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S.C. SUPREME COURT

SC Court of Appeals

State of South Carolina
County of Greenville

In the Court of
General session
13th Judicial Circuit

The State of South Carolina

v.s

defendent: James
Franklin Marchbanks

Warrant Number:
1 Trafficking Meth 200-400 gms
2 Failure to stop
Motion to Dismiss

2017 A233020-1870 / 2017 A233020-1871

This matter comes before the Court on motion by the defendant, seeking dismissal of said charges. Defendant respectfully ask the Court to move for dismissal on said charges pursuant to the provisions of SC Constitution, 365 Day Benchmark Administrative order.

This said order was signed on May 13 2013 by Jean Hooper Toal, Chief Justice of the Supreme Court of South Carolina.

This Ruling / order states that 80% of all Criminal Cases in each circuit in the State of South Carolina shall be disposed of within 365 days from the defendants arrests, provided however that the Circuit Court may continue a Criminal Case beyond 365 days by a written order if the Court determines that exceptional / circumstances exist in the case.

This order does not create nor define a right of a defendant to a speedy trial. Due to that fact that said Charge has exceeded the deadline for this order with no Written Continuance from the Circuit Court.

Today is (9-12-2022)

Defendant wishes to move for dismissal

A copy of 365 Day Benchmark Administrative Order from the Supreme Court of South Carolina is enclosed.

I So move

Greenville, South Carolina
9-12-2022

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S.C. SUPREME COURT

I also have had a Trial Date Set
on these charges for Sept 12 2022
and they are still postponing It
Never letting me know anything why
or nothing.

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S.C. SUPREME COURT

2013-05-13-01

The Supreme Court of South Carolina

Re: 365 Day Benchmark

ADMINISTRATIVE ORDER

Pursuant to the provisions of S.C. CONST. Art. V, § 4,
IT IS ORDERED that eighty percent of all criminal cases in each circuit in the State of South Carolina shall be disposed of within 365 days from the date of the defendant's arrest. Provided, however, that the circuit court may continue a criminal case beyond 365 days by written order if the court determines that exceptional circumstances exist in the case. This order does not create or define a right of a defendant to a speedy trial.

IT IS FURTHER ORDERED that the Chief Justice's order dated March 5, 1999 which states that all criminal cases shall be disposed within 180 days from the date of defendant's arrest is hereby rescinded.
IT IS SO ORDERED.

s/Jean Hoefler Toal
Jean Hoefler Toal, Chief Justice

May 13, 2013
Columbia, South Carolina

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S.C. SUPREME COURT

2013-05-13-01

The Supreme Court of South Carolina

Re: 365 Day Benchmark

ADMINISTRATIVE ORDER

Pursuant to the provisions of S.C. CONST. Art. V, § 4,

IT IS ORDERED that eighty percent of all criminal cases in each circuit in the State of South Carolina shall be disposed of within 365 days from the date of the defendant's arrest. Provided, however, that the circuit court may continue a criminal case beyond 365 days by written order if the court determines that exceptional circumstances exist in the case. This order does not create or define a right of a defendant to a speedy trial.

IT IS FURTHER ORDERED that the Chief Justice's order dated March 5, 1999 which states that all criminal cases shall be disposed within 180 days from the date of defendant's arrest is hereby rescinded.

IT IS SO ORDERED.

s/Jean Hoefler Toal
Jean Hoefler Toal, Chief Justice

May 13, 2013
Columbia, South Carolina

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S.C. SUPREME COURT

James Marc Banks
1009 David L Coffee Place
Anderson S.C 29225

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SC Court of Appeals

Supreme Court of South
Carolina / Patricia A Howard
Clerk of Court
P.O. Box 11330

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Columbia S.C 29211