

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY	)	
	)	WARRANT NOS.: 2020A0810200307 & 308
State of South Carolina,	)	
	)	
vs.	)	
	)	
Stephen Michael Rivers,	)	
	)	
Defendant.	)	MOTION FOR RECONSIDERATION
	)	OF SENTENCE AND COMPUTATION
	)	OF TIME SERVED
_____	)	

**TO: THE HONORABLE BENTLEY PRICE**  
**Julie Rochester, Assistant Ninth Circuit Solicitor**

**PLEASE BE ADVISED AND TAKE NOTICE** that the Defendant, Stephen Michael Rivers, through his undersigned attorney, hereby moves and requests of this Honorable Court that the sentence imposed on the Defendant, Stephen Michael Rivers, on September 25, 2023 be reconsidered.

The Defendant, Stephen Michael Rivers, pled guilty to Voluntary Manslaughter. The Court sentenced the Defendant to 25 years suspended to 11 years incarceration. The Defendant has been on house arrest to include GPS monitoring for 1,192 days (from March 25, 2020 through October 30, 2020 and from February 1, 2021 through September 25, 2023) before this guilty plea. The Court denied to give credit to the Defendant for all of the time served and only gave the Defendant credit for 596 days. The Defendant is indebted to the Court for accepting his guilty plea, but would like to request that the Defendant be given credit for the full amount of time served which totals 1,192 days.

The Defendant would move for a reconsideration of the sentence for the following reasons:

1. The Defendant is informed and believes that the Court erred in denying credit for time served on GPS monitoring and house arrest under S.C. Code Ann. 24-13-40. The statute states:

"The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given

notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the

- a. computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.”
- b. HISTORY: 1962 Code Section 55-11; 1952 Code Section 55-11; 1948 (45) 1808; 1973 (58) 181; 2010 Act No. 237, Section 67, eff June 11, 2010; 2013 Act No. 34, Section 1, eff June 7, 2013.

Additionally, the Defendant requests that his sentence of 25 years suspended to 11 years incarceration be reconsidered. Given the Defendant’s lack of criminal history and the nature and circumstances of the case, this sentence is incongruent with the goals of the justice system. In the interest of justice and fairness, it is appropriate for the Court to reconsider the length and terms of the sentence imposed. A more lenient sentence would not diminish the seriousness of the offense but would more accurately reflect the totality of circumstances surrounding this case. Further, the sentence imposed is excessive and disproportionate when compared to sentences imposed in similar cases. A Defendant similarly situated, but with a harsher degree of culpability and violence, with a less compelling argument for mitigation, was given a more lenient sentence during the same Court term immediately after this defendant’s plea.

**WHEREFORE**, the Defendant respectfully requests and prays that this Honorable Court allow the Defendant to receive credit for time served for 1,192 days from March 25, 2020 through October 30, 2020 and from February 1, 2021 through September 25, 2023 and also that his sentence of 11 years incarceration be reconsidered.

Respectfully submitted,

By: 

John L. Furse, Bar #102713  
Kent Law Firm, LLC  
Post Office Box 117  
Manning, SC 29102  
(803) 433-5368

Manning, SC  
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