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1-16-2031  
LR

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
STATE OF SOUTH CAROLINA )  
-vs- )  
Dushon Staten, )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS  
FIFTH JUDICIAL CIRCUIT

Indictment Number: 2002-GS-40-1148

ORDER REDUCING SENTENCE

2020 JAN 10 PM 4:26  
RICHLAND COUNTY  
FILED

This matter came before the Honorable DeAndrea Gist Benjamin on December 9, 2019 on the State's Motion to reduce a sentence, pursuant to South Carolina Code Section 17-25-65, titled, "Reduction of sentence for substantial assistance to the State". Section 17-25-65 of the South Carolina Code of Laws provides that upon the state's motion made more than one year after sentencing, the court may reduce a sentence if the defendant's substantial assistance involved one of four categories. The basis for motion filed on the Defendant's behalf is that he provided substantial aid to the South Carolina Department of Corrections (SCDC) during instances of danger and impending violence as codified in Subsection (B)(4).

The Defendant was 22 years old at the time of his arrest on January 23, 2001 for Murder and Lynching 1<sup>st</sup> Degree. The Defendant was subsequently convicted as charged at trial and on March 1, 2002, he was sentenced to a 30-year prison term. Inmate records indicate that the Defendant's start date was January 23, 2001. From his start date to the date of the hearing, the Defendant has served 18 years, 10 months, 17 days in prison. The Defendant's current release date is January 16, 2031. According to information provided to this Court during the hearing, all disciplinary infractions incurred by the Defendant during his period of incarceration have been non-violent and relatively minor infractions. The last infraction occurring seven years ago.

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The State provided information at the hearing that the Defendant provided substantial assistance to officials at SCDC. Specifically, the Defendant provided invaluable assistance to both other inmates and staff by quelling imminent, violent attacks and gang-related crimes inside of prison. Additionally, on several occasions, the Defendant physically interjected himself in a number of incidents to defend SCDC guards. The State contends that the aforementioned assistance provided to SCDC officials was "material and of substantial assistance to the correctional officers." The State also emphasizes that such a sentence reduction encourages inmates to engage in good behavior and demonstrates that substantial assistance is rewarded. Family members of the victim's family, to include the victim's sister, father, cousin, and uncle, were present and testified during the hearing. For these reasons, the State recommends a one-year sentence reduction.

The defense asserted that "Dushon has unequivocally saved lives". In addition to substantial assistance provided during active incidents, the Defendant has also helped correctional officers restore order in the prisons through proactive mediation preventing potential serious injury to both inmates and prison personnel. In addition to the aid substantial aid provided to the SCDC, the defense shared evidence of the Defendant's personal growth. For example, the Defendant has taken advantage of numerous educational opportunities such as technology classes and work opportunities. He has also written eleven books during his period of incarceration. The Defendant has also taught various courses to other inmates pursuing educational and personal development.

During the hearing, the Defendant shared that his incarceration has been a long journey on which he has tried to better himself each day. As such, he tried to better himself by three tenants;

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change, consistency, and constant transformation. He uses his own growth and life experiences to direct other inmates toward the right path. Upon release, the Defendant looks forward to being a productive and contributing member of society. The defense shared that the Defendant has been offered two jobs upon release, one in Jacksonville, Florida and another in Fayetteville, North Carolina. While none chose to testify, the Defendant's brother, mother, and sister were present at the hearing for support.

After considering the facts and circumstances as presented by both the State and the Defendant, this Court grants the motion to reduce the Defendant's sentence pursuant to S.C. Code 17-25-65. The Defendant's sentence is hereby reduced by 24 months to a 28-year prison term. This Order supersedes any and all other Orders related to sentencing in this case.

**AND IT IS SO ORDERED.**



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The Honorable DeAndrea Benjamin  
Chief Administrative Judge  
Fifth Judicial Circuit

Columbia, South Carolina  
January 10, 2020

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