



JUDICIAL MERIT SELECTION COMMISSION

In the Matter of: Judge Deadra L. Jefferson

Candidate for Re-Election as Circuit Court Judge

Response to Complaint of William S. McGuire

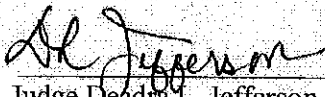
1. Mr. McGuire's allegations regarding Justice Jean H. Toal and myself are without merit and have been refuted by the office of disciplinary counsel on December 23, 2009. Mr. McGuire filed a complaint with these same allegations which was dismissed without merit by an investigative panel of the office of ODC on December 18, 2009. (Exhibit 1-Dismissal of Complaint).
2. The State v. Kevin Chase (CDVHAN, Indictment #: 2002-GS-10-6006) was tried before a jury on January 4, 2005 through January 13, 2005. Mr. Chase also had pending indictments for CSC 1st (Indictment #: 2002-GS-10-6007) and CSC 3rd (Indictment #: 2004-GS-10-5183). The jury found Mr. Chase guilty of CDVHAN and he was sentenced to SCDC for a period of ten (10) years. (Exhibit 2, Sentence Sheet and Verdict dated January 13, 2005). The State was represented by assistant Attorney General Jennifer Evans and the Defense was represented by Mr. McGuire. The case was affirmed by the Court of Appeals, Opinion Number 2011-UP-210, on May 11, 2011. (Exhibit 3, Court of Appeals Decision). Mr. Chase filed a grievance raising the same allegations contained in Mr. McGuire's complaint regarding the court being "habitually late." Disciplinary counsel found these allegations to be without merit and dismissed the complaint on February 23, 2006. The dismissal specifically addresses this allegation in paragraph 4, page 1. (Exhibit 4, Complaint Dismissal dated February 23, 2006).
3. I am timely in attending to matters involving the court docket. I am on time for court. If court is delayed, it is attributable to a late juror or attorney which I document for the record. If someone is tardy, I take the bench at the start of court and place on the record why court is delayed and when I anticipate we will be able to begin the session. I document everything for the record. I teach new judges that the "record is our friend" and that nothing should be "off the record."
4. I served as Chief Administrative Judge for General Sessions for the 9th Circuit for the following relevant terms: July 3, 2021 – December 31, 2022 and January 1, 2024 January 4, 2025. Judge Bentley Price served as Chief Administrative Judge for the 9th Circuit January 1, 2023 – December 30, 2023. During Judge Price's tenure, at their request, the Solicitor took over scheduling of the bond docket on or about August 8, 2023. On June 14, 2024 the solicitor advised me that her office would no longer be scheduling bonds and she expected the court to resume scheduling bonds. (Exhibit 5, June 14, 2024, Email Scarlett A. Wilson). Upon receipt of the email I had the clerk's office do a preliminary audit of the bond docket. At that time, I was advised the bond backlog was approximately 235 cases. After further research of the matter I became aware that the actual backlog of bonds that accrued during the Solicitor's Office

management of the bond docket was approximately 849 bonds. I developed a plan to resolve the backlog which is outlined in my response to Ms. Wilson (Exhibit 6, June 26, 2024, Email Jefferson to Wilson). Utilizing this plan, we have made a significant reduction in the pending bond motions. I was not Chief Administrative Judge and had no involvement in bond scheduling when the bond backlog accrued. I was not aware that Mr. McGuire had filed a FOIA request. I only became aware of it when he mentioned it during his client's bond hearing. His FOIA request did not affect or reflect poorly on my performance as GS Chief Administrative Judge. In fact, if he had asked me for the information I would have provided it to him and certainly had no contact with the party to whom he made the request. As the history of bond settings reflects I did not become involved in the scheduling of bond motions in my capacity as Chief Administrative Judge until June 26, 2024.

5. After developing a plan for the bond docket backlog the General Sessions docketing Manager for Charleston County began setting bond dockets based on their age of filing which spanned almost 8-9 months in some instances. Most of these individuals were still being housed at the County Detention Center and had never had their bonds reviewed the Circuit Court after their initial appearance before the magistrate. As an accommodation the jail created a courtroom for me at the detention center in one of their empty wings. I held bond motions at the jail for the week of July 22, 2024. By doing this it increased the number of bonds to be heard and eliminated the restrictions attendant to having to transport individuals 15 miles to the courthouse. Arrangements were made for counsel to be present with their clients at the jail. Accommodations were made for those who did not wish to come to the Detention center. Courtroom 4D is fully equipped with state-of-the-art technology for them to appear as well as victims that wished to view the proceedings and or be heard. This method allowed me to increase the amount of bonds heard daily at the courthouse. Attorneys and defendants were appreciative of the effort to quickly move their bonds that had remained stagnant. Mr. McGuire's client's Motion was scheduled for July 24, 2024 at 2:00 p.m. (Exhibit 7, 2:00 pm Bond Docket for July 24, 2024 listing Mr. McGuire's client). His client's Motion for Bond Reduction was filed on November 17, 2023. (Exhibit 8, McGuire Motion for Bond Reduction filed November 17, 2023). Bond was set by the Magistrate on November 11, 2023 in the amount of a \$500,000 surety. (Exhibit 9, Magistrate's Bond Order). Mr. McGuire's case was not singled out. Bonds were set by the docketing manager based on their filing date. Due to the age of most of the cases if the attorneys were in court elsewhere or engaged in other matters I made accommodations with them and the judges for them to have a time carved out to deal with their bond motions. Mr. McGuire was not the only attorney in another case. I had several attorneys for whom I made the same arrangements. These attorneys thanked me for allowing them to take a break from their matters to handle their client's bond matters. Due to the age of the cases and the extended time they had been pending counsel was advised that no bonds would be continued without a record. I made arrangements with Judge McMaster for Mr. McGuire's Motion to be handled at a break in his trial. His motion was called during that extended break in his trial. I was not opposed to his Motion for continuance and, in fact, granted it. (Exhibit 10, July 31, 2024, Order on Bond). Upon entering the courtroom, Mr. McGuire was intemperate, surly and speaking over the Court. Mr. McGuire made the comment regarding the chambers conference and his co-

counsel. He stated: "Well, well judge right now my co-counsel in the murder case is in the judge's chambers participating in that proceeding without me." (TR. 3:17:53:839-3:18:13:839). I reiterated that the Judge assured me that he would give him the time to handle his Motion. He then reasserted: " Well I have 1st hand information from a person in my office that my co-counsel is in chambers right now with Judge McMaster, very likely dealing with issues in the murder trial of which I am the counsel. I've been separated from him." (TR. 3:18:26:449-3:18:44:359). Contrary, to Mr. McGuire's assertion he in fact made these comments not the Court. (Exhibit 11, Transcript Hearing July 24, 2024).

6. As it regards, Mr. McGuire's allegation of an "upscuttle" with a client in Family Court in 1998. I have no independent recollection of this matter. Had Mr. McGuire been more specific I could have retrieved my records and notes of the matter and provided a more informed and detailed response. Likewise, I would have been able to provide the commission with the relevant orders. In 1998, court reporters were required to maintain their records for 3 years. With such a significant passage of time it is unlikely that the transcript still exists. As a result, without more I am at a loss to provide the panel with a complete and informed response. However, if I granted a Motion to Quash it would have been pursuant to a motion filed by the Attorney General's office. When a Judge is subpoenaed the Attorney General's office represents the Judge. In this instance I would have to presume the Attorney General handled representation of the Judge. I would have had no ex parte communication with the Judge or any other witness. Moreover, I would have based my ruling on the applicable case law and judicial rules of ethics. Judges are precluded from testifying as a fact or character witness or otherwise in any proceedings pursuant to SCACR 501, Canon 2(B). (Commentary: "A judge must not testify voluntarily as a character witness because to do so may lend the prestige of the judicial office in support of the party for whom the judge testifies).
7. It is my recollection that I have had no proceedings or interaction with Mr. McGuire since 2009 until the hearing on July 24, 2024.
8. All parties were treated with courtesy, respect and impartiality during the proceedings as evinced by the transcript. (Exhibit 11,¹ July 24, 2024 Transcript of the proceedings).



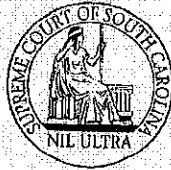
Judge Deadra L. Jefferson
100 Broad Street
Charleston, SC 29401
843.958.5147

¹ This is a rough draft of the transcript created by AI within the functions of the Court's WebEx program. I have inquired into the transcription of the hearing. But in the interests of time have provided this rough draft. The use of WebEx was necessary due to our location at the jail and the use of a DCRP reporter. My court reporter for the week of July 22, 2024 was Maria Klein a DCRP reporter.

Sworn to me this 5th day of November, 2024

Chemda C. Sheppard
Notary Public of South Carolina

My Commission Expires: July 22, 2033



The Supreme Court of South Carolina
COMMISSION ON JUDICIAL CONDUCT

Deborah S. McKeown
Commission Counsel

1015 Sumter Street, Suite 305
Columbia, South Carolina 29201
Telephone: (803) 734-1965
Fax: (803) 734-0363

December 23, 2009

PERSONAL AND CONFIDENTIAL

William Sean McGuire
P.O. Box 11433
Columbia, SC 29211

RE: Circuit Court Judge Deadra L. Jefferson
Matter Number: 09-DE-J-0237
NOTICE OF FINAL DISPOSITION



Dear Mr. McGuire:

You previously filed a complaint with the Commission on Judicial Conduct about Circuit Court Judge Deadra L. Jefferson in connection with the above-referenced matter. The Commission instructed the Office of Disciplinary Counsel to conduct an investigation into your allegations.

On December 18, 2009, an investigative panel of the Commission convened to consider the recommendation of Disciplinary Counsel for disposition of this matter based on the information gathered in the investigation. As required by the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR, the inquiries of the panel were limited to whether or not there was evidence of ethical misconduct on the part of Judge Jefferson that would warrant further investigation or the filing of formal charges. After considering the information received from you, Judge Jefferson's response, and the report of Disciplinary Counsel setting forth the results of the investigation, the panel voted to dismiss your complaint.

