

STATE OF SOUTH CAROLINA
FOR THE SOUTH CAROLINA COURT OF APPEALS

EDWARD JONES,
Petitioner,

RECEIVED

FEB 26 2024
SC Court of Appeals

v.

Case No. _____

Lower Ct. No. 2021GS234935, 36,
37,

THE HONORABLE ALEX KINLAW, JR.,
Respondent.

EMERGENCY WRIT OF MANDAMUS PETITION

COMES NOW, Edward Jones, proceeding Pro Se Petitioner, moving this Honorable Appellate Court pursuant to S.C. App. Pro.- Rule 240 (c), respectfully requesting that this Appellate Court compel the Honorable Alex Kinlaw, Jr. to set a bail on his own recognize or a reasonable bail, thus, Writ of Mandamus should issue based upon the foregoing:

ISSUE PRESENTED

Petitioner Jones, asserts that the South Carolina Court of Appeals should **GRANT** his Writ of Mandamus Petition and compel the Honorable Alex Kinlaw, Jr. to set bail release on his own recognizance without surety or set a reasonable bail in accordance with Title 17, Ch. 15-10 (A); and right to bail pending trial is guaranteed to all persons by Article 1, Sec. 15 of the U.S. Constitution in all noncapital cases as his due process of law rights demands such a result in the matter herein.

THE FACTS NECESSARY TO UNDERSTAND THE ISSUE PRESENTED BY THE PETITION

Petitioner Jones, states that on May 13, 2021, during his Arraignment no bond was set, and he was remanded to Greenville County Detention Center. On July 01, 2022, a Motion for Reconsideration of Bond was filed and on July 05, 2022, the Trial Court denied Motion for Reconsideration of Bond. On Wednesday, October 26, 2022, a Motion for Bond on Change in Circumstances was filed and on October 27, 2022, the Trial Court denied such Motion for Bond. On May 23, 2023, a Motion for Bond Based on Change In Circumstances were filed and the Trial Court denied it on May 31, 2023. On June 6, 2023, a Motion to Reconsider Denial of Bond Issued On June 5, 2023, was filed and in which was denied by the Trial Court.

To date Mr. Jones is awaiting a Trial date in which may not commence for several months, and is **being held with no bail**, thus, consistent with his statutory rights to a bond and his constitutional rights to bail pending trial Edward Jones, respectfully request that this Honorable Appellate Court compel the Honorable Kinlaw, Jr. to set bail release him on his own recognizance without surety or set a reasonable bail in which he is entitled in the case herein (emphasis added). See Attachment A (A copy of Inmate Search: Details- 05/13/2021-No Bond set by Judge); Attachment B (A copy of Motion for Reconsideration of Bond in which was denied on July 5, 2022); Attachment C (A copy of Motion For Bond On Change In Circumstances in which was denied on October 27, 2022); Attachment D (A copy of Motion for Bond Based On Change In Circumstances denied on May 31, 2023); and Attachment E (A copy of Motion To Reconsider Denial of Bond Issued on June 5, 2023, in which was denied on June 5, 2023).

THE REASONS WHY THE WRIT SHOULD ISSUE

Petitioner Jones, contends that consistent with Title 17, Ch. 15-10 (A) (A person charged with a noncapital offenses triable in either the magistrate, county or circuit court, **shall**, at his appearance before any of such courts, be ordered released pending trial on his own recognizance without surety in an amount specified by the court, unless the court determines in its discretion that such a release will

not reasonably assure the appearance of the person as required, or unreasonable danger to the community or an individual will result, if such a determination is made by the court,...). See *State v. Policao*, 402 S.C. 547; 741 S.E.2d 774, 777 (S.C. App. 2013) (Any person charged with a noncapital offense shall “be ordered released pending trial on his own recognizance without surety in an amount specified by the court,...). The right to bail pending trial is guaranteed to all persons by Article 1, Section 15 of the U.S. Constitution in all instances except in capital cases or offenses punishable by life imprisonment. The Constitution further provides that excessive bail cannot be charged. A magistrate or municipal judge cannot, therefore, set bail at a figure higher than an amount reasonably calculated to insure the presence of the accused at trial. See *Stack v. Boyle*, 342 U.S. 1, 72 S. Ct. 1, 96 L. Ed. 2d (1961). It follows that a Writ of Mandamus Petition may issue by this Honorable Appellate Court to compel the Trial Court to set bail to release on his own recognizance without surety or to set a reasonable bail consistent with his statutory and constitutional rights in the matter herein. See *Charleston County Sch. Dist. v. Charleston County Election Comm’n*, 336 S.C. 174, 179, 519 S.E. 2d 567, 570 (1999) (“Mandamus is somewhat of a hybrid proceeding... It is not strictly a law case, nor is it one in equity. It is based on the theory that an officer charged with a purely ministerial

duty can be compelled to perform that duty in case of refusal.”); *Roche v. Evaporated Milk Ass’n*, 319 U.S. 21, 26 (1943) (A writ of mandamus has traditionally been available to an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.”); *Ex parte Parker*, 730 So. 2d 168, 170 (Ala. 1999) (“A petition for writ of mandamus is the proper means by which to challenge a trial court’s order granting a motion to compel arbitration); and *In re Bruce Terminix Co.*, 988 S.W. 2d 702, 705 (Tex. 1998) (conditionally granting a writ of mandamus and holding that trial court abused its discretion). (emphasis added).

