

RECEIVED

Jul 27 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge

STATE OF SOUTH CAROLINA,

APPELLANT,

V.

DELRICO EDMONDS,

RESPONDENT

APPELLATE CASE NO. 2022-001716

RESPONDENT'S MOTION FOR LIMITED REMAND TO THE CIRCUIT COURT FOR
SETTING BOND

Respondent, through his undersigned counsel, respectfully moves to remand the limited question of respondent's bond to the circuit court based upon the following:

1. Respondent Delrico Edmonds was indicted by a Richland County grand jury for murder.
2. On August 12, 2021, the Honorable Jocelyn Newman set respondent's bond at fifty thousand (\$50,000.00) dollars. Exhibit A (Order Setting Bond). Respondent posted bond through a surety company and was released pending trial. Exhibit B (Bond Paperwork).
3. Respondent's trial began before the Honorable Clifton Newman on March 14, 2022. Judge Clifton Newman allowed respondent to remain out on bond during his trial even though the solicitor asked for bond to be revoked. Exhibit C (Tr. 114, l. 22 – 116, l. 13).

4. On March 15, 2022, the jury convicted respondent of murder and a weapons charge. Tr. 316, l. 14 – 23. Judge Clifton Newman sentenced respondent to the statutory minimum of thirty years' imprisonment on the murder charge and a concurrent term of five years' imprisonment on the weapons charge. Tr. 342, l. 5 – 17. The trial court charged self-defense to the jury. Tr. 296, l. 25 – 300, l. 25.

5. Respondent filed a motion for new trial and Judge Clifton Newman held a hearing on July 18, 2022. On November 22, 2022, Judge Clifton Newman granted respondent a new trial after concluding the solicitor made improper comments to the jury during closing argument. Exhibit D (Order Granting New Trial). The State filed a Notice of Appeal regarding this Order on December 2, 2022, and that appeal is currently pending before this Court.

6. On January 7, 2023, a hearing was held before the Honorable Robert Hood regarding respondent's motion to reinstate bond. Exhibit E (Order Regarding Bond). Judge Hood determined that the trial judge, Judge Clifton Newman, should decide the issue of respondent's bond. Id.

7. On April 17, 2023, Judge Clifton Newman heard respondent's motion to reinstate bond. Id. At the hearing, "The Court advised the parties that an Order would be issued requiring the State to retry the case within sixty days of the date of the Order and should the State fail to call the case to trial, the \$50,000 surety bond would be reinstated unless the State receives an Order from the Chief Administrative Judge showing good cause for the failure to call the case to trial." Id. At this hearing, the State informed the court that an appeal had been filed. Id.

8. On May 26, 2023, Judge Clifton Newman issued a written Order stating what is quoted in Paragraph 7 of this motion, but concluding that the circuit court lacked jurisdiction to decide the bond issue because of the appeal. Id.

9. Judge Newman's Order states that the circuit court lacks jurisdiction to set bond. The trial court cited Rule 246(a), SCACR, as authority that it lacked jurisdiction to set bond. Id. Rule 246(a) states that a criminal defendant's appeal operates as a stay of the execution of the sentence unless the defendant has been sentenced to a term of confinement. Rule 246(a), SCACR. It then states that a defendant can post bail pursuant to S.C. Code sections 18-1-80 and 18-1-90. Id. If a defendant's sentence exceeds ten years, the appellate court decides the issue of bail. Id. This part of the rule contemplates that when a defendant's sentence is less than ten years, the circuit court retains jurisdiction to decide the issue of bond. The rule also says, "Where the State has taken an appeal, the appeal shall automatically operate as a stay of further proceedings in the lower court." Id. However, Rule 246 does not specifically say which court decides the issue of bail when the State appeals. Id.

10. The two code sections referenced in Rule 246 do not specifically say whether the appellate court or the circuit court decides the issue of bail when the State appeals. Section 18-1-80 states, "Pending such appeal the defendant shall remain in confinement until he give bail in such sum and with such sureties as to the court shall seem proper." S.C. Code Ann. § 18-1-80.