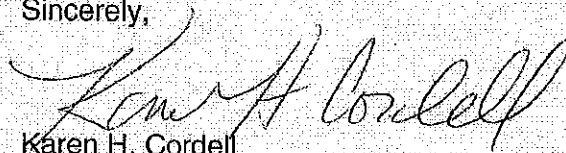
At the direction of the Commission, I am notifying you of the action taken by the Commission on this matter. This dismissal constitutes a final disposition of your complaint. As required by the rules, Judge Jefferson is being notified of the action taken by the investigative panel by copy of this letter.



William Sean McGuire
December 23, 2009
Page Two

Feel free to contact me if you have any questions or concerns regarding the disposition of your complaint.

Sincerely,



Karen H. Cordell
Administrative Assistant

KHC/

cc: Circuit Court Judge Deadra L. Jefferson

Joseph P. Turner Jr.
Assistant Disciplinary Counsel

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston)
STATE VS.)

INDICTMENT/CASE#: 2002 GS-10-6006

AKA: Kevin Allen Chas)
Race: W Sex: M Age:)
DOB: 10-24-70 SS#: 001-68-5587)
Address: 1415 Tomoka Ct)
City, State, Zip: Mt. Pleasant, SC)
DL# _____ SID# _____)

AW#: H-100400)
Date of Offense: May 29, 2002)
S.C. Code §: 16-25-65)
CDR Code #: 2131910)
 CASE RESTORED)
SENTENCE)
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: ADULTERY
In violation of § 16-25-65 of the S.C. Code of Laws, bearing CDR Code # 2131910
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Jeanette D. Gray Solicitor Defendant _____ Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 set by SCDPPPS

PTUP _____ days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

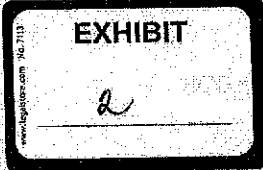
Recipient: _____
*Fine: \$ _____
\$14-1-206 (Assessments 107.5%) \$ _____
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
\$56-5-2995 (DUI Assessment) \$12 \$ _____
\$35.13 (Public Def/Prob) \$500 \$ _____
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
\$50-21-114(BUI: Breath Test Fee) \$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ 3.75
TOTAL \$ 128.75

Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: _____
Court Reporter: _____

PRESIDING JUDGE: A.R. Johnson
Judge Code: 112 NB
Sentence Date: 11/13/05

White - Clerk Green - Corrections Canary - Probation Pink - Defendant



17 (7/2003)

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
OF THE NINTH JUDICIAL CIRCUIT
INDICTMENT NO.: 2002-GS-10-6006

STATE OF SOUTH CAROLINA)

VS.)

VERDICT FORM

Kevin Allen Chase,)
Defendant.)

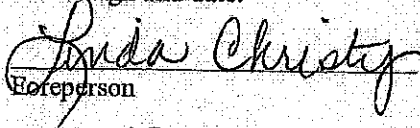
AS TO INDICTMENT NO.: 2002-GS-10-6006

We, the jury, by unanimous consent find the Defendant

Guilty of Criminal Domestic Violence Of A High And Aggravated Nature.

Not Guilty.

Please sign and date.


Lynda Christy
Foreperson

January 13, 2005

Please let the bailiffs know when you have finished your deliberations.

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

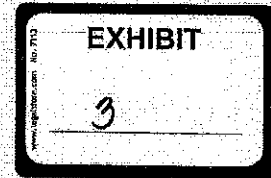
v.

Kevin Allen Chase, Appellant.

Appeal From Charleston County
Deadra L. Jefferson, Circuit Court Judge

Unpublished Opinion No. 2011-UP-210
Heard October 6, 2010 – Filed May 11, 2011

AFFIRMED



Tara Shurling, of Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, Assistant Deputy Attorney
General Salley W. Elliott, Assistant Attorney General
William M. Blich, Jr., of Columbia, for Respondent.

FEW, C.J.: Kevin Chase was convicted of criminal domestic violence of a high and aggravated nature (CDVHAN) and sentenced to ten years in prison. He was acquitted on charges of criminal sexual conduct in the first and third degree. We affirm.

FACTS/PROCEDURAL HISTORY

Chase and the victim, Mary Chase, were married but estranged at the time of the incident. On May 28, 2002, Chase went to the victim's home to see his children. After the children were asleep, the victim was in her bedroom folding laundry when Chase walked up behind her and choked her with his arm until she passed out. [1] When the victim awoke, she was face down on the bed. She pulled away from Chase who was behind her. Chase "punched hard" until his fist was inserted into her vagina. He remarked, "[t]here, it's in."

The victim stood up and leaned against a door in her bedroom. She testified that she looked down and could see blood "spurting and just running across the floor." She told Chase, "I think I'm going to die." Chase placed her on the toilet in the bathroom and inserted tampons inside her vagina to try to stop the bleeding. Eventually, Chase took her to the hospital.

The victim's surgeon testified that he "attempted a vaginal examination, but it was too uncomfortable for her in the emergency room and also she was bleeding so heavily that [he] felt [he] needed to emergently go to the operating room to assess the problem." He explained that the victim lost half of her blood volume, which left her in shock. She suffered a laceration that extended from the inside of her vagina to her cervix and was approximately five inches long and three and one-half inches deep.

The surgeon testified that the laceration was so deep that he could "see her spine or basically part of her tailbone."

LAW/ANALYSIS

1. Motion for Recusal

Chase contends the trial court erred in denying his motion to recuse the trial judge. The judge who presided over Chase's trial also heard argument in a pre-trial hearing regarding the admissibility of videotapes of the defendant and the victim engaging in prior sexual activity. The judge declined to rule pre-trial but indicated that her "inclination at [that] point [was] that they would not come in." The judge thought that the ruling should be made "in the context of the case and the testimony" Chase claims that the State engaged in judge shopping by using its control over the docket to ensure that the trial was scheduled in front of the pre-trial hearing judge. Though Chase conceded he had no complaint with the trial judge and did not claim the judge would be unfair, he argued that the State only presented possible trial dates during that judge's terms of court. The judge denied Chase's motion for recusal finding that there was no evidence of judge shopping.

We affirm for two reasons. First, the judge's inclination on the admissibility of the videotapes was insufficient to support a motion to recuse. "A motion to recuse may not be predicated upon the judge's rulings in the case before him . . . nor on his demonstrated tendency to rule in any particular manner . . ." Mallett v. Mallett, 323 S.C. 141, 146-47, 473 S.E.2d 804, 808 (Ct. App. 1996). Second, Chase admitted that he did not think the judge would be unfair or partial. If Chase was unhappy with the delay, he could have made a motion for a speedy trial to address his complaint that "the State's control over the docket was exercised in a manner that deprived [Chase] of his right to due process of law."

2. Exclusion of Videotapes

Chase contends that excluding videotapes of he and the victim engaged in previous consensual choking and fisting sexual activity was error. At trial, Chase argued that the videotapes were admissible to prove consent. The trial judge ruled that the videotapes were inadmissible under the Rape Shield Statute. The judge explained "[w]hether [the victim] consented a hundred times in the past to a particular activity is not relevant or probative on the issue of whether she consented that particular night." While the trial court found that the activity on the videotapes was relevant to the defense of accident or mistake, the judge found that the probative value was outweighed by the inflammatory or prejudicial nature of the videotapes.

The Rape Shield Statute states, in relevant part:

Evidence of specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct is not admissible in prosecutions under Sections 16-3-615 and 16-3-652 to 16-3-656; however, evidence of the victim's sexual conduct with the defendant . . . is admissible if the judge finds that such evidence is relevant to a material fact and issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

S.C. Code Ann. § 16-3-659.1(1) (2003).

We find the trial court's analysis under the Rape Shield Statute was correct. The judge first found the evidence contained on the videotapes to be relevant to a material fact and then engaged in the balancing that the Rape Shield Statute requires. The trial judge concluded that the inflammatory or prejudicial nature outweighed its probative value^[2], and we find this was within the trial court's discretion.

However, the Rape Shield Statute applied only to the criminal sexual conduct charges and did not apply to the CDVHAN[3] charge, which is the only charge relevant to this appeal. Chase argued the admissibility of the videotapes to the trial judge only under the Rape Shield Statute, and the judge ruled only under the Rape Shield Statute. Thus, it was incumbent upon Chase to seek an additional ruling under Rule 403, SCRE and any argument regarding admissibility of the videotapes as they relate to CDVHAN is not preserved for our review. State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) (holding that an issue must be raised and ruled upon by the trial judge to preserve it for appellate review).

3. Admission of Blood-Stained Items

Chase argues that the trial court erred in admitting evidence of blood-stained clothing and bedding. Chase argued that the probative value of the evidence was "fairly weak" compared to the unfair prejudice of the jury seeing the items covered in blood. Because the CDVHAN charge requires proof of a serious bodily injury, Chase also offered to stipulate that the victim received a "violent injury that would meet the definition of the CDVHAN statute" in lieu of introducing the blood-stained items. The State argued that "[t]he fact that there is blood all over the clothes is very, very important to the State's case because it shows that [the victim's] story is consistent" and that Chase and the victim were not engaged in consensual sex. The State declined to stipulate to the serious bodily injury. On appeal, Chase argues that this evidence was cumulative and unfairly prejudicial, and therefore inadmissible under Rule 403, SCRE.[4]

Rule 403, SCRE states "[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." A trial judge's evidentiary rulings will not be reversed on appeal absent an abuse of discretion. State v. Saltz, 346 S.C. 114, 121, 551 S.E.2d 240, 244 (2001).

i. Cumulative Analysis

We disagree with Chase's argument that the evidence should have been excluded as cumulative. The mere fact that admitted evidence was cumulative is not alone sufficient to sustain a Rule 403, SCRE objection. Rather, analysis under this prong of Rule 403, SCRE requires consideration of whether the evidence is a "needless presentation of cumulative evidence." We agree, for example, that the surgeon's testimony about the amount of blood the victim lost immediately after the attack coupled with the presentation of the victim's blood-stained bedding is cumulative to other evidence. However, we conclude that providing the jury with a medical explanation of the injuries and a visual demonstration of how much blood the victim lost presented a complete picture of the injuries. Thus, it was within the trial court's discretion to find that the presentation "goes to the evidence of establishing an essential element of the offense."

ii. Unfair Prejudice Analysis

The ruling not to exclude the blood-stained items on the basis of unfair prejudice was within the trial court's discretion. The probative value of blood-stained items is high. A CDVHAN charge is a combination of criminal domestic violence[5] and assault and battery of a high and aggravated nature. ABHAN is "an unlawful act or injury" accompanied by an aggravating circumstance. State v. Fennell, 340 S.C. 266, 274, 531 S.E.2d 512, 516 (2000). The aggravating circumstance articulated in the State's case was the infliction of serious bodily injury. 340 S.C. at 274, 531 S.E.2d at 516-17 (listing aggravating circumstances). The State had the burden of proving that Chase inflicted a serious bodily injury on the victim.

