



13TH CIRCUIT PUBLIC DEFENDER

Mindy Hervey Lipinski, CIRCUIT PUBLIC DEFENDER

Greenville Public Defender Office
Greenville County Courthouse
305 East North Street, Suite 123
Greenville, SC 29601 | (864) 467-8522

Greenville Juvenile and Magistrate Office
Greenville County Family Court Complex
350 Halton Road, Suite 300
Greenville, SC 29607 | (864) 467-8330

Pickens Public Defender Office
Pickens County Courthouse
214 East Main Street, Suite 310
Pickens, SC 29671 | (864) 467-8025

July 1, 2025

Via Email to ctappfilings@sccourts.org

Catherine S. Harrison, Chief Deputy Clerk
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

Jul 01 2025

SC Court of Appeals

Re: State v. David L. Thompson
Appellate Case No. 2025-001260

Dear Ms. Harrison:

In response to your letter dated June 26, 2025, enclosed is a copy of the June 10, 2025 order on appeal (Order Denying Defendant's Motion for Early Parole Eligibility). We are also enclosing copies of additional documents as follows:

- Order Denying Motion to Reconsider;
- Order Rescinding Order of October 4, 2024; and
- 2nd Amended Order Regarding Defendant's Motion to Reconsider.

Please let us know if you need any additional information.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER

By: 

Paul Neely, Esq.

Greenville County Public Defender

305 East North Street, Suite 123

Greenville, SC 29601

Attorney for Appellant

Enclosures

cc: Alan M. Wilson, Esq. (w/encls. via email)
Melody Jane Brown, Esq. (w/encls. via email)
Fredrick F. Fisher, Esq. (w/encls. via email)
Robert Michael Dudek, Esq. (w/encls. via email)

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

STATE OF SOUTH CAROLINA,

vs.

DAVID LAMAR THOMPSON
Defendant.

) IN THE COURT OF GENERAL SESSIONS
) THIRTEENTH JUDICIAL CIRCUIT

)
)
) 2015-GS-23-04584
)
)
)

)
) **ORDER DENYING**
) **DEFENDANT'S MOTION**
) **FOR EARLY PAROLE ELIGIBILITY**
)

JAY GRESHAM CDC GUL SC
25 JUN 10 AM 9:35

On May 23, 2014, the Defendant went to the home of the victim, Jennifer Youngblood, and stabbed her seventeen times, resulting in her death. The Defendant was charged with murder and possession of a weapon during the commission of a violent crime. At trial, the Defendant admitted to killing Ms. Youngblood, but denied doing so with malice aforethought. On September 16, 2015, the jury returned a verdict finding the Defendant guilty of voluntary manslaughter and possession of a weapon during the commission of a violent crime. The trial judge, Judge James R. Barber, III, sentenced the Defendant to thirty (30) years for voluntary manslaughter and a consecutive five (5) years for possession of a weapon during the commission of a violent crime. The Defendant filed a post-trial Motion to Reconsider Sentence on September 28, 2015. Inexplicably, the Defendant's Motion to Reconsider Sentence was never heard or otherwise addressed by the trial judge. The Motion was two-pronged: a motion to reconsider the sentence, and a motion for early parole eligibility under S.C. Code section 16-25-90. The first prong of the Defendant's Motion was disposed of by this Court's 2nd Amended Order Regarding Defendant's Motion to Reconsider dated November 16, 2024. The remaining issue before the Court is whether the Defendant is eligible for early parole under S.C. Code section 16-25-90.

For purposes of the Defendant's Motion, S.C. Code section 15-25-90 states, "[A]n inmate who was convicted of . . . an offense against a household member is eligible for parole after serving one-fourth of his prison term when the inmate . . . presented credible evidence of a history of criminal domestic violence, as provided in Section 16-25-20, suffered at the hands of the household member." The burden is on the Defendant to prove a history of criminal domestic violence by a preponderance of the evidence. *State v. Blackwell-Selim*, 392 S.C. 1, 707 S.E.2d 426 (2011) (citing *State v. Grooms*, 343 S.C. 248, 540 S.E.2d 99 (2000)). The "use of the term 'credible evidence' indicates the legislature intended the defendant's evidence to be, in fact, trustworthy, not simply plausible." *Id.* at 4, 707 S.E.2d at 428.