11. Section 18-1-90 states, "Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense. However, bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years." Because this is an appeal by the State of a grant of a new trial, and not a defendant's appeal of "the trial, conviction, or sentence for a criminal offense," section 18-1-90 does not apply.

12. Rule 243(k), SCACR, dealing with PCR cases, maintains the split jurisdiction between the appellate courts and the circuit courts depending on the length of the defendant's sentence. Rule 243(k), SCACR. If the sentence is less than ten years, the circuit court decides the issue of bail. Id. If the sentence is more than ten years, the Supreme Court decides the issue of bail. Id. Rule 243 applies to PCR cases and does not apply to respondent's case, but the Rule's contemplation that circuit courts maintain the power to set bond in cases where the sentence is less than ten years is instructive.

13. While respondent was sentenced to more than ten years' imprisonment, that sentence was undone by Judge Clifton Newman's Order granting him a new trial. Judge Newman's Order states "that the convictions in the above captioned cases are vacated. . . ." Exhibit D. The lower court's Order that is now on appeal by the State places respondent back in the position of a pre-trial detainee, who would have the question of bond decided by the circuit court. The circuit court issued an Order to this effect, requiring the Department of Corrections to remand respondent to pre-trial detention on January 3, 2023. Exhibit F (Order Remanding Defendant to Pretrial Detention). Ordering respondent returned to the jail from prison, the trial judge wrote, "On November 22 of this year, this Court vacated Mr. Edmonds' convictions and granted him a new trial on the above captioned cases, returning the cases to the status quo ante." Id. Respondent is currently confined at the Richland County Jail and not in the Department of Corrections.

14. Respondent is similarly situated to criminal defendants who have won suppression motions and must contend with a State's appeal.

15. In a juvenile criminal matter in which the defendant was sentenced to incarceration until his 21st birthday, this Court granted the defendant's Petition for Appeal Bond. In re Michael H.,

360 S.C. 540, 552-53, 602 S.E.2d 729, 735-36 (2004). This Court set the amount of the defendant's bond and remanded the matter to the family court to set the conditions of the bond. Id. Michael H. appears to authorize limited remands from this Court to the lower court to determine bail.

16. In Holmes v. State, 344 S.C. 41, 543 S.E.2d 537 (2001), the PCR court granted relief and the State appealed. The defendant had multiple sentences of less than ten years. Id. The lower court ran the sentences consecutively, resulting in an aggregate sentence far greater than ten years. Id. The Holmes Court decided that consecutive sentences should not be aggregated when determining which court has jurisdiction to grant an appeal bond. Id. The Court wrote, "When an individual has received multiple consecutive sentences, all of which are less than ten years, we believe it is more appropriate for the circuit court to conduct a hearing to determine whether an appeal bond should be granted and, if so, in what amount and under what conditions." Id. The defendant's aggregate sentence imposed at a probation revocation was fifty years (ten five-year sentences to be served consecutively). Id. The defendant in Holmes was facing a sentence twenty years longer than respondent's and his case was remanded to the circuit court. Holmes can be read to support the position that when it is questionable which court should decide bond, it is better practice to remand to the circuit court which deals with bond questions every day.

17. If the State opposes the respondent's motion to remand, it will likely argue that respondent was convicted by a jury and sentenced to thirty years' imprisonment. However, the State's best point relies on a sentence that has been vacated. If respondent had an active sentence, the State would have no need to appeal.

18. Judge Newman, having presided over the trial and having observed respondent, is in a better position than this Court to decide the issue of respondent's bail.

19. Counsel for respondent conferred with the State regarding this motion, but the State was unable to take a position at that time on which Court should decide the issue of respondent's bail.

WHEREFORE, Respondent respectfully requests that this Court remand the issue of respondent's bail to the circuit court.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'DAVID ALEXANDER', is written over a horizontal line. The signature is stylized and extends above and below the line.

DAVID ALEXANDER
Appellate Defender

ATTORNEY FOR RESPONDENT

July 27, 2023

EXHIBIT A

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Warrant Numbers: 2020A4021601703-704

The State of South Carolina,)

vs.)

