

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
IN THE FIFTH JUDICIAL CIRCUIT

*I939153*

State of South Carolina, )  
Plaintiff, )

Indictment Number: 2012-GS-400-3056  
Probation Citation Number: C40151095

v. )  
Tekysha Cohen, )  
Defendant. )

**ORDER  
DENYING DEFENDANT'S MOTION TO  
RECONSIDER**

**RECEIVED**

SEP 29 2016

SC Court of Appeals

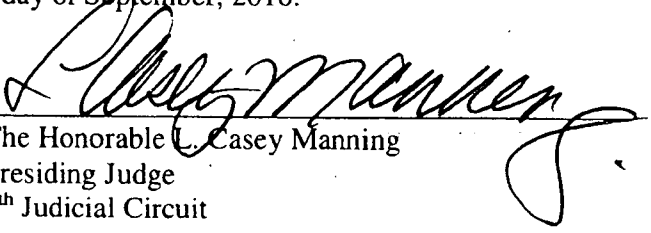
2016 SEP 21 AM 8:54  
FILED  
C.C. & S.S.

THIS MATTER came before the Court on September 16, 2016. The Defendant was before this Court on a probation citation which alleges financial violations. This Court ordered that the Defendant's probation be revoked for 60 days and then continued.

Thereafter, the Defendant timely filed a Motion to Reconsider the Sentence. The Defendant asks for a reconsideration of her sentence due to the fact that her financial violations of probation were not willful. The Motion to Reconsider refers to the Defendant's recent termination from her job and her family obligations.

After a review of the facts of the case, the motion and arguments therein, this Court DENIES Defendant's Motion to Reconsider without oral arguments presented.

IT IS SO ORDERED this 20th day of September, 2016.

  
The Honorable C. Casey Manning  
Presiding Judge  
5<sup>th</sup> Judicial Circuit

County of Richland  
STATE VS.

Indictment Number: 12-GS-40-03056  
Probation C/W#: C-40-15-1085

AKA: Te Kyska R Gowan  
Race: B Sex: F  
DOB: 9/17/76  
SSN: [REDACTED]  
SID#: 1710680

Name of Original Offense: Criminal Sexual Act  
Original A/W#: I 939 153  
Date of Original Offense: 4/1/11 **RECEIVED**  
Conviction S.C. Code §: 16-17-0410 **SEP 29 2016**  
Conviction CDR Code #: 010 **SC Court of Appeals**  
Original Sentence: 3 years SS to 5 years probation

**ORDER**

The above named defendant has been charged with violating the conditions of probation ordered on 10/02/12 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 9/16/13, 9/17/14, 2/17/15, as set forth in the attached warrant(s) or citation(s) dated 30th Sep 2015. After hearing the evidence and being duly advised, in the (presence) (absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)  
2, 9, 10

**Therefore, IT IS ORDERED that:**

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve 60 days months/years of the original sentence and/or pay \$ \_\_\_\_\_, thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:  Department fees (arrearage)  Civil judgment:  Department fees  
 Fines and other fees (arrearage/balance)  Fines and other fees  
 Restitution (and 20%) (arrearage/balance)  Restitution (and 20%)
- Additional Conditions ordered by the Court:

MUST report to 1221 Gregg St. Columbia SC 29201 upon release

**RECEIVED**  
**16 SEP 16 AM 2:08**  
**BEANITTE J. GIBBS**  
**CLERK OF COURT**

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 0 <sup>Days</sup> months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 14 day of September, 2016  
Columbia, SC

[Signature]  
Presiding Judge [Signature]  
Fifth Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature: [Signature]

Witnessed by: [Signature]

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at Columbia, SC

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Indictment Number: 2012GS4003056  
Probation Citation Number: C40151095

The State of South Carolina, )

vs. )

Tekysha Cohen, )

Defendant. )

MOTION TO RECONSIDER SENTENCE

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SEP 29 2016

SC Court of Appeals

TO: THE HONORABLE L. CASEY MANNING  
CC: PROBATION AGENTS TROY SMITH, AMANDA KING, AND LUIS MORALES

RICHLAND COUNTY  
FILED  
2016 SEP 16 PM 1:59  
JEANETTE W. MORRIS  
Clerk of Court


YOU WILL PLEASE TAKE NOTICE that Emily Kuchar, Assistant Public Defender, will move before this Court requesting reconsideration of the sentence imposed on the defendant Ms. Tekysha Cohen, as soon as this matter may be heard.

It appears that on September 16, 2016, Ms. Cohen was before this Court on a probation citation, which alleges only financial violations by Ms. Cohen. Judge Manning ordered that Ms. Cohen's probation be revoked for 60 days and then continued.

Ms. Cohen worked most recently on the assembly line at Jarden Applied Materials; she was laid off from that job in June. She made \$7.25 an hour at that job and worked part time. Ms. Cohen lives with her twin sister, Lakeysha, and assists with the care and transportation of Lakeysha's 13-year-old autistic daughter. Lakeysha's 20 year-old son also lives in the home, and Ms. Cohen takes him to and from his classes at Midlands Tech. Also, in July, Ms. Cohen took out a loan for \$2,100 from a family friend and paid the full amount toward her court-ordered restitution. Her balance is now \$2,296.28, down from \$4,847.28 at the time of her citation. The original restitution amount ordered was \$9,481.28.

Ms. Cohen alleges that her financial violations of probation were not willful, and respectfully asks the Court to reconsider her sentence.

Respectfully submitted,

  
Assistant Public Defender Emily Kuchar  
Counsel for Tekysha Cohen

Columbia, South Carolina  
This 16<sup>th</sup> day of September, 2016