Under S.C. Code Section 16-25-20, applicable at the relevant time period as it is today, it was and is unlawful to "(1) cause physical harm or injury to a person's own household member; or (2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril." Ms. Youngblood was arrested and charged with criminal domestic violence of a high and aggravated nature under S.C. Code Section 16-25-65 on or about August 20, 2013, under warrant number 2013A2330207061. The Defendant was the alleged victim. Ms. Youngblood was never indicted or convicted on that charge. She never entered a guilty plea, nor made any admission or confession regarding that charge. The charge was still pending at the time Ms. Youngblood was killed by the Defendant on May 23, 2014. At his September 14 through 16, 2015, trial for murder and possession of a weapon during the commission of a violent crime, the Defendant attempted to offer evidence regarding the allegations of criminal domestic violence against Ms. Youngblood. Ms. Youngblood, of course, did not have an opportunity to defend herself. In order to determine

whether or not the Defendant is eligible for early parole under Section 16-25-90, the Court is left to rely, in large part, on the transcript of the Defendant's trial.

In order to prove a history of criminal domestic violence, the Defendant must prove that he and Ms. Youngblood were "household members" as defined under S.C. Code Section 16-25-10(3). The Defendant and Ms. Youngblood were not and had never been married. They had no children in common. Thus, the only possible manner in which the Defendant and Ms. Youngblood could be deemed as household members was if they were "cohabiting or formerly have cohabited." S.C. Code Section 16-25-10(3)(d). Maria Usma, Ms. Youngblood's mother and in whose home she resided, testified that the Defendant never lived with them. Transcript of Trial, p. 56, ll. 22-23. Jackeline Zuniga, Ms. Youngblood's sister who also resided in the home, testified that the Defendant stayed with them for "[p]robably like a month or two" in 2008 or 2009, when Zuniga would have been ten or eleven years old. Transcript of Trial, p. 59, l. 23 – p. 60, l. 10. There was no evidence that the Defendant formally resided in Usma's home, such as receiving mail at the home, a change of address with the Department of Motor Vehicles, or a lease. The Court finds that the Defendant has not established cohabitation by a preponderance of the evidence.

Moreover, aside from the Defendant's testimony on his own behalf, there is scant evidence of a history of criminal domestic violence by Ms. Youngblood against the 6-foot 7-inch Defendant. The Defendant's own statements to third persons involved in the 2013 case against Ms. Youngblood contradict his subsequent testimony at trial. Stan Overby was an assistant solicitor with Thirteenth Circuit's Solicitor's Office at the time, and was assigned to prosecute the case against Ms. Youngblood. At the Defendant's trial, Overby testified that the Defendant had told him Ms. Youngblood actually did not cut the Defendant as initially alleged. Transcript of Trial, p. 244, ll. 6-12. On May 23, 2014, the very day that he killed Ms. Youngblood, the Defendant

called her attorney's office and spoke to Pat Nix, an employee at the office. Nix testified that the Defendant "advised [her] that he did not want Ms. Youngblood to go to jail, that it was all a misunderstanding and that he did not want her to do any jail time." Transcript of Trial, p. 246, ll. 13-22.

During his case-in-chief, the Defendant testified that, during his six-year on-again off-again relationship with Ms. Youngblood, their relationship only ever got physical on the date of the alleged criminal domestic violence and the day he killed her. Transcript of Trial, p. 258, ll. 12-14. The Defendant alleged that Ms. Youngblood struck him while he was driving in August 2013. Transcript of Trial, p. 259, ll. 9-16. The Defendant denied calling the police to report this alleged incident. Transcript of Trial, p. 262, ll. 17-22. During the State's reply, Sarah Napolitano, the officer who obtained the warrant for Ms. Youngblood, testified that Defendant called the police, and that the alleged assault had occurred at an apartment. Transcript of Trial, p. 311, l. 18 – p. 312, l. 5. At the time of the alleged criminal domestic violence, the Defendant was "loaded, drinking and everything" and, at trial, was unable to describe how he got cut. Transcript of Trial, p. 262, ll. 4-11. The Defendant testified that he had actually been in possession of a box cutter that day. Transcript of Trial, p. 291, ll. 8-9. Sergeant Ramon Rivera testified that the Defendant told him that he, the Defendant, got the scars on his arm from cleaning out a fryer at an old job, only to later say he got them from his work as a bouncer. Transcript of Trial, p. 317, ll. 9-19. No other witness to the alleged incident the Defendant relies on testified at trial. Contrary to his prior testimony, the Defendant then testified that there was one other occasion of physical altercation with Ms. Youngblood for which Ms. Youngblood was charged with criminal domestic violence. Transcript of Trial, p. 263, l. 12 – p. 264, l. 10. However, he previously omitted this allegation, and there is no court record of any other criminal domestic violence charge filed against Ms.

