

State of South Carolina)
County of Aiken)
State of South Carolina,)
VS.)
David A. Malave,)
Defendant.)

In the court of General Sessions

Memorandum in support
of motion to Reconsider.

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AUG 14 2019

SC Court of Appeals

To: The Honorable

You will please take notice that I the above named defendant through the help of my attorney Counsel, will move before this Honorable Court Respectfully Requesting it to Reconsider the Sentence imposed on Wednesday, June 26, 2019.

I, the Defendant was charged with Burglary 2nd degree, Burglary 3rd Degree, (2) counts of Hit & Run, Probation violation 1, Domestic violence 2nd degree. I, the Defendant pled guilty on June 26, 2019. After considering the facts & arguments made on my behalf, this Honorable Court imposed a sentence of eleven (11) years.

I respectfully request a reduction in my sentence based upon the following factors:

1) I was physically intoxicated of drugs during the act of the crimes charged against me. Not to forget I was going through a point in time I was seeking help, but just happened to be looking for it out of the wrong people.

2) Majority of the crimes committed did not result in physical injury or substantial financial loss.

3) The complete lack of a serious criminal record to these offenses.

4) I was told it was best to plead guilty short of trial.

5) I have a 2 year old daughter that I'd truly love to go home and raise.

6) I was told by my attorney that I would get an active 1 year sentence instead I received 11 years in the Department of Corrections.

Drug Abuse

I David A. Malave was Born April 10, 1996. Which means I'm twenty three (23) years old now. I started doing Drugs Heavily at the age of eighteen (18yrs). I Didn't See my Drug use as a Problem until the People around me started to complain. Saying I need help. They've expected so much more out of me. How I was such a Bright kid coming up. But as life went on and I got older I Started Running to the Pleasure of Drugs to make me feel Better when things got hard. I Do feel like I need help now That I Reflect on my life & how things actually Played out. I Know for certain that when I'm on Drugs I Do things I wouldn't Do with a Sober mindset. Just like the charges I pled guilty to for example. I ask that the Honorable court take this fact into consideration when considering The Sentence I honestly deserve.

Misled By Counsel

Shortly Before I pled guilty to the charges mentioned Before, my lawyer Told me I should Be getting a active YOJ Sentence. my lawyer told me Several Times should Just Plea to the 0-15 year sentence Range & get the active YOJ & get it over with. I honestly feel my attorney tricked me into taking This Plea, All so he could get me out the way. I was told By him that If I Did not take this Plea I would Be forced to trial on all my charges one By one & I would have no chance at all. I told my attorney about my Drug Problem also & asked him to fight to get me into a mandatory Rehab facility. He decided to do otherwise. Due to me not getting the correct Help from my counsel I feel the court should consider Reducing my sentence & allowing me to show I'm Better of a person than what Black & white Reads.

Lack of a Serious Criminal Record

I've had no Serious convictions Before the charges at hand. which is a Reason I ask that the Honorable court look into my case. Yes, indeed I have numerous charges against me. But when you look into the Facts nobody was Seriously Hurt. There was no Substantial financial lost. & there was no Repeated offenses of these crimes. which is why I Respectfully ask for a Reduction of my Sentence Based Upon said lack of a serious criminal Record.

Children & Family that needs me

With all that's Been said, I'd like to not forget my (2) two Year old Daughter & my (8) eight year old nephew Mary & Mason. I love & adore The Both of them, with all my heart. my Daughter means the world to me & my nephew is like my Best friend. I always wanted to Be The Best father & uncle in the world for them. which is a Reason I'm trying to come home sooner & get my life in order for not only myself but for them also. I have a hard working mother who as I realize now, needs my support as soon as possible. I Do have a strong support system & in Return I'd like to Be their support also. with this all Being said, I Request the Honorable court give me a reduction in my sentence.

David A Malave
David Malave

5/30

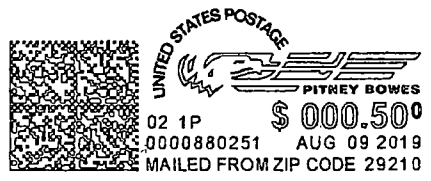
08-6-19

David A. Malave SCDC # 380630
Kirkland R&E, F3-207A
4344 Broad River Rd.
Columbia, SC 29210
Case #: 2019-001086

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Court of Appeals
1220 Senate St.
Columbia, SC

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