ORDER SETTING BOND

Delrico Edmonds,)
Defendant.)

A motion to set bond on the above captioned case was heard by this court on August 11 of this year. Present for the Defense was Tivis Sutherland, for the State Dale Scott.

Upon consideration of the information and arguments presented by both parties, IT IS ORDERED that bond be set at \$50,000.00 (fifty thousand dollars) surety with home detention and electronic monitoring; exceptions are medical (for self and family), attorney visits and religious events.

IT IS SO ORDERED.


Hon. Jocelyn Newman, Presiding Judge
Fifth Judicial Circuit

Columbia, South Carolina
This 12th day of August, 2021

RICHLAND COUNTY
FILED
2021 AUG 12 AM 11:13
JANETTE W. McBRIDE
CLERK OF COURT

EXHIBIT B

SURETY

2020A4021601703-1704
CRIMINAL CHARGING DOCUMENT NO.

**BAIL PROCEEDING
FORM II**

STATE OF SOUTH CAROLINA
COUNTY OF Richland
STATE OF SOUTH CAROLINA

IN THE COURT OF General Sessions

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Delrico Edwards
NAME OF DEFENDANT

Offense Charged: MURDER, Possession of Weapon During a Violent Crime

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: _____

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior,
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of 50,000.00

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on August 12, 2021
at 9 o'clock, AM, at 1701 Main Street Court 3A, Columbia, SC 29201
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of Magistrate/Municipal Court of _____ beginning on _____
at _____ o'clock, _____ M., at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE

DATE

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

108 Palm Hill Dr.
ADDRESS
Cala, SC 29212 240-917-4168
CITY/STATE/ZIP TELEPHONE
218-29-2093
SOCIAL SECURITY NUMBER

[Signature] For Delvick Edwards
SIGNATURE OF DEFENDANT
8/12/21
DATE
[Signature] Travis Sutherland
ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. [] Placement in custody. The defendant is placed in the custody of: NAME OF PERSON OR ORGANIZATION

ADDRESS CITY/STATE ZIP TELEPHONE
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

b. [] Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. [] Part-time Release. The defendant will be released from custody from TIME o'clock, AM/PM to TIME o'clock, AM/PM on DATE(S) on condition that he return to the custody of NAME OF PERSON OR ORGANIZATION at LOCATION as designated.

d. [X] Other Conditions. The defendant will comply with the following other conditions of release: Home Detention with monitoring, exceptions for medical (self + family) legal and religious events.

APPEARANCE RECOGNIZANCE WITH SURETY

On the 12 day of August 2021, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of 50,000, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN COMPANY TELEPHONE

[Signature]
SIGNATURE OF SURETY BONDSMAN

ADDRESS OF SURETY BONDSMAN COMPANY
Palmetto Bail Bonds
5110 Bluff Rd
Columbia SC 29209
803-695-0241
CITY/STATE/ZIP

SIGNATURE OF JUDGE

NAME OF INSURANCE COMPANY
Palmetto Surety
75 Port City Landing Suite 130
Columbia SC 29464
ADDRESS OF INSURANCE COMPANY
CITY/STATE/ZIP

DATE

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS _____		SIGNATURE OF DEFENDANT _____	
CITY/STATE/ZIP _____	TELEPHONE _____	DATE _____	
SOCIAL SECURITY NUMBER _____	DRIVER'S LICENSE OR ID NUMBER _____	ATTORNEY REPRESENTING ACCUSED (IF KNOWN) _____	

SPECIAL CONDITIONS OF RELEASE

a. Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CURTODIAN (IF APPROVED) _____ DATE _____

b. Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions: _____

c. Part-time Release. The defendant will be released from custody from _____ o'clock, _____ to _____ o'clock, _____
on _____ on condition that he return to the custody of _____
at _____ as designated.
TIME AM/PM TIME AM/PM
DATE(S) LOCATION NAME OF PERSON OR ORGANIZATION

d. Other Conditions. The defendant will comply with the following other conditions of release: House arrest with GPS monitoring. Defendant is only permitted to leave his residence to attend religious services or medical or legal appointments.