First, the State presented the surgeon's testimony that the victim's pain coupled with the amount of blood she lost made it impossible for him to perform a complete medical exam in the emergency room. This testimony as well as the visibility of the blood on the bedding and clothing indicates that

Chase's actions were not accidental but done with force sufficient to cause serious injury. The blood-stained items supported the seriousness of the injuries the surgeon described. Thus, the evidence is highly probative of an essential element of CDVHAN.

We recognize there is also prejudice associated with the blood-stained items. However, we conclude that the trial judge properly conducted the balancing analysis of the probative value of the blood-stained items and the potential prejudice.[6] The ruling was within the trial court's discretion.

4. Motion for Mistrial

Chase contends that the trial court erred in denying his motion for a mistrial. We disagree. The victim testified about her injuries and her recovery process beginning on the second day of Chase's trial. On the morning of the third day of the trial, the jury foreperson explained to the trial court that he had prostate cancer and still has some of the "same complications that [the victim has]." He stated that he could no longer be fair and impartial and was excused from the jury.

The foreman also stated that he told the other members of the jury about the impact of his medical condition on his ability to serve. Chase moved for a mistrial and his motion was denied. However, the trial judge questioned each juror individually to determine what each heard the foreperson say. All of the jurors indicated that the foreperson commented about his health conditions. One juror told the court that the foreperson said "the defense would have to make a really good case" and explained that there was "[s]ome head nodding, that's about all" in response to the foreperson's comment. Nevertheless, each juror indicated that he or she could remain fair and impartial.

After the colloquy with the members of the jury, Chase again moved for a mistrial. The trial court again denied the motion, finding that a mistrial is not required when all members of a jury indicate they can remain impartial. A trial judge's ruling on a motion for mistrial will not be disturbed absent an abuse of discretion amounting to an error of law. *State v. Sparkman*, 358 S.C. 491, 495, 596 S.E.2d 375, 377 (2004). "A mistrial should only be granted in cases of manifest necessity and with the greatest caution for very plain and obvious reasons." *State v. Patterson*, 337 S.C. 215, 227, 522 S.E.2d 845, 851 (Ct. App. 1999). "[T]he conduct of jurors should be free from all extraneous or improper influences. Unless the misconduct affects the juror's impartiality, it is not such misconduct as will affect the verdict." *State v. Kelly*, 331 S.C. 132, 141, 502 S.E.2d 99, 104 (1998). We find that it was within the judge's discretion to determine that the foreperson's statements did not improperly influence the jury and that the trial court did not abuse its discretion in denying Chase's motion for a mistrial.

5. Admission of Prior Bad Act Evidence

Chase contends that the trial court erred in admitting prior bad act evidence of domestic disputes between him and the victim. The State called Sergeant Robert Walker to testify about his search of the victim's residence on the night of the offense. On cross examination, Chase asked "[d]o you have any evidence whatsoever that there was any criminal domestic violence in that home ever, any phone calls to the police or any investigators called out, any complaint to anybody?" Walker replied, "I believe we do have – I don't know if its involving Mr. Chase, but we do have reports of a prior incident involving Mrs. Chase prior to this, yes." After Walker testified, the State argued that Chase opened the door, and sought to explore criminal domestic violence in the Chase household with the next witness, Detective Michael Anderson. The judge ruled:

You asked the question. You asked if they had gone out to a prior domestic violence call, now it's in the air. He says to his knowledge they did go, but that it involved Ms. Chase. That then leaves this unanswered, open-ended question in the jury's mind about why they go there, for what purpose did they go, did it involve her and someone else. They're entitled to answer that. You did open the door.

Outside the presence of the jury, the State explained that Anderson had suspicions of domestic violence when he initially went to the Chase home to investigate a reported burglary. After the victim reported that Chase had child pornography on his computer, Anderson asked the victim's advocate to accompany him to the Chase home to ask Mrs. Chase about domestic violence. The judge agreed to let the State explore the domestic violence issue but ruled that any questioning about child pornography was "off limits." The State then called Detective Anderson. He testified that in 2001 he responded to a call that the Chase home had been burglarized. He explained that he returned to the Chase residence several times during the course of the burglary investigation. The State asked, "[d]id you ever bring a victim advocate with you?" Anderson responded, "[y]es, sir. I did." No additional testimony about his suspicions of domestic violence was elicited.

Rule 404(b), SCRE states that "[e]vidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent." However, when one party introduces evidence, or opens the door, the other party is entitled to "explain it or rebut it, even if the latter evidence would have been . . . irrelevant had it been offered initially." *State v. Beam*, 336 S.C. 45, 52, 518 S.E.2d 297, 301 (Ct. App. 1999). We affirm for two reasons. First, the judge's ruling that Chase opened the door to the State's exploration of past criminal domestic violence disputes involving Chase and the victim was within her discretion. Second, the testimony the State elicited from Detective Anderson after Chase opened the door was not evidence of other crimes, wrongs or acts. The evidence does not indicate that Chase was suspected of domestic violence and only indicates that Anderson asked a victim's advocate to accompany him to the Chases' home. The State did not explore the criminal domestic violence issue any further and Chase did not clarify Anderson's testimony on cross-examination.

6. Exclusion of Audiotaped Conversations

Chase contends the trial judge erred in excluding portions of audiotapes of conversations between him and the victim that occurred approximately four to six weeks after the incident. The State objected to any portion of the tapes being played for the jury. The trial court ruled:

Anything that deals with the actual sexual acts, anything that deals with the custody battle, all of that is clearly being offered for its truth. [Chase's] theory is that [the victim] had an alternative motive, that she fabricated all of this to get some leverage in the custody battle. So the only reason you would be offering a conversation between the two of them on this tape about custody would be for the truth of the matter asserted and its hearsay. And unless you can give me an exception, it's not admissible.

I told you that you could offer it to show their tone as long as its not being offered for its truth. . . . There are many parts of this tape you can choose to play that shows their tone with one another, I've told you that is fine, you can play that.

Chase argues that the trial judge erred in excluding any portion of the audiotapes because the conversations show "that the victim and the Appellant were engaging in overarching discussion about every aspect of their daily lives at that point in time." Chase contends the entirety of the tapes showed both humorous and serious conversations that were relevant to show the nature of the relationship after the incident. We find the judge's ruling on the admissibility of the audiotapes did not prevent Chase from demonstrating the nature of the conversations he had with the victim.

First, the trial court's limitation on how much of the audiotape was played to the jury was partially based on trial management. This was within the judge's discretion under Rule 611(a), SCRE. [7] Chase argued that the conversations were offered only to demonstrate the tone and nature of the communications between Chase and the victim. The trial judge explained, "[w]ell, we don't need to

hear the whole tape to hear their tones. I mean, I've heard enough to know what their tone is with one another."

Second, the judge's trial management ruling did not prevent Chase from demonstrating the "serious" nature of the relationship he had with the victim. The trial court excluded only portions of the audiotape that referred to the custody battle, the incident, and statements about his bond. The trial court did not exclude any other portion of the audiotape at the outset, providing Chase with "approximately 200 pages of transcript which talk about other things." Further, the admitted portions included more serious conversations between Chase and the victim. Thus, Chase was not prevented from presenting evidence of serious conversations with the victim and he was able show the full nature of their conversations.

Third, because the admitted portions of the tape accomplished Chase's goal, the trial judge concluded that admitting any additional portions of the tapes served no purpose other than to prove the truth of the statements. Based on this analysis, the trial judge was within her discretion in ruling that statements by the victim related to the night of the incident, the custody dispute and the status of Chase's bond would be hearsay under Rule 801(c), SCRE.

7. Limit on Testimony About Victim's Motivation to Fabricate Offense

Chase contends that the trial court erred in limiting testimony about the victim's potential motive for fabricating the charges, in violation of his Sixth Amendment right to present a complete defense. In a pre-trial motion, the judge ruled that while Chase was entitled to explore the victim's bias and motivation to lie about the incident, he was prohibited from exploring specific incidents of conduct that occurred during the custody dispute between Chase and the victim over Chase's daughter, Kalei. Chase sought to introduce testimony from Amy Lynch, Lindy Clifton, and Carolyn Berlin. We hold the limitations the trial judge imposed on the presentation of each witness's testimony were within her discretion.

i. Amy Lynch

Amy Lynch, Kalei's biological mother, testified about her conspiracy with the victim to keep Chase from taking Kalei out of state. She testified, in part:

We both came up with a plan to keep Kevin away from Kalei, to keep him from being able to come get her. . . . We were determined . . . to get his rights revoked. . . . And we would sit down and talk about what we were going to say on these recorded phone conversations. . . . I would say bad things about Kevin that weren't true, but I was determined . . . to get him out of my daughter's life at that point.

First, the objections and rulings as to Amy Lynch's testimony listed in Chase's brief concern hearsay. However, Chase makes no argument on appeal that the judge erred in ruling that the statements were inadmissible as hearsay. Thus, these rulings stand as the law of the case. State v. Sampson, 317 S.C. 423, 427, 454 S.E.2d 721, 723 (Ct. App. 2005). As to the merits, a ruling that a statement constitutes inadmissible hearsay does not violate a defendant's constitutional right to present a defense. While a criminal defendant has a constitutional right to present witnesses in his defense, Crane v. Kentucky, 476 U.S. 683, 687 (1986), the right to introduce even relevant evidence "is not unlimited, but rather is subject to reasonable restrictions." U.S. v. Scheffer, 523 U.S. 303, 308 (1998). The exclusion of testimony based on state evidence law does not violate the defendant's constitutional right to present evidence so long as the evidence law is "not arbitrary or disproportionate to the purposes it is designed to serve." Id. at 308 (internal quotations omitted).

