

**STATE OF SOUTH CAROLINA
FOR THE SOUTH CAROLINA COURT OF APPEALS**

**EDWARD JONES,
Petitioner,**

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

Feb 21 2024

SC Court of Appeals

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

Date: 02 / 21 / 24

/s/ Edward Jones

Mr. Edward Jones

Pro Se Petitioner