APPEARANCE RECOGNIZANCE WITH SURETY

On the _____ day of _____, _____ personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of _____, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN _____	TELEPHONE _____	SIGNATURE OF SURETY BONDSMAN _____
ADDRESS OF SURETY BONDSMAN _____		
CITY/STATE/ZIP _____		SIGNATURE OF JUDGE _____
NAME OF INSURANCE COMPANY _____		DATE _____
ADDRESS OF INSURANCE COMPANY _____		
CITY/STATE/ZIP _____		

→ Surety

2020A4021601703 - 1704
CRIMINAL CHARGING DOCUMENT NO.

BAIL PROCEEDING
FORM II

STATE OF SOUTH CAROLINA
COUNTY OF Richland
STATE OF SOUTH CAROLINA

IN THE COURT OF General Sessions

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.
Detrico Edmonds
NAME OF DEFENDANT

Offense Charged: MURDER, Possession of Weapon During a Violent Crime

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: _____

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of 50,000.00

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on August 10, 2021
at 9 o'clock, AM, at 1701 Marsh Street Court 3B Columbia, SC 29201
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of Magistrate/Municipal Court of _____ beginning on _____
at _____ o'clock, _____ M., at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE

DATE

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

108 Palm Hill Dr.
ADDRESS
Columbia, SC 29212 240-917-4168
CITY/STATE/ZIP TELEPHONE
219-29-2093
SOCIAL SECURITY NUMBER DRIVER'S LICENSE OR ID NUMBER
Signature of Defendant: [Signature]
DATE: 8/12/21
Attorney Representing Accused (if known): Travis Sutherland

SPECIAL CONDITIONS OF RELEASE

a. [] Placement in custody. The defendant is placed in the custody of: NAME OF PERSON OR ORGANIZATION

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

b. [] Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. [] Part-time Release. The defendant will be released from custody from o'clock, to o'clock, on on condition that he return to the custody of at as designated.

d. [X] Other Conditions. The defendant will comply with the following other conditions of release: Home detention with monitoring, exceptions for medical (self + family) legal and religious events.

APPEARANCE RECOGNIZANCE WITH SURETY

On the 12 day of August 2021, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of 50,000, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN COMPANY TELEPHONE SIGNATURE OF SURETY BONDSMAN
ADDRESS OF SURETY COMPANY: Bullozz Bail Bonds, 5110 Bluff Rd, Columbia SC 29209, 803-695-0241
CITY/STATE/ZIP
NAME OF INSURANCE COMPANY: Palmetto Surety, 75 Port City Landing Suite 130, Mt Pleasant SC 29464
ADDRESS OF INSURANCE COMPANY
CITY/STATE/ZIP
SIGNATURE OF JUDGE
DATE

EXHIBIT C

1 MR. SUTHERLAND: No questions.

2 THE COURT: Thank you, sir.

3 (THE WITNESS EXITS THE STAND.)

4 THE COURT: Any other relatively short witnesses
5 today?

6 MR. SCOTT: No. This may be a good place to stop for
7 the day, Your Honor.

8 THE COURT: All right. Well, ladies and gentlemen, we
9 will stop at this point and resume at 9:30 tomorrow
10 morning. Thank you very much. Please remember: do not
11 discuss the case with anyone or allow anyone to discuss
12 with you or in your presence, and we'll see you tomorrow
13 morning.

14 (THE JURY EXITS AT 5:13 PM.)

15 THE COURT: Okay, do we need to talk about anything
16 else today?

17 MR. SUTHERLAND: I just need to return State's 20. I
18 almost took off with it, sir.

19 THE COURT: Okay.

20 MR. SCOTT: Your Honor, if I...

21 THE COURT: Yes, sir.

22 MR. SCOTT: I customarily ask for defendant's bond be
23 revoked, especially in a crime of this nature until the
24 trial is concluded. I would ask that. It -- there was
25 some difficulty getting a key witness here today. It was

1 relayed to deputies that there was a reason for that, that
2 she had been spoken to or communicated with on the eve of
3 trial. I would wish to avoid anything like that, and I
4 believe we're done tomorrow. So, I would ask for bond to
5 be revoked for the night.