Second, Chase argues that the trial judge's ruling interfered with his ability to prove that the victim had a motive to lie about the choking and fisting incident. However, we find Chase was able to elicit ample testimony from Lynch about her conspiracy with the victim to lie about Chase in order to influence the

custody dispute over Kalei. Further, the trial court's decision to exclude wide-ranging testimony about conduct of the parties during the custody battle was within her discretion under Rule 611(a), SCRE.

ii. *Lindy Clifton*

Lindy Clifton, a certified child trauma specialist, was permitted to testify regarding Kalei's display of trauma symptoms related to domestic violence and about the relationship between the child and the victim. As the testimony was presented at trial, the trial judge explained:

I am not going to allow them to rehash the custody case. I'm not going to retry the custody case. Quite frankly, it is not relevant to these proceedings except to the limited extent of any motivation Ms. Chase may have and any – as the defense contends, and any bearing that may have on her credibility, her believability, her reliability, her veracity as a witness.

We find it was within the trial court's discretion to determine that the bond between Chase and his daughter as well as the custody battle should be excluded under the court's Rule 611(a), SCRE, trial management authority.

iii. *Carolyn Berlin*

Chase also sought to offer Carolyn Berlin's testimony to impeach the victim's credibility. Specifically, Chase wanted Berlin to testify about whether the victim was drugged by Chase on the night of the incident and whether the victim willingly used GHB. Chase also sought to have Berlin testify about the victim's attempts to influence the custody case. The trial court refused to permit Berlin to testify about the custody case. After reviewing the victim's testimony and asking the court reporter to verify, the trial court concluded that Chase did not ask the victim about drug usage. As a result, the trial court ruled that Berlin's testimony could not be used to impeach the victim's statements about drug usage because the victim was never asked to admit or deny the statements during Chase's cross-examination. We conclude that the trial court's ruling prohibiting testimony about drug usage was correct under Rule 613(b), SCRE.[8]

8. Jury Charge and Jury Question

Chase argues that the trial court erred in failing to give a charge on specific intent on the CDVHAN charge and erred in failing to define terms requested by the jury during deliberation. We disagree. When discussing requests for charge, Chase stated:

I would ask the Court charge with each element of the offense the actor would have to have criminal intent – Judge I would just ask regarding the *mens rea* requirement that the jury be charged that the defendant to be guilty of a criminal act must also have a criminal intent, and in this case with these charges he must act knowingly and intentionally with regard to each element of the offense.

The trial court found "the statutory language is adequate and . . . I'm going charge the statute." A trial court is generally required to charge only the current and correct law. *Sheppard v. State*, 357 S.C. 646, 665, 594 S.E.2d 462, 472-73 (2004). A jury charge is correct if it contains the correct definition of law when read as a whole. *State v. Rayfield*, 369 S.C. 106, 119, 631 S.E.2d 244, 251 (2006). We find that the jury charge was a correct statement of the law.

The goal of Chase's request for a charge on criminal intent was accomplished by the charge. The jury charge properly connected the definition of assault with the definition of battery. First, the trial court explained, "[a]n assault is the intentional creation of a reasonable fear of immediate bodily harm." Then, she defined battery, "[a] battery is the completion of the assault by using or applying force to another person, however slight, in a rude, angry or resentful manner without legal justification for doing so."

By connecting the definitions of assault and battery in this way, the judge defined the mental state the State must prove to differentiate what activity is criminal and what activity is consensual. This instruction informed the jury that in order to find that Chase was guilty of CDVHAN, the State had to prove that Chase committed an intentional assault by applying force in a "rude, angry, or resentful manner."

Chase failed to submit his criminal intent charge request to the court in writing, even after the trial court requested it at multiple points in the trial as she expressed concern about whether the requested charge was appropriate. If Chase wanted a more tailored instruction than the instruction the trial judge gave to the jury, he should have been more specific in his oral request, or he should have submitted a written request to the court.

During deliberation, the jury sent the court a note asking for definitions of the terms "intentional" and "willful."^[9] The judge answered the jury as follows:

The elements of each offense and the relevant definitions have been provided to you within the Court's charge on the law. This is the law that you are to apply in this case. If you desire to rehear the charge or any portion of the charge, please make me aware of it and I will accommodate your request immediately.

We find that this response was within the trial court's discretion.

AFFIRMED.

HUFF and GEATHERS, JJ., concur.

[1] Both parties testified that they previously engaged in autoerotic asphyxiation of the victim by Chase and vaginal insertion of Chase's fist as part of their sexual relationship.

[2] The balancing test under the Rape Shield Statute is different from the balancing test under Rule 403, SCRE. While evidence may be excluded under the Rape Shield Statute if the "inflammatory or prejudicial nature" outweighs the probative value, evidence may be excluded under Rule 403 only if the danger of unfair prejudice substantially outweighs the probative value.

[3] S.C. Code Ann. § 16-25-65(A) (2003).

[4] Chase also argues that the fact that the foreperson asked to be excused after hearing the victim's testimony indicates the inflammatory nature of the evidence. This issue was not raised to or ruled on by the trial court. Thus, we conclude it is not preserved for our review. Dunbar, 356 S.C. at 142, 587 S.E.2d at 693-94.

[5] Criminal domestic violence is "caus[ing] physical harm or injury to a person's own household member." S.C. Code Ann. § 16-25-20(A) (Supp. 2010).

[6] See generally State v. Simmons 384 S.C. 145, 161, 682 S.E.2d 19, 27 (Ct. App. 2009) (noting that while blood evidence is prejudicial, it is not necessarily unduly so).

[7] Rule 611(a), SCRE states "[t]he court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment."

[8] Rule 613(b), SCRE states in part that "[e]xtrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is advised of the substance of the statement, the time and

place it was allegedly made, and the person to whom it was made, and is given the opportunity to explain or deny the statement."

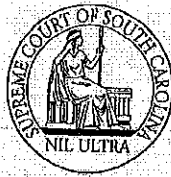
[9] In determining the appropriate response, the following discussion occurred:

Chase: I just want to preserve my objection with regard to my request for a *mens rea* charge, but as long as I'm preserving that -

Court: If you want me to charge this jury . . . that negligence constitutes criminal intent, I'll accommodate you.

Chase: Oh, that's not what I want.

Court: Okay. That's what my general charge says. And you didn't provide me with a proposed one so you – like I said, you left me at a great deficit.



The Supreme Court of South Carolina

OFFICE OF THE DISCIPLINARY COUNSEL

HENRY B. RICHARDSON, JR.
DISCIPLINARY COUNSEL

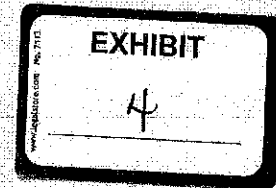
DEBORAH S. MCKEOWN
ASST. DISCIPLINARY COUNSEL

1015 SUMTER STREET, SUITE 111
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1865

February 23, 2006

PERSONAL AND CONFIDENTIAL

Mr. Kevin Chase # 307050
Post Office Box 2039
SAU-B #20
Ridgeland, South Carolina 29936



Re: Judge: Circuit Court Judge Deadra L. Jefferson
Case No.: 06-DE-J-0009

Dear Mr. Chase:

This office has conducted a preliminary investigation concerning the allegations of misconduct set out in your complaint against the above named judge. This investigation focused solely on those grounds for misconduct set out in the *Rules for Judicial Disciplinary Enforcement (RJDE)* - Rule 502, SCACR, promulgated by The Supreme Court of South Carolina.

These rules do not apply to legal matters related to whether or not the outcome of a case before a judge was fair nor to errors of law a judge might have made in a case. These are legal matters which must be addressed by you at trial or on appeal using appropriate appellate procedures.

In your letter of complaint, you allege that the judge would not allow your attorney to present evidence on your behalf at a bond reconsideration hearing in September 2002. This office, however, has reviewed the transcript of the bond reconsideration hearing. The transcript revealed that the judge gave your attorney ample opportunity to present any arguments on your behalf.

You also complain that, during your January 2005 trial, the judge was consistently late for court and seemed to be biased against you and your attorney. This office's preliminary investigation, which included a review of the trial transcript, revealed no evidence to support your allegations of misconduct in this regard. The remaining

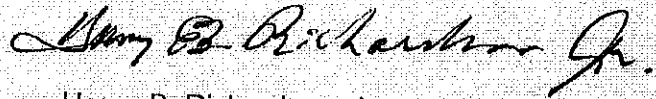
Mr. Chase
February 23, 2006
Page Two

allegations in your complaint appear to involve legal issues that are outside the jurisdiction of the Commission on Judicial Conduct and this office.

Based on the foregoing, I have determined that there is no evidence supporting allegations of any misconduct as defined in these rules on the part of the above named judge arising out of the events mentioned in your complaint. Instead, I find that the events mentioned in your complaint involve such legal matters that are outside the jurisdiction of this office and are also outside the jurisdiction of the Commission on Judicial Conduct.

Accordingly, your complaint is dismissed pursuant to the provisions of Rule (19)(b)(2) of RJDE. As required by this rule, the above named judge is, by copy of this letter, being notified of the action herewith taken concerning your complaint. Your interest in judicial conduct is appreciated.

Yours very truly,



Henry B. Richardson, Jr.

HBRjr:dsm

cc: The Honorable Deadra L. Jefferson

Jefferson, Deadra L. Secretary (Chanda C. Sheppard)

From: Wilson, Scarlett A.
Sent: Friday, June 14, 2024 11:43 AM
To: Jefferson, Deadra L.; Jefferson, Deadra L. Secretary (Chanda C. Sheppard)
Cc: Armstrong, Julie
Subject: List of Matters / Bonds

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Dear Judge,

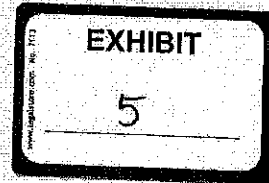
In our attempts to honor the Supreme Court's suggestion of rotating teams for prosecutors and because CourtPlus could not accommodate "team scheduling", we agreed to schedule bond hearings. I have not been comfortable with this arrangement because we are advocates and sometimes have different priorities than the Court, and certainly the defense bar. It is best, and in keeping with the Administrative Order, that the Court resumes scheduling bond hearings. We will no longer schedule bond hearings. We understand that you likely will not schedule bond hearings around our teams. We will adapt.

I urge you to move bond hearings to Fridays, and to have more hearings in "off weeks."

As I understand it, the next bond session is the week of July 8. We will be ready for the cases you decide should be heard that week.

Thanks so much.

SW



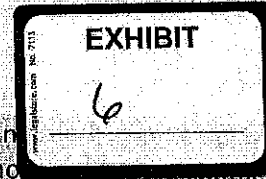
Scarlett A. Wilson
Solicitor

101 Meeting Street, Suite 400
Charleston, SC 29401

o: 843-958-1900 | f: 843-958-1905

e: wilsons@scsolicitor9.org | web: www.scsolicitor9.org

From: Jefferson, Deadra L. Secretary (Chanda C. Sheppard) <DJeffersonSC@sccourts.org>
Sent: Wednesday, June 26, 2024 4:50 PM
To: Scarlett Wilson <wilsons@scsolicitor9.org>
Cc: markjoye@joyelawfirm.com; Cameron J. Blazer <CBlazer@charlestoncounty.org>; Ravi Sanyal <ravi@sanyallaw.com>; Julie Armstrong <JArmstrong@charlestoncounty.org>; Katherine Symonette <KSymonette@charlestoncounty.org>; David Burnsed <dburnsed@charlestoncounty.org>; Robert Duncan <RDuncan@charlestoncounty.org>; James M. Milone <JMilone@charlestoncounty.org>; Kescia.Holmes@ppp.sc.gov; James, George C. <gjames@sccourts.org>
Subject: Response to email dated 6/14/2024



CAUTION: This email originated outside of Charleston County. Do not open attachments from unknown senders or suspicious emails. If you are not the intended recipient, please contact IT helpdesk.

Dear Ms. Wilson,

This will acknowledge receipt of your email on Friday, June 14, 2024. I was in session in Berkeley County the week of June 10th and did not have the full opportunity to address your inquiry until last week. After reviewing the outstanding bond motions which include both requests to set bond and bond revocations the oldest motions have been outstanding since April 27, 2023 and have an end filing date of June 18, 2024. A conservative estimate of the bond backlog is approximately 235 cases. The vast majority of these individuals are in the detention center.

After researching and making a full assessment of the issue bonds will be scheduled on Tuesdays of each GSNJ week. Beginning the week of July 8th bonds will be scheduled for the morning as this GSNJ term was scheduled prior to the current schedule revision. Thereafter, bonds will be scheduled for the Tuesday of each GSNJ week until we have resolved the backlog. Bonds will remain on Tuesdays after the backlog is resolved and pleas will also be scheduled as can be accommodated by the remaining time slots. In this way we should be able to eliminate the accumulation of bond matters with a regular preset schedule. Also, the July 22nd term recently added by court administration will be devoted to the motion and bond backlog.

The GS Docket Manager for the Clerk of Court's office will prepare the bond dockets which will be published in advance of each term for scheduling and notice purposes. Bonds will be scheduled based on their filing date from the oldest to the most current. This is the only equitable way to hear these matters and resolve the backlog efficiently. While I would like to accommodate your request to set bonds based on your team concept, as you are aware, this is not practicable and will not provide the adequate time necessary to make any significant dent in the current backlog. It is my hope that in scheduling this way the backlog will be resolved in short order.

Judges are in session every term and do not have the available schedule, mechanisms or ability so the Court will not be involved in the scheduling of motions. Also, the Court cannot equitably accommodate ad hoc scheduling of motions for any particular defendant. As you are aware our terms of court are determined on a yearly basis by Court Administration. As a result, there are no "off weeks" for scheduling purposes. All available terms have been allocated and scheduled by court administration. There are no additional terms available at this time. As court

administration may add terms you will be notified of their allocation for scheduling purposes. All inquiries regarding scheduling of bonds should be directed to the GS Docket Manager, James Milone.

I am hopeful that this system will enable us to resolve the backlog in short order. I am copying all concerned on this response so that as a team we can be equipped for this bond scheduling initiative. Thanking everyone in advance for their hard work and cooperation.

Best,
JJ

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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Charleston County - Roster Details  
 Judge Jefferson Bond Docket July 24, 2024 2:00 PM

| Court Agency |            | General Sessions               |       | Judge                  |                             | Roster          |                                                                           | Roster          |                                            | Roster                                    |       | Roster          |  |
|--------------|------------|--------------------------------|-------|------------------------|-----------------------------|-----------------|---------------------------------------------------------------------------|-----------------|--------------------------------------------|-------------------------------------------|-------|-----------------|--|
| Roster Type  |            | General Sessions Motion Roster |       | Roster Begin Date      |                             | Roster End Date |                                                                           | Roster End Date |                                            | Roster End Date                           |       | Roster End Date |  |
|              |            | Jefferson                      |       | 07/24/2024             |                             | 104             |                                                                           | 07/24/2024      |                                            |                                           |       |                 |  |
| #            | Date       | Time                           | hr:mn | Description            | Filing Party                | Filed Date      | Case                                                                      | Sub Type        | Prosecuting Attorney                       | Defendant Attorney                        | Notes |                 |  |
| 1            | 07/24/2024 | 2:00 PM                        |       | Motion/Bond Reduction  | Tyler Brown-DEF             | 10/31/2023      | 2023A1010204586<br>The State of South Carolina VS Tyler Brown             |                 | Stephanie Bianco Linder (843) 958-1925     | Katherine Elizabeth Mangan (843) 958-5123 |       |                 |  |
| 2            | 07/24/2024 | 2:00 PM                        |       | Motion/Bond Reduction  | Tyler Brown-DEF             | 10/31/2023      | 2023A1010204587<br>The State of South Carolina VS Tyler Brown             |                 | Stephanie Bianco Linder (843) 958-1925     | Katherine Elizabeth Mangan (843) 958-5123 |       |                 |  |
| 3            | 07/24/2024 | 2:00 PM                        | I     | Motion/Motion for Bond | Andre Jamel Myers-DEF       | 11/09/2023      | 2023A1010204914<br>The State of South Carolina VS Andre Jamel Myers       |                 | Richardson Hunt Russell (843) 958-2049     | Melisa White Gay (843) 388-7907           |       |                 |  |
| 4            | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Angel Javier Barrientos-DEF | 04/02/2024      | 2023A1010204915<br>The State of South Carolina VS Angel Javier Barrientos |                 | Mananella Mamlick (843) 958-1958           | Douglas Allen Henley (843) 958-1850       |       |                 |  |
| 5            | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Andre Jamel Myers-DEF       | 11/09/2023      | 2023A1010204916<br>The State of South Carolina VS Andre Jamel Myers       |                 | Richardson Hunt Russell (843) 958-2049     | Melisa White Gay (843) 388-7907           |       |                 |  |
| 6            | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Andre Jamel Myers-DEF       | 11/09/2023      | 2023A1010204917<br>The State of South Carolina VS Andre Jamel Myers       |                 | Richardson Hunt Russell (843) 958-2049     | Melisa White Gay (843) 388-7907           |       |                 |  |
| 7            | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Andre Jamel Myers-DEF       | 11/09/2023      | 2023A1020900142<br>The State of South Carolina VS Andre Jamel Myers       |                 | Richardson Hunt Russell (843) 958-2049     | Melisa White Gay (843) 388-7907           |       |                 |  |
| 8            | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Andre Jamel Myers-DEF       | 11/09/2023      | 2023A1020900143<br>The State of South Carolina VS Andre Jamel Myers       |                 | Richardson Hunt Russell (843) 958-2049     | Melisa White Gay (843) 388-7907           |       |                 |  |
| 9            | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Rondell Lamar Scott Jr-DEF  | 11/13/2023      | 2023A1010206250<br>The State of South Carolina VS Rondell Lamar Scott Jr  |                 | Benjamin Chad Simpson (843) 819-4654       | Pano Michael DuPree (843) 571-1893        |       |                 |  |
| 10           | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Rondell Lamar Scott Jr-DEF  | 11/07/2023      | 2023A1010206250<br>The State of South Carolina VS Rondell Lamar Scott Jr  |                 | Benjamin Chad Simpson (843) 819-4654       | Pano Michael DuPree (843) 571-1893        |       |                 |  |
| 11           | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond | Antonio Deshawn Odom-DEF    | 02/27/2024      | 2020A1010201850<br>The State of South Carolina VS Antonio Deshawn Odom    |                 | Charles William Patrick III (843) 958-1897 | Grant Bradley Snelkome (843) 808-2100     |       |                 |  |
| 12           | 07/24/2024 | 2:00 PM                        |       | Motion/Speedy Trial    | Antonio Deshawn Odom-DEF    | 11/13/2023      | 2020A1010201850<br>The State of South Carolina VS Antonio Deshawn Odom    |                 | Charles William Patrick III (843) 958-1897 | Grant Bradley Snelkome (843) 808-2100     |       |                 |  |