Youngblood. The Defendant also testified that he considered dropping Ms. Youngblood's pending charges if she paid him, and that they discussed this potential arrangement on the day that he killed her, after he had consumed a half gallon of vodka, twenty-four beers, heroin and opiates. Transcript of Trial, p. 271, l.8 – p. 273, l. 21. Sergeant Rivera, however, did not observe any level of intoxication while interviewing the Defendant on that date. Transcript of Trial, p. 313, ll. 20-21.

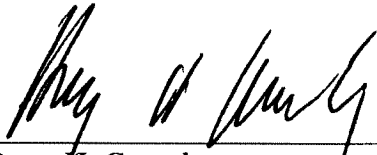
The Defendant's testimony in his own defense was inconsistent, and was often contradicted by his own prior statements. On cross-examination, Sergeant Rivera was asked, "Is it fair to say that everything [the Defendant] told you was a lie and didn't make any sense?" Sergeant Rivera answered, "Yes." Transcript of Trial, p. 318, ll. 17-19. On redirect, Sergeant Rivera acknowledged, "Some of it was true, but it was constantly changing throughout the course of the interview." Transcript of Trial, p. 318, ll. 24-25. Throughout his testimony, the Defendant blamed his intoxication for his failure to recall the details of his killing of Ms. Youngblood, and for his lying to investigators thereafter. With respect to the criminal domestic violence allegation against Ms. Youngblood, the Defendant testified that he was "loaded" at the time, and was unable to explain how he had been injured. Although the jury found that the State did not meet its burden of proving the Defendant killed Ms. Youngblood with malice aforethought, it should not be inferred that the jury found the Defendant credible.

In addition to finding that the Defendant and Ms. Youngblood were not "household members" under S.C. Code Section 16-25-10, the Court also finds that there is not sufficient credible evidence proving a history of Ms. Youngblood causing "physical harm or injury" to the Defendant. Merriam-Webster defines history, as applicable in the present case, as "an established record." The Defendant's one unsubstantiated allegation is not sufficient to prove an established

record of criminal domestic violence. Therefore, the Court finds that the Defendant has failed to present credible, trustworthy evidence of a history of criminal domestic violence suffered at the hands of Ms. Youngblood. Therefore, the Defendant is not be eligible for early parole under S.C. Code Section 16-25-90.

For the foregoing reasons, the Defendant's Motion For Early Parole Eligibility Pursuant to S.C. Code Section 16-25-90 is hereby DENIED.

It is so Ordered.



Perry H. Gravely
Circuit Court Judge
Thirteenth Judicial Circuit

June 9, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

State of South Carolina

Plaintiff,

v.

David Lamar Thompson

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Warrant Nos: 2014A2330204658/59

**ORDER DENYING MOTION
TO RECONSIDER**

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Erice Barrett COC 6UL SC

The Defendant filed a Motion to Reconsider his sentence from September 16, 2015. This case is in an interesting posture. The Motion was filed on September 28, 2015 but was never scheduled or heard and the trial judge has since retired. Further, the attorney for the State and Defendant have since left their respective offices. So, it has now been presented to me as the Chief Administrative Judge for General Sessions to address. A hearing was held on August 23, 2024 to determine how to proceed in light of the delay in the matter being scheduled. At the hearing, the State was represented by Rick Fisher, Assistant 13th Circuit Solicitor and Defendant was represented by Paul Neely of the 13th Circuit Public Defender's office.

A brief summary of the relevant history of the case is as follows. On September 16, 2015, a jury found the Defendant guilty of manslaughter and possession of a weapon during the commission of a violent crime. On September 16, 2015, Judge James R. Barber, III, the presiding Judge sentenced the Defendant to 30 years on the manslaughter and 5 years on the possession of a weapon during commission of a violent crime, to be served consecutively. The Defendant filed a Motion to Reconsider Sentence on September 28, 2015 requesting a reduction based on S.C. Code §16-25-90. Even though the Motion was filed back in 2015, it was never set

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nor addressed prior to Judge Barber's retirement. Now, the Motion has been resurrected and is before me as Chief Administrative Judge. As a threshold question, the Court must determine who has the authority to address the Motion in light of the retirement of Judge Barber. There is not much direction on the criminal side, but there is case law and rules on the civil side for persuasive authority. Rule 63, South Carolina Rules of Civil Procedure provides for the assignment of a "successor judge" in certain circumstances. The cases addressing disability of a judge relate to the interpretation of Civil Rule 63 and may not be applicable to a criminal proceeding. In review of this matter, the Court has determined that as Chief Administrative Judge for General Sessions, I have the authority to address the procedural posture of this case without the necessity of addressing the actual merits of the Defendant's Motion.

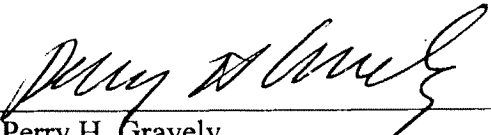
First, the Court must determine if Defendant's Motion is properly before the Court. Rule 29, South Carolina Rules of Civil Procedure provides "[e]xcept for motions for new trials based on after-discovered evidence, post-trial motions shall be made within ten (10) days after the imposition of the sentence." The deadline imposed by Rule 29 must be strictly followed to grant the Court jurisdiction to hear such post-trial motions. "The court does not retain authority to entertain a motion which is not made within ten days of sentencing." *State v. Warren*, 392 S.C. 235, 236 (Ct App 2011). In this case, the "imposition of the sentence" was on September 16, 2015. (See Sentencing sheets attached Ex A-1 and A-2). The motion was not filed until September 28, 2015, 12 days later and past the deadline set forth in Rule 29. Therefore, this Court finds it has no authority to hear the Motion.

Based on Defendant's failure to timely file the Motion to Reconsider, it is not necessary to address the merits of Defendant's Motion and thus Defendant's Motion is respectfully denied.

It is so Ordered.

October 2, 2024

Greenville, S.C.



Perry H. Gravely
Chief Administrative Judge-General Session
13th Judicial Circuit

STATE OF SOUTH CAROLINA

COUNTY OF Greenville VS. STATE

David Lamar Thompson

AKA:

Race: BLACK Sex: M Age: 26

DOB: 11-22-1988 SS#: 250-75-2875

Address: 200 Ashe Dr Apt B-3

City, State, Zip: Greenville, SC 29617

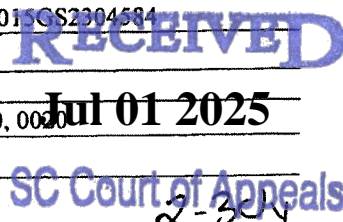
DL#: 100821478 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Voluntary Manslaughter

IN THE COURT OF GENERAL SESSIONS 1049248

INDICTMENT/CASE#: 2015CS2304584
A/W#: 2014A2330204658
Date of Offense: 5/23/2014
S.C. Code §: 16-03-0010, 0020
CDR Code #: 0116



SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Munson, Judy SC Bar# 64040 Defendant; Attorney for Defendant SC Bar# 100238

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. (476 DAYS)
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with columns for description, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$138.90

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul B. Wickens
Court Reporter: C. Smith

Presiding Judge Judge Code: Sentence Date: 9/16/15

STATE OF SOUTH CAROLINA

COUNTY OF Greenville VS. STATE

David Lamar Thompson

AKA:

Race: BLACK Sex: M Age: 26

DOB: 11-22-1988 SS#: 250-75-2875

Address: 200 Ashe Dr Apt B-3

City, State, Zip: Greenville, SC 29617

DL#: 100821478 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS2304584 COUNT TWO

A/W#: 2014A2330204659

Date of Offense: 5/23/2014

S.C. Code §: 16-23-0490

CDR Code #: 0549

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SENTENCE SHEET

5 years SC Court of Appeals

CONVICTED OF or PLEADS

PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Munson, Judy SC Bar# 64040 Defendant

Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 days/months/years of under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 9/16/15 2015 GS 2304584

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning

*Fine: \$ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$ 25.00

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 1339.00

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Paul B. Wickham

Court Reporter: C. Smith

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2110

Sentence Date: 9/16/15

Ex A-2

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

State of South Carolina

Plaintiff,

v.