6 THE COURT: All right, Mr. Sutherland.

7 MR. SUTHERLAND: Well, sir, I, I thought that the
8 issue had already been addressed, and I have no idea what
9 he's talking about. He's on house arrest and lives with
10 his mom. So, I don't know. Maybe he can be more specific
11 about whatever these nefarious communications are, but he
12 hasn't done anything. He's been on home detention and
13 he'll be back tomorrow morning, and he and I can work
14 together in the afternoon and potentially in the evening
15 hours with -- while he's on house arrest. He can come to
16 my office.

17 THE COURT: All right, and the mother?

18 MS. EDMONDS: I'm right here, sir. He's been home.

19 THE COURT: You want to talk to the judge?

20 MS. EDMONDS: Yes, Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. EDMONDS: He's been home ever since he's been on
23 house arrest. He hasn't done anything. It can be checked.
24 Nothing. He will be here tomorrow. He has no reason not
25 to.

1 THE COURT: Okay. He's released into your care,
2 custody, and control.

3 MS. EDMONDS: You can, you can put it on me.

4 THE COURT: Put it on you. Need to be back at 9:30.

5 MS. EDMONDS: Yes, sir.

6 DEFENDANT: Thank you, Judge. I appreciate that.

7 THE COURT: All right.

8 MR. SUTHERLAND: Thank you, sir.

9 THE COURT: I think under the circumstances as laid
10 out by Mr. Sutherland at the beginning, we'll let him
11 remain out so that they can have access to each other.

12 MR. SUTHERLAND: Fantastic. Thank you, Your Honor.

13 DEFENDANT: Thank you, Judge.

14 (WHEREUPON, THE CASE IS AT EASE.)

15 TUESDAY, MARCH 15, 2022

16 (COURT RESUMES AT 9:36 AM.)

17 (PHOTOGRAPHS INDIVIDUALLY MARKED AS STATE'S EXHIBITS
18 27, 28, 29, 30 FOR IDENTIFICATION.)

19 THE COURT: Good morning. Anything before we bring
20 the jury?

21 MR. SUTHERLAND: No, Your Honor.

22 THE COURT: Let's bring them all in.

23 (THE JURY ENTERS AT 9:38 AM.)

24 THE COURT: Good morning. Good morning.

25 JURY: [EN MASSE] Good morning.

EXHIBIT D

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND
Plaintiff,

v.

DELIRICO EDMONDS,
Defendant.

Case No: 2021GS4001753-54

ORDER GRANTING NEW TRIAL

RECEIVED

DEC 02 2022

SC Court of Appeals

2022 NOV 22 4:11:02
RECEIVED
COURT OF APPEALS
FILED

On March 15th of this year, Delirico D. Edmonds was convicted of Murder and Possession of a Weapon During a Violent Crime (PWVC) after a two-day jury trial. Mr. Edmonds was sentenced by this court to 30 years on the Murder, and 5 years on the PWVC. The sentences were to run concurrent with one another.

A motion for a new trial was filed by the Defendant on March 25th, within the ten day period prescribed by S.C.R.Crim.P. 29. Arguments were entertained by the Court on July 18th.

The Defense proposed that a new trial be granted, in addition to other bases, after the State improperly characterized the Defendant's mental condition in closing argument.

I. Closing Comments to the Jury about Mr. Edmonds Mental Condition

a. Competence to Stand Trial

Mr. Edmonds competency was addressed in pre-trial; Edmonds underwent a competency evaluation by the Department of Mental Health wherein he was diagnosed with schizophrenia, with a verified history of psychosis, and cannabis abuse disorder. Edmonds' testimony on direct and cross examination regarding these conditions was that he was "slow."

The Department of Mental Health determined that Edmonds was competent to stand trial but would need to work closely with his lawyer and may need additional breaks during the trial. The Defense moved to allow Edmonds to remain on bond on these bases and the motion was granted by this court.

b. Self-Defense Testimony

Edmonds testified that the shooting was in self-defense. He testified that a female staying with the State's principal witness was "slow like me."

