

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER) FIRST JUDICIAL CIRCUIT

THE STATE

VS.

Joseph Kyrese Myers,

DEFENDANT.

Case Nos.: 2024-GS-18-01500, 01501

ORDER

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Mar 12 2026

SC Court of Appeals

This matter came before the Court on February 23, 2026 upon the Defendant's Motion to Reconsider Sentence or Vacate Guilty Plea. At this hearing the State was represented by Assistant Solicitor W. Baker Allen; the Defendant was represented by Glenn Justis. Defense counsel provided an information packet, which the Court reviewed. The State offered photographs, which were also reviewed. These items were entered into the record as exhibits for each side. The Court also heard statements from both the Defendant's family and the victim's family, as well as from the Defendant himself.

Defendant was originally charged with felony DUI resulting in death and felony DUI resulting in great bodily injury. The State subsequently directly indicted the Defendant for driving while a habitual traffic offender (HTO) resulting in death, assault and battery of a high and aggravated nature (ABHAN), and reckless homicide. On February 4, 2025, Defendant Myers plead guilty pursuant to a negotiated plea agreement to HTO resulting in death and ABHAN with a negotiated sentencing range from 20 to 30 years. The Court accepted the negotiated plea agreement. Following presentations by the State and the defense, the Court sentenced Mr. Myers to 20 years for the HTO resulting in death charge and 10 years for the ABHAN charge to be run consecutively. Additionally, there was a probation violation in which the Defendant was sentenced to five years to run concurrent with the two other charges. As part of the plea

agreement, the State dismissed numerous pending charges across four different counties, which number approximated twenty.

It is uncontroverted that the sentence imposed by the Court was within the negotiated range.


Defendant asks the Court to reduce this sentence, arguing the factors outlined in State v. Kiser, 288 S.C. 441, 343 S.E.2d 292 (1986). Having considered the factors outlined in Kiser, the Court finds that the original sentence imposed was appropriate in light of the unique factors involved in this case, including the Defendant's lengthy history of pending charges and convictions, many of which are DUIs and HTOs, as well as the fact that the Defendant was on probation at the time of the incident. The Court finds that due to the loss of life and severe injury suffered in this matter, the gravity of the offense supports the imposed sentence. Furthermore, the comparative sentences provided by defense counsel demonstrate great variety across sentences within this jurisdiction and outside of the jurisdiction. The details of each comparative sentence are largely unknown, as each case presents unique details that a sentencing court must consider. Nevertheless, the sentence in this matter is within that wide range and the particular facts of this case support the original sentence. For these reasons, as well as those discussed by the Court during the hearing, the Defendant's Motion is respectfully DENIED.

IT IS SO ORDERED.



The Honorable Diane Goodstein
Presiding Judge
First Judicial Circuit

3/3/2026


Saint George, South Carolina