David Lamar Thompson

Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Warrant Nos: 2014A2330204658/59

ORDER RESCINDING ORDER

OF OCTOBER 4, 2024

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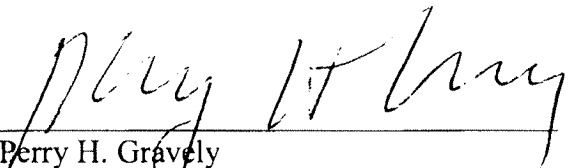
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SC Court of Appeals

Upon further review of this matter, the Court, *sua sponte*, rescinds its Order issued on October 4, 2024 Denying Defendant's Motion to Reconsider. The Court has determined that the Defendant's Motion needs further consideration before a final determination can be made.

It is so Ordered.

October 12, 2024
Greenville, S.C.


Perry H. Gravely
Chief Administrative Judge-General Session
13th Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
State of South Carolina

v.

David Lamar Thompson

Defendant.

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

Warrant Nos: 2014A2330204658/59

**2nd AMENDED
ORDER REGARDING DEFENDANT'S
MOTION TO RECONSIDER**

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Jul 01 2025

24 NOV 18 PM 4:55
Office: Barrett 000 001 30

The Defendant filed a Motion to Reconsider his sentence on September 16, 2015. This Motion was filed on September 28, 2015 but was never scheduled or heard by the trial judge who has since retired. Further, the attorney for the State and Defendant have since left their respective offices. A hearing was held on August 23, 2024 to determine how to proceed in light of the delay in the matter being scheduled. At the hearing, the State was represented by Rick Fisher, Assistant 13th Circuit Solicitor and Defendant was represented by Paul Neely of the 13th Circuit Public Defender's office. The Court has also held a conference with Counsel before making a preliminary ruling on this matter.

On September 16, 2015, a jury found the Defendant guilty of manslaughter and possession of a weapon during the commission of a violent crime. On September 16, 2015, Judge James R. Barber, III, sentenced the Defendant to 30 years on the manslaughter and 5 years on the possession of a weapon during commission of a violent crime, to be served consecutively. The Defendant filed a Motion to Reconsider Sentence on September 28, 2015, but the Motion was never addressed by the trial judge and "fell through the cracks" until it was resurrected in connection with a federal action filed by the Defendant.

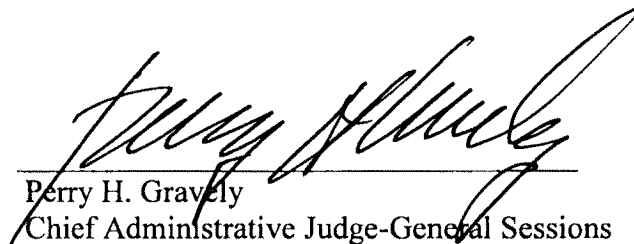
As a threshold question, the Court must determine who has the authority to address the Motion in light of the retirement of Judge Barber. The Court was unable to find any authority on the criminal side, but there is case law and rules on the civil side. Rule 63, South Carolina Rules of Civil Procedure provides for the assignment of a "successor judge" in certain circumstances. The cases addressing disability of a judge relate to

the interpretation of Civil Rule 63 and may not be applicable to a criminal proceeding. Further, the second part of the Defendant's Motion addresses parole eligibility and may be asserted in a post-conviction proceeding. After consideration of the Motion and since a final judgment was entered with the sentence, this Court finds that the Chief Administrative Judge for General Sessions has authority to address Defendant's Motion in light of the retirement of the Trial Judge.

The Motion presents 2 distinct issues. The first one requests the Court to consider additional information for mitigation that counsel "failed to raise at sentencing, and ...neglected to give members of Mr. Thompson's family an opportunity to speak on his behalf." In addition to the time lapse, the Court does not find that this is an appropriate basis for a new hearing or reconsideration of the sentence. Therefore, the Defendant's Motion to present additional mitigation information and reconsider the sentence is denied.

The second issue raised by Defendant's Motion relates to his eligibility for early parole pursuant to S.C. Code §16-25-90. This statute provides that an "inmate" may be eligible for early parole if he presents "credible evidence of a history of criminal violence...suffered at the hands of the household member". The statute also provides that this can be addressed at the time "he was convicted of an offense against a household member, or in post-conviction proceedings pertaining to the ...conviction." Therefore, the Court finds that it has the authority to address the Defendant's Motion for early parole eligibility under §16-25-90 and the Court order that a hearing be scheduled for the presentation of evidence pursuant to the statute and this Court will retain jurisdiction to hear this matter.

It is so Ordered.



Perry H. Gravely
Chief Administrative Judge-General Sessions
13th Judicial Circuit

November 16, 2024
Greenville, S.C.