Edmonds further testified under vigorous cross examination that he was "slow."

The salient closing remarks by the State follow:

MR. SCOTT: You got to see him; you got to hear him. You get to judge by his credibility. He's up there. He's scared; he's frightened. How many times did he talk about being slow? There's no -- you're never going to look in this file and read anywhere where he talks about being slow until today. That's the first time you hear that. You hear about how scared he is.

MR. SUTHERLAND: I'm sorry, Dale. Just briefly, I object to his commenting on ---

THE COURT: Objection is overruled.

MR. SUTHERLAND: Yes, sir.

c. ANALYSIS

The Solicitor told the jury that he had nothing in his file about Edmonds "talking about being slow." This assertion, in addition to being inaccurate, assured the

jury that the Solicitor had knowledge, outside the trial record, that impeached Edmonds' testimony about his "mental state."

Malice aforethought is a "mental state" to be determined by a jury:

*"We find the following definition of "malice aforethought" instructive: [***8] "Malice aforethought" is defined as "the requisite mental state for common-law murder" and it utilizes four possible mental states to encompass both specific and general intent to commit the crime. These four possibilities are intent to kill, intent to inflict grievous bodily harm, extremely reckless indifference to the value of human life (abandoned and malignant heart), and intent to commit a felony (felony murder rule).*

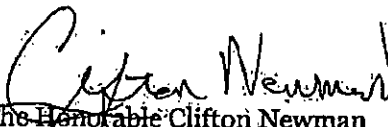
State v. Smith 425 S.C. 20 (2018) reversed on other grounds. (transferred intent for specific intent crimes).

A jury's analysis of Edmonds' mental state, of potential malice aforethought, requires an evaluation of only that evidence which is in the record. The State asserted to the jury that evidence outside the record, or the lack thereof, impeached Edmonds' testimony concerning that element of the crime of murder; this further impugned the credibility of his testimony generally, which concerned the elements of self-defense.

The jury did, in fact, ask to review the definition of malice aforethought, amplifying the concerns of this Court. Mr. Edmonds' mental health issues are documented in the pretrial record of this case, as is his understanding of those issues as being "slow" during his direct and cross examination. The jury focused its deliberations on an element that examined his mental state. The connection between the malign comments and deliberations is not just likely, but probable.

The danger of the undue influence of these comments on deliberating the issue of malice aforethought, whether sought or unsought, independent of and in addition to the improper impeachment of a Defendant testifying that a killing was in self-defense, deprived Mr. Edmonds of a fair trial.

THEREFORE IT IS ORDERED that the convictions in the above captioned cases are vacated, and the Defendant's motion for a new trial is GRANTED.


The Honorable Clifton Newman
Chief Judge, 5th Judicial Circuit
Residing Judge

Columbia, South Carolina
This 21st day of November, 2022.
in

EXHIBIT E

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND

STATE

v.

DELRICO EDMONDS,

Defendant.

IN THE COURT OF GENERAL
SESSIONS FOR THE FIFTH CIRCUIT

Case No: 2021GS4001753-54

ORDER REGARDING BOND

U.C. CLERK OF COURT

2023 MAY 26 PM 4:11

RICHLAND COUNTY

This matter came before the Court on April 17, 2023, on Motion of the Defense to Reinstate Bond. Present at the hearing was Assistant Solicitor Dale Scott, Attorney Tivis Sutherland, and the defendant, Delrico Edmonds.

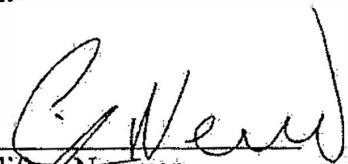
Mr. Edmonds was charged and subsequently convicted of murder. He was sentenced by this Court to thirty years. Defense filed a timely motion for a new trial. Upon review of the court file, Defense motion, and the submitted transcript, the Court vacated the conviction and granted a new trial on November 22, 2022. An initial hearing to reinstate bond was heard by Judge Hood on January 7, 2023, however, Judge Hood determined that the trial judge should rule upon the motion to reinstate bond. This motion was scheduled before the Court on April 6, 2023. The matter was continued to a later date due to the failure of the State to comply with the Victim's Bill of Rights by not notifying the victim's family of the hearing. On April 17, 2023, the Court heard arguments of both Defense and State, during which the State surprisingly disclosed that an appeal in this case had been filed and therefore this Court lacked jurisdiction to set bond.