Number of motions = 38

Charleston County - Roster Details  
 Judge Jefferson Bond Docket July 24, 2024 2:00 PM

| Court Agency |            | General Sessions               |      | Judge                        |                          | Roster Begin Date |                                                                        | Roster End Date |                                            | Roster Id                              |       |
|--------------|------------|--------------------------------|------|------------------------------|--------------------------|-------------------|------------------------------------------------------------------------|-----------------|--------------------------------------------|----------------------------------------|-------|
| Roster Type  |            | General Sessions Motion Roster |      | Jefferson                    |                          | 07/24/2024        |                                                                        | 07/24/2024      |                                            | 104                                    |       |
| #            | Date       | Time                           | h:mm | Description                  | Filing Party             | Filed Date        | Case                                                                   | Sub Type        | Prosecuting Attorney                       | Defendant Attorney                     | Notes |
| 13           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion for Bond       | Antonio Deshawn Odum-DEF | 02/27/2024        | 2020A1010201851<br>The State of South Carolina VS Antonio Deshawn Odum |                 | Charles William Patrick III (843) 958-1897 | Grant Bradley Smaildome (843) 808-2100 |       |
| 14           | 07/24/2024 | 2:00 PM                        | I    | Motion/Speedy Trial          | Antonio Deshawn Odum-DEF | 11/19/2023        | 2020A1010201851<br>The State of South Carolina VS Antonio Deshawn Odum |                 | Charles William Patrick III (843) 958-1897 | Grant Bradley Smaildome (843) 808-2100 |       |
| 15           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion for Bond       | Antonio Deshawn Odum-DEF | 02/27/2024        | 2020A1010201852<br>The State of South Carolina VS Antonio Deshawn Odum |                 | Charles William Patrick III (843) 958-1897 | Grant Bradley Smaildome (843) 808-2100 |       |
| 16           | 07/24/2024 | 2:00 PM                        | I    | Motion/Speedy Trial          | Antonio Deshawn Odum-DEF | 11/13/2023        | 2020A1010201852<br>The State of South Carolina VS Antonio Deshawn Odum |                 | Charles William Patrick III (843) 958-1897 | Grant Bradley Smaildome (843) 808-2100 |       |
| 17           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion for Bond       | Rodney Lester Ellis-DEF  | 11/13/2023        | 2020A1010204310<br>The State of South Carolina VS Rodney Lester Ellis  |                 | Kristen Michelle Johnson (803) 734-4159    | Peter Michael McCoy Jr. (843) 459-8835 |       |
| 18           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion for Bond       | Rodney Lester Ellis-DEF  | 11/13/2023        | 2020A1010204311<br>The State of South Carolina VS Rodney Lester Ellis  |                 | Kristen Michelle Johnson (803) 734-4159    | Peter Michael McCoy Jr. (843) 459-8835 |       |
| 19           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion to Modify Bond | Ridge Lavor Smalls -DEF  | 11/17/2023        | 2020A1010202591<br>The State of South Carolina VS Ridge Lavor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900       | Melissa White Gay (843) 388-7907       |       |
| 20           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion to Modify Bond | Ridge Lavor Smalls -DEF  | 11/17/2023        | 2022A1010205817<br>The State of South Carolina VS Ridge Lavor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900       | Melissa White Gay (843) 388-7907       |       |
| 21           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion to Modify Bond | Ridge Lavor Smalls -DEF  | 11/17/2023        | 2022A1010205818<br>The State of South Carolina VS Ridge Lavor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900       | Melissa White Gay (843) 388-7907       |       |
| 22           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion for Bond       | Ridge Lavor Smalls -DEF  | 11/22/2023        | 2023A1010201896<br>The State of South Carolina VS Ridge Lavor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900       | Melissa White Gay (843) 388-7907       |       |
| 23           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion to Modify Bond | Ridge Lavor Smalls -DEF  | 11/17/2023        | 2023A1010201898<br>The State of South Carolina VS Ridge Lavor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900       | Melissa White Gay (843) 388-7907       |       |
| 24           | 07/24/2024 | 2:00 PM                        | I    | Motion/Motion for Bond       | Ridge Lavor Smalls -DEF  | 11/22/2023        | 2023A1010201899<br>The State of South Carolina VS Ridge Lavor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900       | Melissa White Gay (843) 388-7907       |       |

Number of motions = 38



**Charleston County - Roster Details**  
**Judge Jefferson Bond Docket July 24, 2024 2:00 PM**

| Court Agency           |            | General Sessions               |       | Judge                        |                           | Roster Begin Date |                                                                        | Roster End Date |                                       | Roster ID                                                                     |       |
|------------------------|------------|--------------------------------|-------|------------------------------|---------------------------|-------------------|------------------------------------------------------------------------|-----------------|---------------------------------------|-------------------------------------------------------------------------------|-------|
| Roster Type            |            | General Sessions Motion Roster |       | Jefferson                    |                           | 07/24/2024        |                                                                        | 07/24/2024      |                                       | 104                                                                           |       |
| Number of motions = 38 |            |                                |       |                              |                           |                   |                                                                        |                 |                                       |                                                                               |       |
| #                      | Date       | Time                           | hr:mn | Description                  | Filing Party              | Filed Date        | Case                                                                   | Sub Type        | Prosecuting Attorney                  | Defendant Attorney                                                            | Notes |
| 25                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond       | Ridge Labor Smalls -DEF   | 11/22/2023        | 2023A1010201900<br>The State of South Carolina VS Ridge Labor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900  | Melissa White Gay (843) 388-7907                                              |       |
| 26                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Ridge Labor Smalls -DEF   | 11/17/2023        | 2023A1010201900<br>The State of South Carolina VS Ridge Labor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900  | Melissa White Gay (843) 388-7907                                              |       |
| 27                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Ridge Labor Smalls -DEF   | 11/17/2023        | 2023A1010201899<br>The State of South Carolina VS Ridge Labor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900  | Melissa White Gay (843) 388-7907                                              |       |
| 28                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion for Bond       | Ridge Labor Smalls -DEF   | 11/22/2023        | 2023A1010201901<br>The State of South Carolina VS Ridge Labor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900  | Melissa White Gay (843) 388-7907                                              |       |
| 29                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Ridge Labor Smalls -DEF   | 11/17/2023        | 2023A1010201901<br>The State of South Carolina VS Ridge Labor Smalls   |                 | Ashleigh Audrey Brown (843) 958-1900  | Melissa White Gay (843) 388-7907                                              |       |
| 30                     | 07/24/2024 | 2:00 PM                        |       | Motion/Bond Reduction        | Tyler Alan Eoute-DEF      | 11/17/2023        | 2023A1010205075<br>The State of South Carolina VS Tyler Alan Eoute     |                 | Jordan Alyssa Norvell (843) 958-1999  | William Sean McGuire (843) 277-0090                                           |       |
| 31                     | 07/24/2024 | 2:00 PM                        |       | Motion/Bond Reduction        | Tyler Alan Eoute-DEF      | 11/17/2023        | 2023A1010206076<br>The State of South Carolina VS Tyler Alan Eoute     |                 | Jordan Alyssa Norvell (843) 958-1999  | William Sean McGuire (843) 277-0090                                           |       |
| 32                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Jacob Murrell Wilson -DEF | 11/27/2023        | 2023A1010206674<br>The State of South Carolina VS Jacob Murrell Wilson |                 | Mariana Croghan Ouffen (843) 958-1900 | Helen Rose Roper Dovell (843) 958-1874<br>Amanda Helene Monaco (843) 958-5126 |       |
| 33                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Jacob Murrell Wilson -DEF | 11/27/2023        | 2023A1010206677<br>The State of South Carolina VS Jacob Murrell Wilson |                 | Mariana Croghan Ouffen (843) 958-1900 | Helen Rose Roper Dovell (843) 958-1874<br>Amanda Helene Monaco (843) 958-5126 |       |
| 34                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Jacob Murrell Wilson -DEF | 11/27/2023        | 2023A1010206684<br>The State of South Carolina VS Jacob Murrell Wilson |                 | Mariana Croghan Ouffen (843) 958-1900 | Helen Rose Roper Dovell (843) 958-1874<br>Amanda Helene Monaco (843) 958-5126 |       |
| 35                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Jacob Murrell Wilson -DEF | 11/27/2023        | 2023A1010206686<br>The State of South Carolina VS Jacob Murrell Wilson |                 | Mariana Croghan Ouffen (843) 958-1900 | Helen Rose Roper Dovell (843) 958-1874                                        |       |

Charleston County - Roster Details  
 Judge Jefferson Bond Docket July 24, 2024 2:00 PM

| Court Agency           |            | General Sessions               |       | Judge                        |                           | Roster Id  |                                                                        |          |                                       |                                                                               |       |
|------------------------|------------|--------------------------------|-------|------------------------------|---------------------------|------------|------------------------------------------------------------------------|----------|---------------------------------------|-------------------------------------------------------------------------------|-------|
| Roster Type            |            | General Sessions Motion Roster |       | Jefferson                    |                           | 184        |                                                                        |          |                                       |                                                                               |       |
| Number of motions = 38 |            | Roster Begin Date              |       | Roster End Date              |                           | 07/24/2024 |                                                                        |          |                                       |                                                                               |       |
| #                      | Date       | Time                           | hr:mn | Description                  | Filing Party              | Filed Date | Case                                                                   | Sub Type | Prosecuting Attorney                  | Defendant Attorney                                                            | Notes |
| 36                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Jacob Murrell Wilson -DEF | 11/27/2023 | 2023A1010206689<br>The State of South Carolina VS Jacob Murrell Wilson |          | Mariana Croghan Outten (843) 958-1900 | Helen Rose Roper Dovell (843) 958-1874<br>Amanda Helene Monaco (843) 958-5126 |       |
| 37                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Jacob Murrell Wilson -DEF | 11/27/2023 | 2023A1010206690<br>The State of South Carolina VS Jacob Murrell Wilson |          | Mariana Croghan Outten (843) 958-1900 | Helen Rose Roper Dovell (843) 958-1874<br>Amanda Helene Monaco (843) 958-5126 |       |
| 38                     | 07/24/2024 | 2:00 PM                        |       | Motion/Motion to Modify Bond | Jacob Murrell Wilson -DEF | 11/27/2023 | 2023A1010206691<br>The State of South Carolina VS Jacob Murrell Wilson |          | Mariana Croghan Outten (843) 958-1900 | Helen Rose Roper Dovell (843) 958-1874<br>Amanda Helene Monaco (843) 958-5126 |       |



STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
STATE OF SOUTH CAROLINA )  
Plaintiff, )  
-versus- )  
TYLER ALAN EOUTE, )  
Defendant. )

IN THE GENERAL SESSIONS COURT  
FOR THE NINTH JUDICIAL CIRCUIT  
WARRANT NUMBERS: 2023A1010206075  
through  
2023A1010206076

**MOTION FOR REDUCTION OF BOND**

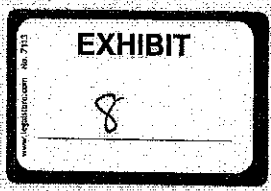
COMES NOW the Defendant, Tyler Alan Eoute ("Eoute"), by and through his undersigned counsel, asking this Honorable Court to hold a hearing as soon as possible whereby Eoute will ask for a reduction of his surety bond currently set at One Million Dollars (\$1,000,000.00) (Five Hundred Thousand Dollars on each charge) which was initially set by Charleston County Magistrate Judge Singleton-Brown on November 11, 2023.  
Eoute hereby requests a hearing on this matter as soon as possible.

