

FILED-RECEIVED

STATE OF SOUTH CAROLINA
YORK COUNTY

COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT
2021 OCT 18 PM 12:50

Antonio Gordon,

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY

ORDER DENYING MOTION TO VACATE
CONVICTION AND SENTENCE

Petitioner,

vs.

State of South Carolina

Respondent.

Case No. 1998-GS-46-2847; 2849; 2850

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SC Court of Appeals

This matter comes before this court by way of Antonio Gordon's ("Petitioner") Motion to Vacate Sentence and Conviction. This court received the Petitioner's handwritten motion on September 28, 2021. This handwritten motion requests that the court reconsider jurisdictional issues which have already been litigated in which the court has issued orders denying relief.

As previously ordered by the court, the General Sessions Court had jurisdiction over the Petitioner's guilty plea on July 16, 1999. The Petitioner pled guilty to murder, three counts of possession of a firearm during the commission of a violent crime, two counts of attempted armed robbery, possession of a firearm by a person under twenty-one and criminal conspiracy. Pursuant to the at law the time of this plea, "a person sixteen years of age or older who is charged with a Class A, B, C or D felony defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more" is not a juvenile and may be "remanded to the family court for disposition of the charge at the discretion of the solicitor" See S.C. Code Ann. § 20-7-6606 (Now § 63-19-20). The Petitioner was sixteen years old and charged with a Class A, B, C or D felony defined in Section 16-1-20. Consequently, the General Sessions court had jurisdiction, and the sentence and conviction shall not be vacated.

Therefore, the Petitioner's Motion to Vacate Sentence and Conviction is summarily
DENIED without a hearing.

IT IS SO ORDERED.

York, South Carolina

October 13, 2021

A handwritten signature in black ink, appearing to read 'W. McKinnon', followed by the date '2761' written in a similar style.

The Honorable William A. McKinnon
Chief Judge for Administrative Purposes &
Resident Circuit Judge