

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE.

RESPONDENT,

V.

STEVEN DEWAYNE EDWARDS,

APPELLANT

APPELLATE CASE NO.2021-000172

Steven D Edwards
Pro Se Appellate Defender.

ARGUMENT

The reconsideration court erred when it denied Appellant's motion to reconsider my sentence where I correctly showed that the sentence was imposed in reliance on the state's recitation of my criminal history.

Pro Se

I'm writing the appeal courts in the matter of the lower courts use of an incorrect criminal history to determine my sentencing. The lower court states that they did not use it to set my time, but they clearly state in my transcript on (pg.16 starting at line 18 thru pg.17 line 4) that the incorrect background history is used as stated by the lower courts. As stated in my appeal, the information the State presented for my criminal history is incorrect, therefore I ask that the lower courts be accountable for their own words under oath, as we the appellant are. It is well settled in STATE V. SMITH 276 S.C. 494,280 S.E. 2d 200 (1981) also UNITED STATES V. TUCKER, 404 U.S., 443,446 (1972) that a defendant has a due process right to be sentenced upon information that is not false or materially incorrect. When the State asserts inaccurate information regarding a defendant's prior convictions for sentencing purposes in their recitation of the defendant's prior record, the defendant's sentence should be reconsidered if the lower court relied on inaccurate information to sentence him. Also see UNITED STATES V. HANNA 49 F.3d 572 (9th Cir. 1995). Therefore, I respectfully ask that this court remand my case to the lower court for reconsideration of my sentence.

STEVEN D EDWARDS

Pro Se Appellate Defendant

 9-27-21

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