STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE KEVIN HARBIN, APPLICANT v. STATE OF SOUTH CAROLINA, RESPONDENT.	)	IN THE COURT OF GENERAL SESSIONS 2004-GS-23-6122-24 I340766-68 ORDER DENYING DEFENDANT'S APPLICATION FOR DNA TESTING

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Paul Wickensimer COC GVL SC

This matter was before the Court on September 6, 2019, on Applicant's request for DNA testing pursuant to Section 17-28-10 *et seq.* of the South Carolina Code of Laws filed with the Greenville County Clerk of Court ("Clerk") on September 23, 2014. Applicant was convicted on September 8, 2005, of Kidnapping, Strong Arm Robbery and Criminal Sexual Conduct in the First Degree and sentenced to 30 years in prison by the Honorable Larry R. Patterson.

The Court finds Defendant has failed to establish that (1) biological material is available in a condition permitting DNA testing; (2) biological material to be tested or DNA results from the testing of biological material would be material to the issue of Applicant's identity as the perpetrator of or accomplice to the offenses of which he has been convicted; (3) DNA testing, were it to produce exculpatory evidence, would constitute new evidence that would probably change the result of Applicant's conviction(s) if a new trial were granted; and (4) the application is made to demonstrate innocence and not solely to delay the execution of his sentence or the administration of justice.

Defendant's request that this Court require SLED to conduct additional testing is DENIED. Any further testing pursuant to Defendant's Application is DENIED.

IT IS SO ORDERED.

LETITIA H. VERDIN
CIRCUIT COURT JUDGE

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Dated: 3/25/21
Greenville, South Carolina

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