Edward Jones has no other remedy of law to obtain his statutory right to be released on bail pending trial on his own recognizance without surety, see Title 17, Ch. 15-10 (A); and the right to bail pending trial is guaranteed to all persons by Article 1, Section 15 of the U.S.

Constitution in all instances except in capital cases. The Constitution further provides that excessive bail cannot be charged. A magistrate or municipal judge cannot, therefore, set bail at a figure higher than an amount reasonably calculated to insure the presence of the accused at trial. See *Stack v. Boyle*, 342 U.S. 1, 72 S. Ct. 1, 96 L. Ed. 2d (1961).

Thus, Petitioner Jones, argues that he has demonstrated that he has a clear legal right to the performance of the duty sought to be

compelled; that the lower court has a clear duty to perform; the lower court has a duty to act; and Edward Jones has no other adequate legal or equitable remedy available in which entitles Petitioner Jones to this Honorable South Carolina Court of Appeals **GRANTING** his Pro Se Writ of Mandamus Petition in the situation herein. See *Cyrus v. Calhoun Co. Sheriff*, 85 Mich. App. 397, 399; 271 N.W. 2d 249 (1978) (An individual seeking mandamus must not have another adequate remedy available.) (emphasis added).

RELIEF SOUGHT

WHEREFORE, Petitioner Jones, respectfully request that this Honorable South Carolina Court of Appeals **GRANT** Writ of Mandamus Petition and **ORDER** specifically that the Honorable Alex Kinlaw, Jr. in the criminal cause of State of South Carolina County of Greenville v. Edward Jones, Case No. 2021GS234935, 36, 37, to compel the lower court within **14 to 30 days** to set bail pending trial on his own recognizance without surety or alternatively set a reasonable bail in the case at bar.

Petitioner Jones, **PRAYS** that the relief sought is **GRANTED** by this Honorable South Carolina Court of Appeals as the lower court's actions offend Edward Jones's Due Process of Law Rights and Petitioner Jones has no other adequate remedy available, therefore, the relief sought is warranted in the interests of **JUSTICE** in the matter

herein.

Date: 02/21/24

Respectfully submitted,

Edward Jones

Mr. Edward Jones

322143

Greenville Cnty. Det. Center

20 McGee Street

Greenville, S.C. 29601

Certificate of Service

I, Edward Jones, certify that on February, 21st, 2024, my the "Next of Friend" filed by email at: ctappfilings@sccourts.org the Original of my Pro Se Writ of Mandamus Petition to South Carolina Court of Appeals and one copy to the opposing party listed below herein:

The Honorable Alex Kinlaw, Jr.
Greenville County Courthouse
305 East North Street
Greenville, S.C. 29601

RECEIVED

FEB 26 2024

SC Court of Appeals

Date: 02/21/24

1st, Edward Jones

Mr. Edward Jones

Pro Se Petitioner

ATTACHMENT A

(A copy of Inmate Search: Details-05/13/2021-No Bond set by Judge).

INMATE SEARCH: DETAILS

Inmate Description and Location



Picture Date: 5/12/21

Name / ID Number: JONES, EDWARD GORDON / 0696
 Gender: MALE
 Race: BLACK/AFRICAN A
 Year of Birth: 1981
 Hair Color: BROWN
 Eye Color: BLACK
 Height: 6' 00"
 Weight: 170 lb
 Housing Unit: GRN01 (Building One)

INMATE CHARGES:

- [ALL](#)
- [1](#)
- [2](#)
- [3](#)
- [4](#)

THE CHARGE IS AS FOLLOWS:
 Charge 100: POSS WEAPON DUR VIOL CRIME/NOT SENT LIFE ETC
 Arresting Agency: GREER
 Sentence: 05/13/2021 - No Bond set by Judge

Charge Date: 5/12/21
 Trial Judge: MIMS

Warrant: 2021A2320500369
 Committing Judge: PITTS

- [Back to Search](#)
- [Visitation](#)

ATTACHMENT B

(A copy of Motion for Reconsideration of Bond in which was denied on July 5, 2022).

Denied -

Tony Muly 7/5/22

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

THE STATE)

v.)

EDWARD GORDON JONES,)

DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment Nos.: 2021A2320500369;
2021A2320500368; 2021A2320500367;
2021A2320500366

**MOTION FOR RECONSIDERATION OF
BOND**

22 JUL 6 AM 10:51
Patt Wickstrom/COO GUL SC

COMES NOW the defendant, **Edward Gordon Jones**, by and through his undersigned counsel, and respectfully moves this Court to reconsider Defendant's bond pursuant to Section 17-15-55(A)(2), as the Defendant has been incarcerated awaiting trial greater than six months. In support of this Motion, Defendant would show unto the Court the following:

1. On , Mr. Jones was arrested on 2021A2320500369; 2021A2320500368; 2021A2320500367; 2021A2320500366 for Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death; Assault / Assault & Battery of a High & Aggravated Nature; Kidnapping / Kidnapping; Burglary / Burglary (After June 20, 1985) - First degree;
2. The Public Defender Office was appointed to represent Mr. Jones on May 18, 2021 and undersigned counsel was assigned to represent him;
3. On July 15, 2021, Counsel for Defendant filed a Motion for Bail asking the Court to set a \$10,000.00 surety bond;
4. On August 5, 2021, a bond hearing was held before the Honorable Honorable William McKinnon, and it was ordered that the bond be set at No Bond; and
5. Defendant's case is still pending, and more than six months have passed since the last

bond hearing.