2023 NOV 17 PM 1:20  
SHERIFF CHARLESTON  
CLERK OF COURT  
BY: [Signature]

Respectfully submitted,  
Adams & Bischoff, P.C.  
171 Church Street, Suite 210  
Charleston, SC 29401  
Telephone: (843) 277-0090  
Email: scott@adamsbischoff.com

BY: [Signature]  
WILLIAM S. MCGUIRE  
SC Bar Number: 9722  
Attorney for Defendant

Charleston, South Carolina  
November 17, 2023



ARREST WARRANT

2023A1010206075

STATE OF SOUTH CAROLINA  
County:  Charleston

Charleston

THE STATE  
against

Tyler Alan Eoute

Address: 103 Peachtree Ln, Unit B  
Summerville, SC 29486-2907

Phone: \_\_\_\_\_ SSN: 187-76-1794  
Sex: M Race: W Height: 6 Weight: 195

DL State: SC DL #: 102649507

DOB: 3/12/1996 Agency ORI #: SC0100800

Prosecuting Agency: North Charleston Police Department

Prosecuting Officer: Tiffani L Crider - S00507

Offense: Sex / Criminal sexual conduct - Third degree

Offense Code: 0162

Code/Ordinance Sec: 16-03-0654

This warrant is CERTIFIED FOR SERVICE in the  
County:  Charleston Municipality of \_\_\_\_\_

is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to  
defendant Tyler Alan Eoute  
on 11-10-23

Signature of Probation/Law Enforcement Officer #217

RETURN WARRANT TO:

General Sessions  
Charleston County Judicial Center  
100 Broad Street, Suite 106  
Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA  
County:  Charleston

Municipality of \_\_\_\_\_

Charleston

Personally appeared before me the affiant  
being duly sworn deposes and says that defendant

Tiffani L Crider

Tyler Alan Eoute

did within this county and state on or about 9/11/2023

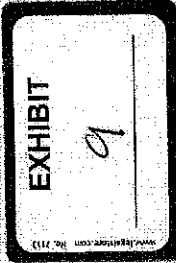
State of South Carolina (or ordinance of  County/  Municipality of \_\_\_\_\_)

Charleston

in the following particulars:  
DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Third degree

I further state that there is probable cause to believe that the defendant  
the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT



BY: \_\_\_\_\_

Signature of Affiant

STATE OF SOUTH CAROLINA  
County:  Charleston

Municipality of \_\_\_\_\_

Charleston

Affiant's Address: 2500 City Hall Lane

North Charleston, SC 29406

Affiant's Telephone: \_\_\_\_\_

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

if appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/11/2023

did violate the criminal laws of the State of South Carolina (or ordinance of \_\_\_\_\_)

County:  Charleston

Municipality of \_\_\_\_\_

Charleston

defendant Tyler Alan Eoute

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Third degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable

Sworn to and subscribed before me

on 10/16/2023

Signature of Issuing Judge \_\_\_\_\_ (L.S.)

Amanda Hesseiden

Judge Code: 7412

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Judge's Address: 3831 Leeds Avenue, Suite 200

North Charleston, SC 29405

Judge's Telephone: (843) 746-9822

as set forth below.

Form Approved by  
S.C. Judiciary General  
April 21, 2003  
SCCA 5-18

AFFIDAVIT

ORIGINAL

who

violate the criminal laws of the



FILED

2023 NOV 16 AM 11:43

JULIE J. ARMSTRONG  
CLERK OF COURT

RY \_\_\_\_\_

WITNESSES

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

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Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

CODEFENDANTS

RAIL set by

Judge Smulleton-Bronk

on 11-16-2023

Type and Amount \$500,000.00

Name of Surety: (Signature)

PRELIMINARY HEARING held by

Judge: \_\_\_\_\_

on \_\_\_\_\_

Defendant Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_

on \_\_\_\_\_

by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition: \_\_\_\_\_

Sentence \_\_\_\_\_

JURORS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

Affidavit  
OCA# 2023025173  
Det. T. Crider

Personally appeared before me, a magistrate of this County, Det. C. Miller who first being duly sworn, deposes and says that:

**TYLER ALAN EOUTE**

did within this County and State between August 30, 2023 and August 31, 2023 did violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE**  
**Criminal Sexual Conduct 3rd Degree**  
**Violation Section 16-3-654 (1)(B)**

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

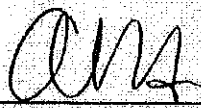
That between August 30, 2023 and August 31, 2023 while at 9330 Medical Plaza Drive (Trident Medical Center - Emergency Department), which is located in the City of North Charleston, Charleston County and State of South Carolina aforesaid the above named defendant, **TYLER ALAN EOUTE**, did violate section **16-3-654 (1)(B)** of the South Carolina State Code of Laws of 1976 as amended; **Criminal Sexual Conduct 3<sup>rd</sup> Degree** in that he did commit sexual battery against the victim while she was physically helpless.

The victim states while in the Emergency Department (ED) at Trident Medical Center on the dates listed above the defendant, an ED patient tech, did digitally penetrate the victim's vagina three separate times stating that he needed to see if she was wearing a tampon. The defendant also used his fingers to rub the victim's clitoris. He then exposed his penis, making the victim touch it, while trying to get her to perform fellatio.

The victim was being treated in the emergency department for a suicide attempt where she had taken three hundred milligrams of Lexapro (10mg x 30) and approximately eighteen hundred milligrams of Adderall (20mg x 90). She had a ethyl alcohol (etOH) level of 145.

This information was gained through the investigation of Detective T. Crider, Detective C. Steinbrunner of the North Charleston Police Department and the victim. We are witnesses to prove the same in such case, which is made and provided against the peace and dignity of the State of South Carolina.

Sworn to and Subscribed before me  
this 16 day of October  
2023.

  
Signature of Judge



AFFIANT

Address: 2500 CITY HALL LANE  
N.CHAS S.C. 29406

Phone: 843-554-5700

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS  
FOR THE NINTH JUDICIAL CIRCUIT

**FILED**  
2024 AUG -5 AM 9:19

State of South Carolina,

**ORDER ON BOND**

Arrest Warrant #(s): 2023A1010206075 - 6076

v.

JULIE J. ARMSTRONG  
CLERK OF COURT  
BY [Signature]

Tyler Alan Eoute,

Defendant.

THIS MATTER came before the Court on July 24, 2024, for the purpose of  Setting  
 Reducing  Revoking  Modifying  Reviewing  Reinstating bond.

The Defendant  was  was not present. The following attorney appeared on behalf of the Defendant: William S. McGuire, Esq. The State was represented by Jordan A. Norvell, Esq. of the Solicitor's Office.

The Defendant is charged with the following offense(s): Criminal Sexual Conduct, Third Degree (2 Counts)

After hearing from the Defendant and the State, the Court finds it appropriate, and it is therefore **ORDERED, ADJUDGED, AND DECREED** that:

Bond is  Denied  Waived at this time with leave for defense counsel to file a written motion for bond.

Motion for bond  Reduction  Revocation  Modification  Reinstatement is  Continued  Granted at this time.

A Personal Recognizance Bond in the amount of \$ \_\_\_\_\_ is set at this time.

A Surety Bond in the amount of \$ \_\_\_\_\_ is set at this time; and the

Defendant  is  is not allowed to post 10%.

Bond is  Reduced  Modified from \$ \_\_\_\_\_ to \$ \_\_\_\_\_

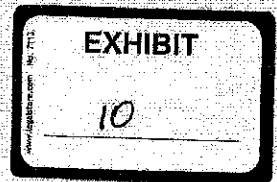
does  does not include other pending charges, and Defendant  is  is not allowed to post 10%. It is further

**ORDERED ADJUDGED, AND DECREED**, at the call of the Motion Defense Counsel requested a continuance due to his participation in a jury trial. The State consents. The Motion for Reduction of Bond filed November 17, 2023 is hereby Continued by consent of the parties.<sup>1</sup>

**AND IT IS SO ORDERED!**

[Signature] 2128  
Debra L. Jefferson  
Presiding Judge, 9<sup>th</sup> Judicial Circuit

Charleston, South Carolina  
July 31, 2024



<sup>1</sup> The Defense is directed to contact the GS Docket Manager for the purpose of rescheduling the Motion.



03:13:54.679 --> 03:14:11.989

Yeah judge. Okay, this is Tyler Allen and he told me that the correct pronouncation is duty. I assume y'all have already dealt with the motion Mr. for discovery. Is that correct?

583 "" (0)

03:14:15.109 --> 03:14:35.109

I'm sorry? I said you filed the motion for discovery in December. I'm assuming that that has already been complied with. I'm not sure certain judge I'm in the middle of a murder trial that started Monday morning on the 22nd. I am, I was not able to go to my office to put this file, I interview.

584 "" (0)

03:14:35.109 --> 03:14:51.289

Due two significant witnesses in that murder case over lunch. I just found out a little while ago that you expected me to be here despite being in the middle of a murder case, I have a motion to continue to you and set it for a different judge. Pardon me?

585 "" (0)

03:14:51.289 --> 03:15:06.319

At this moment to continue this hearing and have it assigned to another judge, a different judge. Why wouldn't it be reassigned to someone else? Because I believe your honor's conduct is retaliating.

586 "" (0)

03:15:06.319 --> 03:15:26.319

And the root of that is that I filed a grievance against your honor for acting unethically and a morally and a capital case. I made a motion that you'd be refused from that case, you were reduced from that case, and I believe this maneuver to have me yanked out of a murder trial is retaliatory stemming from that. I also filed a.

587 "" (0)

03:15:26.319 --> 03:15:33.229

For your request. This I need you to slow down for a 2nd. Here's what's going on.

588 "" (0)

03:15:33.229 --> 03:15:49.459

I asked jose mcmaster if you could be available for a few moments. I did this for the benefit of your client. We just received the bond docket back and we realized that bonds were very old and in fact, in fact.

