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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court Of Common Pleas

Walton J. McLeod, Circuit Court Judge

Appellate Case No. 2019-000327

South Carolina Law Enforcement Division.....Respondent,

v.

Brandon Reed.....Appellant.

JOINT MOTION TO DISMISS APPEAL AND VACATE CIRCUIT COURT ORDER

Respondent South Carolina Law Enforcement Division (SLED), jointly with Appellant Brandon Reed, hereby move pursuant to Rule 240, SCACR, to dismiss the above captioned appeal and vacate the circuit court order.

Appellant Brandon Reed was adjudicated delinquent at the age of twelve for committing criminal sexual conduct with a minor. The offense occurred when Mr. Reed was eleven years old. In 1996, Mr. Reed had to register on the South Carolina sex offender registry (SOR) because of that adjudication. Decades later, in 2017, and well past his twenty-first birthday, the Family Court in Aiken County ordered his removal from the SOR.

Respondent SLED filed this action in circuit court asking the court to declare that the Family Court Order removing Mr. Reed from the registry was void pursuant to S.C. Code Ann. §63-3-510(B), which states that the Family Court’s jurisdiction “shall terminate when the child attains the age of twenty-one years.”

On May 23, 2022, the Governor signed into law amendments to the statutes relating to the South Carolina Sex Offender Registry. 2022 South Carolina Laws Act 221 (H. 4075). Those amendments apply retroactively to any South Carolina citizen currently required to register as a sex offender under the previous statutory provisions.¹ The legislative amendments in Act 221 added S.C. Code Ann. §23-3-432(E), which governs the administrative removal process for sex offenders and specifically provides that “[i]ndividuals placed on the registry as a juvenile should petition the family court that adjudicated them delinquent.” As such, the parties are informed and believe that the issue of the family court’s jurisdiction is now moot. The parties agree this appeal should be dismissed and the circuit court order should be vacated, such that the family court order will be controlling. Accordingly, the parties ask the court to enter an order dismissing the appeal and vacating the circuit court order.

Respectfully submitted,

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AUGUST 10, 2022
COLUMBIA, SOUTH CAROLINA

¹See 2022 South Carolina Laws Act 221 (H. 4075), Section 8 (“This act is retroactive and shall apply to any resident of this State who currently is required to register as a sex offender pursuant to the provisions of Article 7, Chapter 3, Title 23, and who meets the requirements set forth in the act.”)