

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Frank Addy, Circuit Court Judge

Supreme Court Case No. 2022-000740
Court of Appeals Case No. 2019-000637

Tony Young.....Petitioner,

v.

Greenwood County Detention Center and the Greenwood County Sheriff's Office, Defendants,
of Which the Greenwood County Sheriff's Office is.....Respondent.

RETURN TO MOTION FOR COSTS ON APPEAL

This matter was tried in September of 2018. The jury returned a defense verdict, which Petitioner Tony Young believes the defense verdict was the result of an unfair trial. After trial, Tony filed post-trial motions, which were denied. Tony filed an appeal, and the Court of Appeals affirmed the verdict. Tony then petitioned this Court for certiorari, and the Court initially granted certiorari as to one of the questions presented. During this entire time, the Sheriff's Office was represented by Russell Harter, a well-respected and able defense attorney who defends many cases filed by the undersigned. Mr. Harter is a worthy adversary and an able trial lawyer. At no time did the Sheriff's Office petition the trial court, the Court of Appeals, or this Court for costs.

After this Court granted certiorari, new counsel entered an appearance in the case, filed a Supreme Court brief, and participated in oral argument. After oral argument, the Supreme Court dismissed the writ as improvidently granted. New counsel then filed a motion for costs on appeal. In addition to costs associated with Supreme Court briefing, new counsel seeks costs associated with ordering the trial transcript – which was presumably ordered years before he became involved – and costs associated with briefing in the Court of Appeals, which he was not involved with at all. The Sheriff’s Office never sought any of those costs before new counsel became involved.

Tony respectfully requests that this Court, in the discretion granted by SCACR 222(a), deny the Sheriff’s Office’s Motion for Costs on Appeal. Tony is indigent, and this case was litigated on a contingency basis. The undersigned expended unrecoverable money in an effort to get Tony a new, fair trial. There is no indication that Tony has any money for those costs, and he is certainly unable to pay the costs sought by new counsel in this case.

Tony respectfully beseeches the Court to consider that the questions presented in this appeal were important enough that the Court initially granted a writ and heard oral argument before dismissing the writ as improvidently granted. Tony acknowledges that the Court has discretion as to whether to award costs, and respectfully requests that the Court consider the disparity between the parties and their respective financial situations.

Respectfully submitted,

Hawkins & Jedziniak, LLC

s/ Joshua T. Hawkins

Joshua T. Hawkins, S.C. Bar #78470

Helena L. Jedziniak, S.C. Bar #100825

1225 South Church Street

Greenville, South Carolina 29605

(864) 275-8142 (telephone)

(864) 752-0911 (facsimile)

josh@hjlsc.com
helena@hjlsc.com

Kyle J. White, S.C. Bar # 101426
White, Davis and White Law Firm
209 E. Calhoun St.
Anderson, South Carolina 29621
(864) 231-8090 (telephone)
(864) 231-8006 (facsimile)
kyle@wdwlawfirm.com

ATTORNEYS FOR PETITIONERS

Greenville, South Carolina
November 28, 2023