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Oct 13 2020

SC Court of Appeals

2020 OCT -8 11:46 AM
 STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF BEAUFORT) INDICTMENT NO(S). 2019GS0701013,
) 2019GS0701014, 2019GS0701277,
) 2019GS0701452, 2019GS0701453,
 THE STATE OF SOUTH CAROLINA) 2019GS0701454, 2019GS0701455,
) 2019GS0701525
 vs.)
) **ORDER DENYING MOTION TO**
 Francisco Ortiz-Aguirre,) **RECONSIDER SENTENCE.**
)
 Defendant)
)
)
)
)

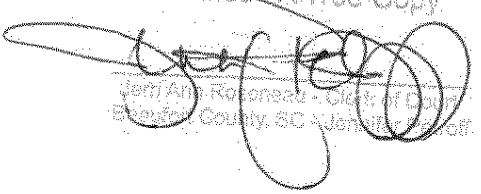
Defendant, by and through his assigned counsel, Melissa Duque, filed a Motion to Reconsider Sentence on the above-captioned indictments on May 28, 2020. An off-the-record status conference was held on June 9, 2020 to determine if there was new or additional evidence to warrant a formal hearing on the motion. After hearing informal argument from the State and the defense, this Court determined that such evidence did not exist.

On August 17, 2020, the Beaufort County Clerk of Court received a letter from the South Carolina Court of Appeals inquiring as to Judge Mullen's ruling on the motion. This Court responded on August 18, 2020 that there was no ruling made, as there had not been a formal hearing on the record.

A hearing was conducted on the motion on September 14, 2020 via Webex videoconference. No new sentencing mitigation nor evidence was given at the hearing. Defense counsel conceded she had nothing new to offer that was not already presented for the Court's consideration at the time of sentencing. Having heard the arguments of counsel on the matter,

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

AND IT IS SO ORDERED.

Certified - A True Copy

 Jennifer Roberts - Clerk of Court
 Beaufort County, SC



Carmen T. Mullen
Circuit Court Judge

Beaufort, South Carolina

Oct 8, 2020

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

The Honorable Carmen T. Mullen, Circuit Court Judge

The State, Respondent,

v.

Francisco Saul Ortiz Aguirre, Appellant.

Appellate Case No. 2020-000992

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SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Order Denying Motion to Reconsider Sentence on the below by depositing a copy of it in the United States Mail, postage prepaid, on October 13, 2020.

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Melissa Duque, Esq.
Assistant Public Defender
14th Circuit Public Defender's Office

October 13, 2020

Office of the Public Defender
Fourteenth Judicial Circuit
Stephanie Smart-Gittings, Circuit Defender

BEAUFORT COUNTY

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1905 Duke Street, Room 210
Post Office Box 525
Beaufort, SC 29902
(843) 255-5805 (Phone)

ALLENDALE, HAMPTON & JASPER COUNTIES

1 Courthouse Square
80 Elm Street, Room 133
Post Office Box 506
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(803) 914-2240 (Phone)
(843) 255-9494 (Fax)

COLLETON COUNTY

319 N. Lucas Street
Walterboro, SC 29488
(843) 549-1633 (Phone)

October 13, 2020

Via Certified Mail/ Return Receipt Requested**Via Fax at 803-734-1839**

Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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Re: NOTICE OF APPEAL
State v. Francisco Saul Ortiz Aguirre
Appellate Case No. 2020-000992

Dear Sir/ Madam:

Enclosed please find a certified copy of the Order Denying Motion to Reconsider Sentence signed on October 8, 2020 by the Honorable Carmen T. Mullen regarding the State of South Carolina vs. Francisco Ortiz Aguirre. I have copied all parties on this order and attached a copy of my Proof of Service regarding this matter.

Should you have any questions or need any additional information, please contact my office at (843) 255-5811.

Sincerely,



Melissa Deque
Attorney for Defendant
Assistant Public Defender

Cc: Robert Michael Dudek, Esquire
Mary Jordan Lempesis, Esquire
Samuel Marion Bailey, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr. Esquire
The Honorable Jerri Ann Roseneau
The Honorable Carmen T. Mullen