Respondent,

Appellant

Indictment Number 2023GS1802385
Warrant Number 2023A18102013667

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SC Court of Appeals

The issue to be reviewed on appeal is as follows. The Appellant pled guilty to manslaughter and the sentencing court abused its discretion in sentencing him to the maximum sentence of 30 years, suspended on the service of 22 years. The Court failed to consider the wide statutory sentencing range of two to thirty years and did not make a reasonable assessment based on the facts presented at the plea hearing. The Sentencing Court failed to impose a sentence sufficient, but not greater than necessary to comply with four controlling factors: (1) the need to reflect the seriousness of the offense, promote respect for the law, and to provide just punishment for the offense; (2) to afford adequate deterrence to criminal conduct; (3) to protect the public from further crimes of the defendant; (4) to provide the defendant with needed educational training, medical care, or other correctional treatment. The Appellant presented the following mitigating factors: (1) the Decedent was highly intoxicated, almost three times over the legal limit; (2) the Decedent made a threat towards the Defendant and an incapacitated third party; (3) the Defendant sought to diffuse the threat; (4) the Defendant came to the aid of the incapacitated victim of assault by Decedent; (5) the Decedent's death resulted from blunt force from the hands of the Defendant and no weapons were involved; (6) the Defendant is a 63 years old retiree with no significant prior record, diagnosed with untreated Stage IIB prostate cancer; (7) the State did not challenge or refute any of the facts proffered by the Appellant. These mitigating circumstances were ignored by the Sentencing Court and therefore it abused its discretion.