WHEREFORE, for the above-stated reasons as well as any other reasons which may appear to this Court, Mr. Jones prays that this Court grant his motion and order a hearing be scheduled to consider a reconsideration of his bond.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: Stuart Sarratt
Stuart B. Sarratt, Esq.
Bar No. 100228
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Greenville, SC
Date: July 01, 2022

2022 JUL 1 AM 11:00
PUBLIC DEFENDER'S OFFICE

ATTACHMENT C

(A copy of Motion For Bond On Change In Circumstances in which
was denied on October 27, 2022).

'22 NOV 8 AM 5:10
Paul Wickensimer COC.GVL SC

*Court does not deem 6 months
as "change in circumstances" Motion
denied. My huly 10/27/22*

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
The State,)
)
vs.)
)
Edward Jones,)
)
Defendant,)

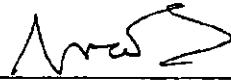
IN THE COURT OF GENERAL SESSIONS

Warrant No.'s: 2021A2320500366, 7, 8, 9
21-4937

MOTION FOR BOND BASED ON CHANGE
IN CIRCUMSTANCES

22 OCT 27 AM 11:58
Paul Wickensimer COC.GVL SC

The undersigned moves for a bond on the ground that it's been more than 6 months since his last bond hearing and this constitutes a change in circumstances.



Ivan Toney
Attorney for the Defendant
600 East Washington Street – Suite 616
Greenville, SC 29601
Ph: (864) 298-0071
SC Bar # 2460

Wednesday, October 26, 2022
Greenville, South Carolina

ATTACHMENT D

(A copy of Motion For Bond Based On Change In Circumstances
denied on May 31, 2023).

ATTACHMENT E

(A copy of Motion To Reconsider Denial of Bond Issued on June 5, 2023, in which was denied on June 5, 2023).

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
The State,)
)
vs.)
)
Edward Jones,)
)
Defendant,)

IN THE COURT OF GENERAL SESSIONS

Warrant No.'s: 2021A2320500366, 7, 8, 9
Indictment No.'s: 2021GS234935, 36, 37

MOTION TO RECONSIDER DENIAL OF BOND
ISSUED ON JUNE 5, 2023

23 JUN 6 PM 3:12
Paul Wickensmeyer, CSC, GIL, SC

*6/5/23
Motion is
DENIED
w. Dismissal
Henry*

TO: HONORABLE ALEX KINLAW, JR. AND TO ASSISTANT SOLICITOR DOUG
RICHARDSON

Motion is made by Ivan Toney, Attorney for the Defendant, that the motion for bond, which was denied on June 6, 2023 be reconsidered.

The Defendant made a motion on the grounds that it had been over 6 months since the last bond motion was filed and also pursuant to his right to a Speedy trial, as set forth in the 6th Amendment to the US constitution and Article 1 Section 14 of the South Carolina constitution. In particular, this Defendant filed a motion for a speedy trial on December 1, 2022. Additionally, he asserted this right in a hearing on the date of May 19, 2023 in front of the Honorable Edward Miller. The Defendant also made certain to tell the judge on the record in his own words that he was not waiving his right to a speedy trial. At the hearing and before the undersigned lawyer was informed and it was made known to the court that due to the solicitors office policy of moving older cases, that the above case would likely not be heard until late November of 2023 or perhaps more probably 2024.

As this Defendant asserts his rights to a speedy trial, this court has a special duty to do all in its power to either hear this case quickly or to dismiss the charges, or at the very least to give heightened concern that this Defendant receive a bond.

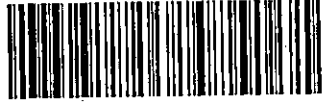
This Defendant is not a flight risk. He is a member of this community and his family is here. He has children, parents, and he had 2 jobs at the time of his arrest.

In State vs. Hunsberger, 418 SC 335 the court made every effort to get the Defendant a Speedy trial scheduled and when the state could not schedule it speedily, the court released him on bond. Husberger was a murder case.

This Defendant's motion for bond should be considered in light of his numerous requests

Mr. Edward Donas # 322143
Greenville County Intention Center
20 Nodde Street
Greenville, S.C. 29601

CERTIFIED MAIL



9589 0730 5270 0783 3584 56

Retail



29211

RDC 99

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LANSING, MI 48917
FEB 21, 2024

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Clerk of the Court
South Carolina Court of Appeals

P.O. Box 11629

Columbia, S.C. 29211

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FEB 26 2024
SC Court of Appeals