

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
STATE OF SOUTH CAROLINA)
vs.)
JABARI CHARLES MOSLEY)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
FOR THE SEVENTH JUDICIAL CIRCUIT

**DENYING MOTION FOR
SENTENCE MODIFICATION**

Warrant: 2018A4210204081

RECEIVED
Feb 17 2021
SC Court of Appeals

On December 16, 2019, the above name defendant appeared before this court to enter a plea of guilty to the charge of Assault and Battery 1st Degree. At the plea hearing, Attorney Darren S. Haley represented the defendant while Assistant Solicitor J. Edward Hunter represented the State. After presentations by the State and Defense, this court sentenced the defendant to a prison term of 10 years suspended upon the service of 5 years with 5 years of probation to follow including a no contact provision with the victim.

On October 29, 2020, the defendant appeared with Attorney Lance Sheek, and Assistant Solicitor J. Edward Hunter represented the State again on a motion to modify his sentence so as to allow the defendant to serve the remainder of his sentence on Home Incarceration due to the COVID-19 pandemic. This Court heard from both parties and allowed an extra week for defense counsel to provide any relevant case or statutory law that was persuasive to his argument.

On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. On March 27, 2020, President Donald J. Trump signed into law the CARES ACT which provided an avenue for compassionate release for some Federal Inmates in response to the COVID-19 pandemic. The Legislature of State of South Carolina also responded to the COVID-19 pandemic, but did not provide any avenues for compassionate release due to COVID-19. As

such, the arguments cited for release of this defendant to home detention pursuant to the CARES ACT and federal law do not apply in this matter.

Generally, a trial judge loses jurisdiction over a case once the time for post-trial motions has run. Further, it is a longstanding rule that a trial judge is without jurisdiction to consider a criminal matter once the term of court expires. *State v. Mixon*, 275 S.C. 575 (1981).

IT IS THEREFORE ORDERED, that the motion is DENIED as this Court does not have jurisdiction to modify the defendant's sentence.

s/ R. Keith Kelly
The Honorable R. Keith Kelly
Circuit Court Judge
Seventh Judicial Circuit

8 February 2021
Gaffney, SC