

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The State of South Carolina,

vs.

Cedriect Hopkins,

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NOV 16 2018

SC Court of Appeals
Plaintiff,

Defendant.

IN THE COURT OF GENERAL SESSIONS

FIFTH JUDICIAL CIRCUIT

2013GS4002374

2013GS4002378

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

On June 6, 2013, Cedriect Hopkins was sentenced to a YOA sentence not to exceed 6 years suspended upon service of 3 years' probation, with credit for time served of 72 days. On September 23, 2016, Defendant appeared before Judge Frank Addy Jr. on a probation violation at which time Judge Addy Jr. extending his probation 2 years. Defendant's probation was violated by Probation Agent Duckett on August 3, 2018.

Subsequently, on October 19, 2018 the Court found Mr. Hopkins in willful violation of the terms and conditions of his Youthful Offender Act probation. In her motion, Defense Counsel for Mr. Hopkins, Assistant Public Defender Alice Phillips raises "extraordinary circumstances" and asserts that Mr. Hopkins case was required to terminate no later than June 6, 2018. DPPS has provided the court with a copy of the Form 9 from the probation hearing with Judge Addy Jr. and asserts that Defendant's case was extended two years from the date of that probation hearing and further that the defendant is not entitled to any YOA pretrial time.

On October 26, 2018, counsel for Defendant filed a Motion to Reconsider Sentence based on the above sentences. The Court reviewed the charges and accompanying sentences and considered the defendant's request. Having fully considered Defendant's request, the Court finds

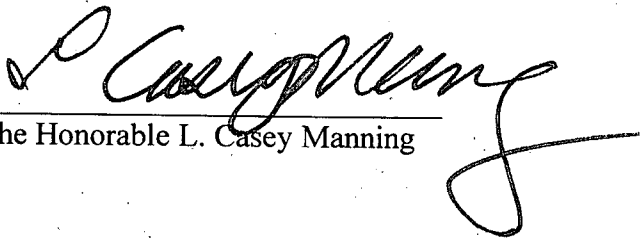
that the sentence imposed is not improper or excessive. *See, e.g., Brooks v. State of South Carolina*, 325 S.C. 269, 271-72, 481 S.E.2d 712, 713 (1997) (citing *Garrett v. State*, 320 S.C. 353, 465 S.E.2d 349 (1995); *State v. Sidell*, 262 S.C. 397, 205 S.E.2d 2 (1974)) (finding that a trial judge is allowed broad discretion in sentencing and that sentence is not excessive if it is within statutory limits and isn't based on prejudice).

IT IS THEREFORE ORDERED that Defendant's Motion to Reconsider Sentence is **DENIED**.

IT IS SO ORDERED.

Nov 8, 2018

Columbia, South Carolina


The Honorable L. Casey Manning

ASADC

STATE OF SOUTH CAROLINA

County of Richland

STATE VS.

AKA: Cedrick Hopkins

Race: BLK Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

SID# 02033535

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

13 -GS- 40 - 02378

Probation/CJW#s: C-40-18-0250

Name of Original Offense: Burglary 2nd degree

Original A/W#: KL90795

Date of Original Offense: 12-4-11

Conviction S.C. Code §: 16-11-0312

Conviction CDR Code #: 0 / 0 / 8 / 0

Original Sentence: YOA nte 4 yrs ss 3 yrs. Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 6/6/13 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 12-2-14, 9-23-16, as set forth in the attached warrant(s) or citation(s) dated 8-3-18. 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) 3, 5, 7, 9 and 10

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve YOA nte 4 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 _____ 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 electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third 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:

<input type="checkbox"/> Department fees (arrearage)	Civil judgment:	<input type="checkbox"/> Department fees
<input type="checkbox"/> Fines and other fees (arrearage / balance)		<input checked="" type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage / balance)		<input type="checkbox"/> Restitution (and 20%)

Additional Conditions ordered by the Court:

Revoke YOA nte 4 yrs. and terminate probation.

Civil Judgment for fines. Recommend Shock program. No admin monitoring

- The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 19 day of Oct 2018 at Columbia, SC

[Signature]
Presiding Judge
Winning 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

Witnessed by

Signed this _____ Day _____ day of _____ Month _____ Year _____

NOV 16 2018

at _____ SC

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SC Court of Appeals

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