

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

STATE OF SOUTH CAROLINA)

Vs.)

Tevin Hart)

Defendant.)

COURT OF GENERAL SESSIONS
FOR THE FIRST JUDICIAL CIRCUIT
Warrant No.: M-473265; M473266;
M473267; M473268; M473269; M4732271

**ORDER DENYING MOTION TO
RECONSIDER**

FILED-RECORDED
4-7-2014
Cheryl Graham
Clerk of Court
Dorchester County

CERTIFIED COPY
4-7-2014
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Clerk of Court
Dorchester County

THIS MATTER came before the Court upon Defendant's Motion to Reconsider his sentence handed down by this Court on January 23, 2014 for Burglary in the 1st Degree, four counts of Kidnapping, and one count of Armed Robbery.

IT APPEARING that this Court sentenced the Defendant to a concurrent term of thirty (30) and forty (40) year's incarceration in the Department of Corrections. After considering the Defendant's Motion and a careful review of the record, the Court hereby DENIES Defendant's Motion to Reconsider for the reasons set forth below.

FINDINGS OF FACT

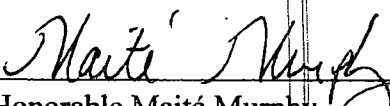
Defendant argues the sentence was overly harsh in light of the Defendants' lack of any prior record and his participation in the State's prosecution of his co-defendant as a testifying witness. Defendant further argues that the Court's failure to postpone sentencing until the Defendant's mother Ms. Rosemary Mazyck could be present violated his due process rights under the State and Federal Constitution.

The Court's failure to postpone sentencing until the Defendant's mother Ms. Rosemary Mazyck could be present is not a violation of the Defendant's due process rights. First, Mr. Hart is, and was an adult at the time of his sentencing. Second, Mr. Hart was accompanied by numerous family members, and each was given the opportunity to present mitigating circumstances to the Court.

In addition, the facts and circumstances of this particular case justify a concurrent sentence of thirty (30) and forty (40) years. Moreover, Mr. Hart's forty (40) year sentence fits well within the sentencing guidelines for Burglary in the 1st Degree, Kidnapping, and Armed Robbery. Accordingly, the Court does not find any circumstances justifying an alteration of Defendant's sentence.

THEREFORE, IT IS HEREBY ordered that the Defendant's Motion to Reconsider is denied.

AND IT IS SO ORDERED!


The Honorable Maité Murphy
Presiding Judge, 1st Judicial Circuit

St. George, South Carolina

April 3, 2014