

STATE OF SOUTH CAROLINA )  
COUNTY OF BERKELEY )  
 )  
State of South Carolina, )  
 )  
v. )  
 )  
April Jarqvia Lilliston, )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
FOR THE NINTH JUDICIAL CIRCUIT

RECEIVED

Indictment No(s): 2024-GS-08-03222

Apr 29 2026

SC Court of Appeals

**ORDER GRANTING DEFENDANT'S  
MOTION FOR RECONSIDERATION OF  
SENTENCE**

Presiding Judge:	Deadra L. Jefferson
State's Attorney:	Rachael Janowski, Esq.
Defendant's Attorney:	Julie Shivers, Esq.
Date of Hearing:	October 17, 2025
Court Reporter:	Cathy L. Young

26 APR 27 AM 5:03  
LEAH GUERRA  
CLERK OF COURT  
BERKELEY COUNTY, SC

FILED

This matter came before the Court on October 17, 2026, on Defendant's Motion to Reconsider Sentence filed August 11, 2025. The Court received the motion on August 26, 2025. The State filed their Response on October 2, 2025. Defendant moves for this Court to reconsider the sentence imposed upon her on August 1, 2025. The Motion is based on the Defendant's request to serve the statutory sentence at the detention center. Defendant is represented by Julie Shivers, Esq.<sup>1</sup> Defendant was present at the hearing. The State is represented by Rachael Janowski, Esq.<sup>2</sup> The representatives for the minor victims were notified of the hearing and were not present.<sup>3</sup> Having considered Defendant's Motion for Reconsideration in its entirety, the State's response, as well as the various interests balanced by the Court at the time of the ruling, Defendant's Motion for Reconsideration of Sentence is heard and Granted.<sup>4</sup>

<sup>1</sup> Defendant also filed a pro se Motion to Relieve Counsel filed August 22, 2025, which was heard before this Court at the same time as Defendant's Motion to Reconsider Sentence.

<sup>2</sup> Rachel Janowski, Esq. is now employed with the Dorchester County Solicitor's Office.

<sup>3</sup> By Order(s) of the Family Court the minor victims now reside outside of South Carolina with separate relatives in different states.

<sup>4</sup> After a full hearing on the merits of the motion the Court took the Motion under advisement. The issuance of the Order has been delayed due to Ms. Shivers inability despite multiple attempts to reach the Defendant and the Defendants failure to respond to Ms. Shivers request for information regarding the Defendant's ability to report to the Berkeley County Detention Center to serve the straight sentence she has requested of the Court.

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## PROCEDURAL HISTORY

Defendant was arrested on June 3, 2024, and charged with Unlawful Conduct Towards as Child.<sup>5</sup> The Berkeley County Grand Jury true billed the indictment on July 17, 2024. Attorney Shivers was appointed to represent the Defendant by the Court on December 2, 2024. Attorney Shivers filed a Notice of Appearance on February 24, 2025.

A jury trial commenced before this Court on July 28, 2025. On August 1, 2025, Defendant was convicted by a jury of the lesser-included offense of Cruelty to Children.<sup>6</sup> Defendant was sentenced to thirty (30) days, provided upon the service of one (1) day time-served and one (1) year probation. Special conditions of probation included a biopsychosocial evaluation, substance abuse counseling, and mental health counseling.<sup>7</sup>

## CONCLUSIONS OF LAW

“The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion.” State v. Warren, 392 S.C. 235, 238, 708 S.E.2d 234, 235 (Ct. App. 2011) (citing State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). A judge, “has broad discretion in sentencing within statutory limits.” Interest of Christopher H., 432 S.C. 600, 854 S.E.2d 853 (Ct. App. 2021) (quoting In re M.B.H., 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010)). Furthermore, a judge, “must be permitted to consider any and all information that reasonably might bear on the proper sentence for a particular defendant.” Id. The South Carolina Supreme Court has held, “it is proper for the trial judge, in open court, in the presence of the defendant, to inquire into

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<sup>5</sup> A person convicted of the felony of Unlawful Conduct Towards a Child can receive no more than ten (10) years imprisonment, must be fined in the discretion of the court, or both. SC Code Ann. § 63-5-70.

<sup>6</sup> A person convicted of the misdemeanor of Cruelty to Children can receive no more than thirty (30) days of imprisonment or fined not more than two hundred dollars (\$200.00), at the court’s discretion. SC Code Ann. § 63-5-80.

<sup>7</sup> At sentencing the State requested probation and the denoted conditions based on the Defendant’s protracted history with the system involving her children. The Defendant advised the Court and is persistent in her belief that she has performed these tasks pursuant to Family Court Orders. However, she has not provided independent proof of completion to the Court.

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any relevant facts in aggravation or mitigation of punishment,” notably, “the fullest information possible concerning the defendant’s life and characteristics.” State v. Cantrell, 250 S.C. 376, 379–80, 158 S.E.2d 189, 191 (1967) (citing Williams v. People of State of New York, 337 U.S. 241, 69 S. Ct. 1079 (1949)).

Having fully considered the Defendant’s Motion for Reconsideration of Sentence, the State’s Response, as well as having fully reviewed the record and the various interests balanced by the Court at the time of the ruling, Defendant’s motion is Granted. It is abundantly clear to the Court based on the Defendant’s representations to the Court that she has no intention of acting in good faith to comply with the probationary requirements with the inevitable result being a revocation with service of the underlying sentence imposed by the Court. Based on the forgoing, in the interest of judicial economy, and since the minor victims are in permanent placements with no contact allowed with the Defendant absent Family Court Order,

**IT IS ORDERED, AJUDGED, AND DECREED** that Defendant’s reconsideration of sentence is Granted and she is mandated to serve the thirty (30) day sentence mandated by statute at the Berkeley County Detention Center with any credit for pre-detention time to be calculated and applied pursuant to SC Code Ann. §24-13-40.

**IT IS FURTHER ORDERED, AJUDGED, AND DECREED** that Defendant shall report to the Berkeley County Detention Center on Friday May 15, 2026, by 6:00 p.m. to surrender herself to serve her sentence.<sup>8</sup>

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<sup>8</sup>The Court through the assistance of Ms. Shivers has made multiple attempts to contact the Defendant for guidance as to when in consideration of her employment schedule she can report to the Berkeley County Detention Center to serve the straight sentence she has requested all to no avail. Because the Defendant failed to respond or communicate the Court’s only option was to select a date for her service to begin within 30 days of the issuance of this Order assuming this will provide adequate time for the Defendant to make the applicable arrangements.

<sup>3</sup> BHH  
[Signature]

AND IT IS SO ORDERED.

*Debra L. Jefferson* 2128

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Hon. Debra L. Jefferson  
Presiding Judge  
Ninth Judicial Circuit

Charleston, South Carolina  
April 13, 2026

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*[Signature]*

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STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

Apr 29 2026

) INDICTMENT/CASE# 2024 G50803222  
) AW#: 2024 A1820500652  
) Date of Offense: 06/01/2024  
) S.C Code§: 63-05-0080  
) CDR Code #: 0078  
) Range of Offense: 1

SC Court of Appeals

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STATE vs.  
April Jarqvia Lilliston

AKA: SSN: DOB:  
RACE: B SEX: F

SC Court of Appeals

In disposition of the above indictment comes now the Defendant who was CONVICTED OF  or  PLEADS  
TO: Cruelty to a Child or Children Range of Offense Pled: (NMT 30 days or NMT \$100)  
In violation of § 63-05-0080 of the S.C. Code of Laws, bearing CDR Code # 0078  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  MANDATORY GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted  Lesser Included Offense  Defendant Waives Presentment to Grand Jury  
The plea is:  w/o Rec/Negotiations  Negotiated  Recommendation

/s Rachel H. Janowski 104674 /s Julie M. Shivers 100403  
Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the  SCDC  County Detention Center  Home Incarceration Program  
for a determinate term of 30 days/months/years/Time Served  YOANTE \_\_\_\_\_ years and/or shall pay a fine  
of \$ \_\_\_\_\_; provided that upon the service of 1 days/months/years/Time Served and or payment  
of \$ \_\_\_\_\_ plus costs and assessments as applicable\*; balance is suspended with probation for 1 months/years  
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run  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 SCDC  
1 days/months  To include time spent on monitored house arrest prior to trial and sentencing

FILED  
JH  
AUG - 1 2025

CASE NO. \_\_\_\_\_  
LEAH GUERRY DUFFRE  
CLERK OF COURT  
BERKELEY COUNTY, SC

SPECIAL CONDITIONS:

- PTUP \_\_\_\_\_
- No Contact with Victim  Domestic Violence Intervention Program  Hold for Inpatient Treatment
- Sex Offender Registry pursuant to S.C. Code § 23-3-430  SAC/MHC if necessary (if not retained)
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: bio psychosocial evaluation and all recommendations of that assessment.

<input type="checkbox"/> RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B) )	Restitution	\$ _____
§14-1-206 (Assessments 107.5%)	FINE:	\$ _____
§14-1-211 (A)(1) Conv. Surcharge)		\$ _____
§14-1-211 (A)(2)(DUI Surcharge)		\$ _____
§56-5-1995 (DUI Assessment)		\$ _____
§56-1-286 (DUI Breath Test)		\$ _____
§14-1-212 (Law Enforcement Funding)		\$ _____
§14-1-213 (Drug Court Surcharge)		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$ _____
3% to County (if paid in installments)		\$ _____
<input checked="" type="checkbox"/> Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees		\$ _____
<input type="checkbox"/> §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund		\$ _____
	TOTAL	\$ <u>1043.75</u>

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SEP 02 2025

SC Court of Appeals

/s J Hill  
Clerk of Court/Deputy Clerk

VV Steve Torres 2128  
Court Reporter Judge Code

August 1, 2025  
Sentence Date

[Signature]  
Presiding Judge

SCCA217B  
01/27/2025