589 "" (0)

03:15:49.459 --> 03:16:05.299

Yours was filed 17 November of 2023. So what we did was when we took the bond docket over, we set bonds based on age. So we had NO clue is anonymous to us while they're being set.

590 "" (0)





03:16:05.299 --> 03:16:24.079

If you're not ready to go it forward, that's fine. It doesn't cause me any anxiety. I thought you would want since it's been pending this long to dispose it. It's up to you, but the way it's gonna work is he's gonna go back to the, the way that because I don't set them, the documenting clerk does.

591 "" (0)

03:16:24.079 --> 03:16:43.429

And they're set based on age. When I got the dr. back, we had about close to, I don't know, we pulled up, we had to manually pull it and count them and we had 283 at that time. And so I was presented with a challenge and so what I was trying to do was.

592 "" (0)

03:16:43.429 --> 03:17:00.109

Resolve that because I felt like the bar as well as the solicitor's office would be amendable, it would want things for her as soon as possible. So that's how this came about. You were not singled out if I was trying to make room for you to be able to have your clients bond for it since it's been pending so long.

593 "" (0)

03:17:00.109 --> 03:17:18.289

But if you don't want to, then it's up to you. Well, then I need to ask, would it be assigned to a different judge and what term of court would it be assigned? If my client has to wait another eight months I don't think that's appropriate. Say that one more time? If it's continued today.

594 "" (0)

03:17:18.289 --> 03:17:38.289

Will my client have to wait an additional eight months to have a bond hearing? I would hope not, but I would have to give the documents and see how because the policy has been at this point because they're so old that I wasn't gonna continue any. I felt that ignored to the benefit of those who had filed their motions.

595 "" (0)

03:17:38.289 --> 03:17:53.839

So I will have to get with the documenty clerk to see how those will be rescheduled. Because what we've done is we have created multiple dockets for the weeks that I have designated that bonds are to be heard, which is every Tuesday of a non jury week.

596 "" (0)

03:17:53.839 --> 03:18:13.839

So we will have to figure that out. I will have an answer for you. But if you want to continue it, that's your project. We'll, we'll judge right now by council in a murder case is in the judge's chambers participating in that proceeding without me.

597 "" (0)

03:18:13.839 --> 03:18:26.449

Well, actually, he told me he wasn't gonna start until I was done with y'all. I've already I spoke to Jessica master earlier and asked him to give us that flexibility. So he told me he's not gonna do anything until you're available.

598 "" (0)

03:18:26.449 --> 03:18:44.359

Well I have 1st hand information from a person in my office that my council is in chambers right now with judge mcmaster, very likely dealing with issues in the murder trial of which I am the council. I've been separated from him.

599 "" (0)

03:18:44.359 --> 03:19:03.649

Give me one moment and I'll find out exactly what's going on. Take your time.

600 "" (0)

03:19:03.649 --> 03:19:21.379

Okay judge while you're on the phone, I will take this opportunity to thank the assistant solicitor.

601 "" (0)

03:19:21.379 --> 03:19:41.379

For all of her considerations in this Matter.

602 "" (0)

03:19:41.379 --> 03:19:56.119

Okay, uh.

603 "" (0)

03:19:56.119 --> 03:20:16.119

Okay, uh.

604 "" (0)

03:20:16.119 --> 03:20:35.929

Okay, uh.

605 "" (0)

03:20:35.929 --> 03:20:51.589

Okay, uh.

606 "" (0)

03:20:58.699 --> 03:21:17.029

Okay yeah. The most recent one? Yes.

607 "" (0)

03:21:17.029 --> 03:21:35.059

Okay, uh.

608 "" (0)

03:21:35.059 --> 03:21:54.589

Okay, I've been trying to call that chambers for some reason it won't go through. But he assured me when I spoke to him that he would wait until we were done.

609 "" (0)

03:21:54.589 --> 03:22:14.589

And that you would not be president in any way and you can have a problem given that flexibility. The only reason this is going forward is I wanted because of the age of the motion, I wanted to give you the opportunity to deal with it if that were your desire. If you want to continue, then y'all can consent to that, I don't have a problem with it. I can't guarantee you when it's gonna be.

610 "" (0)

03:22:14.589 --> 03:22:15.439

It's good.

611 "" (0)

03:22:15.439 --> 03:22:34.789

I have a good documenting work and develop a method for rescheduling, but you're not being targeted. These cases are old when I got it back about two weeks ago, we realized how old emotions were, and my assumption was that not only the public defender's office but the private bar wanted to dispose of these motions as quickly as possible.

612 "" (0)

03:22:34.789 --> 03:22:53.329

And that's why. So judge, with regards to your callback that you are scheduling this for my benefit, that is not accurate. I've communicated with the court and.

613 "" (0)

03:22:53.329 --> 03:23:10.849

Emailed this morning. So, and we've been out here since Tuesday. So the question is if you'd like to continue I should need to let me know and then I'll hear from the state on that and then if you want to continue with that's fine. And I'll have to develop a method with the documenting for for rescheduling those that are continuing.

614 "" (0)

03:23:10.849 --> 03:23:30.849

So I agree with the court that it takes approximately eight months to get a bond setting for a bond hearing in circuit court. I believe that's the violation of the statutory logs of Carolina and prostitution of both the state of South Carolina and the United States. I followed before because I'm so.

615 "" (0)

03:23:30.849 --> 03:23:41.689

Having so hard 1st. The preaching to the choir. I didn't have control of the dock until two weeks ago. The solicitor's office was setting bonds until two weeks ago.

616 "" (0)

03:23:41.689 --> 03:24:01.689

We Just my understanding is that there are nearly 300 people waiting for a lottery consideration or a bond setting, and the only way to go ahead and start clearing that document is to set more court time and I've been.

617 "" (0)

03:24:01.689 --> 03:24:10.429

Fightings to try to get motions heard unsuccessfully. I filed a FOYA inquiring about how these cases were being set.

618 "" (0)

03:24:10.429 --> 03:24:30.429

And why does it take so long, and it's a mathematical problem. More court needs to be assigned to hear these motions. I believe your honor has taken my void a request to criticism. No, I didn't even know you asked for your request just now. Mr., the court did not get involved in sentencing a bonds until two weeks ago. We.

619 "" (0)

03:24:30.429 --> 03:24:42.439

That we had NO control over setting bonds until two weeks ago. The solicitor's office asked to set bonds back in August of last year. Judge Price was a cheap judge and he gave them that authority about.

620 "" (0)

03:24:42.439 --> 03:25:00.829

The 2nd week of June, the solicitor's office asked the court and the course office to take setting those bonds over again. I studied the issue, I developed the system, and the system is now in place and it started on 26 June. So I had NO control over how long it took for bonds to get heard before that, but I'm trying to remedy.

621 "" (0)

03:25:00.829 --> 03:25:16.819

And make sure that that we don't fall back into that problem again. So we'll have heard every Tuesday all day on GS nonjury weeks. I'm asking for a continuous. Any exception from the state?

622 "" (0)

03:25:16.819 --> 03:25:36.229

Mr. meguire and I emailed Clerk's office and your chambers last Thursday. I thought a continuance was in the best interest of, my case as well. My victim had wanted to be present in person and that wasn't an option with the hearings taking place at the jail.

623 "" (0)

03:25:36.229 --> 03:25:56.229

I, I think that there's another bond term already scheduled for the week of 8 August or 15th, and I have NO objection to that because I would I would like. Yeah, I can't the the scheduling I'll have to give with him to see how that's how we're gonna, how he's.

624 "" (0)

03:25:56.229 --> 03:26:01.879

What his suggestions are on getting things rescheduled, but we have already set bonds.

625 "" (0)

03:26:01.879 --> 03:26:18.199

Because of just the age and the sheer volume, I have to have the record when a bond when a bond is this old and it's being. So we have one agreed to a continuance and it'll be continued.

626 "" (0)

03:26:18.199 --> 03:26:38.199

I'll get with James, you all can get with them to see what it will be rescheduled. And can we ensure that when it is rescheduled, it's rescheduled on an in person docket? I'm the only one that comes out to the jail and dents, so whomever's doing Naundry will be in the courthouse unless it's me, but I don't I'm not even gonna be in circuit for several weeks.

627 "" (0)

03:26:38.199 --> 03:26:58.479

But just so the record is clear, the court is in compliance with code section, section 24, which is the bill of rights. And, the courtroom is set up for that purpose and for those who desire, they can log in. Court was.

628 "" (0)

03:26:58.479 --> 03:27:11.509

My space was a dire situation. I had NO idea. I took over as two judge in January. I was not chief judge in 2023I had NO idea that bombs had reached this critical situation.

629 "" (0)

03:27:11.509 --> 03:27:31.509

But there is a situation, it needed to be addressed and I've developed the system for it to be addressed. So judge under judge Price took about 90 days to have a bond reconsideration of a bond setting, and then when your honor took over to judge Price quickly and quickly slowed to this incredibly.

630 "" (0)

03:27:31.509 --> 03:27:42.229

Scheduling them in January. I have NO idea how they were being scheduled, solicited all instead of the middle.

631 "" (0)



03:27:42.229 --> 03:27:59.689

We didn't take over scheduling until 26 June. So I have NO idea how they were being scheduled before that. The judge I do believe she'd had in the judge, you can order that this bond be set quickly and not go to the bottom of that eight month list.

632 "" (0)

03:27:59.689 --> 03:28:15.259

I don't think it will be eight months and that's not our, that's not the. The goal is to eliminate the backlog and make sure that another one does not develop and that people have timely hearings. That's what I'm asking for. I'm sorry I didn't hear you.

633 "" (0)

03:28:15.259 --> 03:28:33.619

That is exactly what I'm asking for. Yeah, we'll get with James and see when it can be rescheduled or y'all can get with him. I think he's back in the office today, isn't he? We'll send him, we'll contact him and see when there's the next available bond docket for it to be scheduled. We'll just tell him to reschedule.

634 "" (0)

03:28:33.619 --> 03:28:49.489

But I don't have any involvement in that. Thank you judging. You're welcome, and I tried to ask but I don't know why the phone call why the, it would, it just wouldn't ring. I don't know what's going on. Thank you.

635 "" (0)

03:28:49.489 --> 03:29:07.579

Have a good day. Thank you. Thank you.