The Court advised the parties that an Order would be issued requiring the State to retry the case within sixty days of the date of the Order and should the State fail to call the case to trial, the

\$50,000 surety bond would be reinstated unless the State receives an Order from the Chief Administrative Judge showing good cause for the failure to call the case to trial.

Following to the hearing, upon review of the filings, the appellate record, and the appellate rules, due to the pending appeal, I find this matter is stayed pursuant to Rule 246(a) of the South Carolina Appellate Court Rules.

Therefore, this Court lacks jurisdiction to decide the issue of bond.


Clifton Newman
Presiding Judge

May 26th, 2023
Columbia, SC

EXHIBIT F

RICHLAND COUNTY
STATE OF SOUTH CAROLINA, FILED IN THE COURT OF GENERAL
COUNTY OF RICHLAND 2023 JAN -3 PM 3:42 SESSIONS FOR THE FIFTH CIRCUIT

STATE JEANETTE W. McBRIDE Case No: 2021GS4001753-54
C.C.P., G.S., & F.C. 2020A4021601703,1704

**ORDER REMANDING
DEFENDANT TO PRETRIAL
DETENTION**

v.


DELRICO EDMONDS,

Defendant.

On November 22nd of this year, this Court vacated Mr. Edmonds' convictions and granted him a new trial on the above captioned cases, returning the cases to the status quo ante. To date, Mr. Edmonds remains in the custody of the South Carolina Department of Corrections.

In light of this Court's Order granting a new trial, Mr. Edmonds shall be remanded to the custody of the Alvin S. Glenn Detention Center to await further proceedings in the Fifth Circuit Court of General Sessions.

THEREFORE IT IS ORDERED that Delrico Edmonds be remanded to the custody of the Alvin S. Glenn Detention Center for further proceedings in the Court of General Sessions in the above captioned case.


Clifton Newman
Chief Judge, 5th Judicial Circuit

January 3, 2023
Columbia, South Carolina

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jul 27 2023

SC Court of Appeals

Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

APPELLANT,

V.

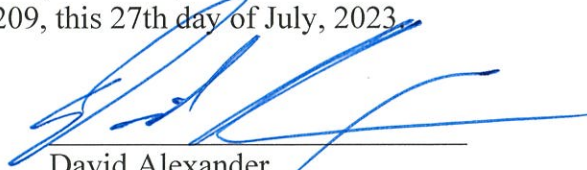
DELRICO EDMONDS,

RESPONDENT

APPELLATE CASE NO. 2022-001716

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Limited Remand to the Circuit Court for Setting Bond and attached exhibits in the above-referenced case has been served upon Melody J. Brown, Esquire, and J. Anthony Mabry, Esquire, at the primary e-mail addresses listed in the Attorney Information System (AIS); and on Delrico Djuan Edmonds, #387493, at Alvin S. Glenn Detention Center, 201 John Mark Dial Road, Columbia, SC 29209, this 27th day of July, 2023.



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR RESPONDENT

From: [Pollard, Shelby](#)
To: [SC - BROWN MELODY; "amabry@scag.gov"](#)
Cc: [Alexander, David](#)
Subject: 2022-001716 The State v. Delrico Edmonds - Respondent's Motion for Limited Remand to the Circuit Court for Setting Bond
Date: Thursday, July 27, 2023 4:01:00 PM
Attachments: [2022-001716 The State v. Delrico Edmonds - Respondent's Motion for Limited Remand to the Circuit Court for Setting Bond.pdf](#)

Good Afternoon,

Please find attached for service in the above-referenced case the Respondent's Motion for Limited Remand to the Circuit Court for Setting Bond. This will be filed today, July 27, 2023, with the Court of Appeal via email filing.

Respectfully,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax