

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA
vs.
JAMES ELTON RILES,
DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS**

Arrest Warrant #2021A0810200722

Indictment #2023-GS-08-03661

FILED

MAR 13 2024

CASE NO.
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

A hearing was held in the Court of General Sessions for the Defendant's Motion to Dismiss based on the Interstate Agreement on Detainers pursuant to S.C. Code §17-11-10. The Defendant was represented by his counsel, Taylor Estes. The State was represented by Ninth Circuit Assistant Solicitor, Kawohi Morris.

Based on the Defendant's Motion to Dismiss, the State's Response to the Defendant's Motion to Dismiss, and oral arguments, the Court finds that the Interstate Agreement on Detainers Act was not triggered until November 14, 2023 when the Defendant's written notice for disposition of charges was properly accompanied by the certificate described in S.C. Code §17-11-10, Article III, subsection (b).

The State has one hundred eighty (180) days from November 14, 2023, in which to bring the Defendant to trial according to §17-11-10, Article III, subsection (a).

Therefore, it is **ORDERED** on this 13th day of March, 2024, that the Defendant's Motion to Dismiss is **DENIED**.

Date

3/13/24

Judge Roger Young, Sr.
Presiding Judge

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APR 22 2024

SC Court of Appeals

KAW0408095

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
) Indictment No(s):
) Warrant No(s): 2021A0810200722
) Charge(s): Burglary / Burglary (After June 20,
1985) - First degree

STATE OF SOUTH CAROLINA

Plaintiff,

vs.

James Elton Riles,

Defendant.

DEFENDANT'S MOTION TO DISMISS

2024 FEB -6 11:09:15
CLERK OF COURT, S.C.
BERKELEY COUNTY, S.C.

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The Defendant above-named, through the undersigned attorney of the Public Defenders Office of Berkeley County, moves this Honorable Court to enter an order dismissing with prejudice the above referenced case against the Defendant pursuant to S.C. Code Ann. § 17-11-10, also known as the South Carolina Interstate Agreement on Detainers Act and hereinafter referred to as the "IADA", and would respectfully show unto this Court the following:

1. Defendant is charged with burglary in the first degree pursuant to S.C. Code Ann. §. 16-11-0311 with an alleged date of offense of October 20, 2021.
2. A warrant for Defendant's arrest was issued on October 28, 2021 (see Exhibit 1).
3. On April 7, 2022 Defendant began his incarceration at the Georgia Department of Corrections. Georgia and South Carolina are both party states of 18 USCS, also known as the Interstate Agreement on Detainers (see Exhibit 2).
4. While incarcerated at the Riverbend Correctional Facility in Georgia, Defendant wrote a letter on April 12, 2023 that was mailed on April 14, 2023 addressed to "Berkeley Co. Solicitor's Ofc., Ms. Scarlett Wilson, Solicitor" with the return address listed as "James Riles, GOC #1233047, Riverbend Corr. Facility" (see Exhibit 3). The letter is titled, "Warrant/Pending Charge, Burglary First." In the letter Defendant states, "I do have an outstanding charge in your county... I am currently incarcerated at the Georgia Department of Corrections." He further states, "I am trying to do the right thing, the responsible thing, and answer to this charge and resolve it." He also sent a copy of this

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letter to Lisa Miller of the South Carolina IADA Administration.

5. Pursuant to Article III(a) of the IADA (see Exhibit 4), "whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint." While incarcerated at the Riverbend Correctional Facility in Georgia the Defendant caused to be delivered written notice to the Berkeley County Solicitor's Office of South Carolina stating his desire for final disposition on a pending warrant and including his place of imprisonment.
6. A detainer was then placed on Defendant for the pending Berkeley County warrant on April 24, 2023 (see Exhibit 5).
7. Assistant Solicitor Kawohi Morris of the Berkeley County Solicitor's Office acknowledged receipt of Defendant's request for final disposition on his pending charge in her letter addressed to Angela Reaves-Pham, the warden of Riverbend Correctional Facility, dated May 10, 2023 (see Exhibit 6). In the letter Assistant Solicitor Morris states, "The... defendant is in your custody at Riverbend Correctional Facility. He has requested final disposition of his pending charge in my jurisdiction, Berkeley County, South Carolina, pursuant to the Interstate Agreement on Detainers Act." She further states, "According to the AIDA, I have 180 days to resolve the Defendant's Berkeley County and thus time is of the essence."
8. Attached to Assistant Solicitor Morris's letter to Warden Angela Reaves-Pham was Form V of the IADA, also titled the "Request for Temporary Custody" (see Exhibit 7). This form was signed and dated by Assistant Solicitor Morris on May 10, 2023. Form V was also signed and dated on May 10, 2023 by Judge Paula F. McElvogue of the Ninth Judicial Circuit, indicating that the appropriate court of the prosecuting officer's jurisdiction was caused to have received notice of Defendant's request for final

disposition of his pending charge, as is required by the IADA.

9. "...Once the receiving jurisdiction acknowledges receipt of the prisoner's request for final disposition, the receiving jurisdiction has 180 days to bring the prisoner to trial, unless a proper continuance is granted by a court of competent jurisdiction. Otherwise, the court will dismiss the charges." *State v. Hill*, 409 S.C. 50, 52, 760 S.E.2d 802, 803 (2014) (see Exhibit 8).
10. The letter from Assistant Solicitor Morris of the Berkeley County Solicitor's Office addressed to Warden Angela-Reaves Pham specifically acknowledged receipt of Defendant's request for final disposition of his pending charge. Defendant therefore asserts that Assistant Solicitor Morris had 180 days from May 10, 2023 to bring Defendant to trial on his pending Berkeley County charge. The remedy for failure to do so, as proscribed by the South Carolina Supreme Court in *State v. Hill*, is dismissal of the charge.
11. Pursuant to Art. IV(a) of the IADA, "the appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state...upon presentation of a written request for temporary custody...to the appropriate authorities of the state in which the prisoner is incarcerated; provided, that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request." Assistant Solicitor Morris was entitled to extradition of the Defendant. A detainer was placed on Defendant on April 24, 2023. Assistant Solicitor Morris formally requested temporary custody of Defendant, in writing, by sending Form V of the IADA to Warden Angela Reaves-Pham. The request for temporary custody was signed by Judge Paula F. McElvogue of the 9th Judicial Circuit, indicating that the court having jurisdiction approved the request.
12. Defendant acknowledges that pursuant to Article III(a) of the IADA, "the request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the

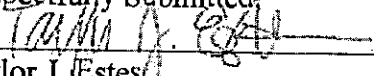
state parole agency relating to the prisoner."

13. Defendant additionally acknowledges that Form III of the IADA, also titled "Certificate of Inmate Status" was not signed by Warden Angela Reaves-Pham until November 1, 2023 (see Exhibit 9). However, Defendant asserts that any delay caused by Riverbend Correctional Institution in providing the certificate of inmate status should not impede on Defendant's ability to receive a final disposition on his pending charge within 180 days as proscribed by the IADA. Article IV(d) of the IADA provides that "nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery... but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery."
14. Defendant was not brought to trial on the pending charge within 180 days of Assistant Solicitor Morris acknowledging receipt of Defendant's request for final disposition on May 10, 2023. Defendant remained at the Riverbend Correctional Facility in Georgia for 203 days until he was extradited to South Carolina. He was booked into the Hill Finklea Detention Center in Berkeley County, South Carolina on November 29, 2023.
15. During the 203 days that Defendant awaited extradition, he continued his efforts to receive a final disposition on his pending charge. On August 19, 2023 Defendant sent a letter to Hyla Love of the Georgia IADA Administration (see Exhibit 10). He stated, "I've not heard anything from anyone here about my request for disposition on this pending charge... Please find out what the status of my request is and let me know something so I will know how to proceed from this point." He also sent a copy of this letter to Lisa Miller of the South Carolina IADA Administration.
16. "The purpose of the [IADA] is to foster the expeditious disposition of charges outstanding against prisoners so as to eliminate the uncertainties which accompany the filing of detainers." *State v. Allen*, 269 S.C. 233, 237 S.E. (2d) 64 (1977) (see Exhibit 11). "The goal of promoting prisoner rehabilitation programs is achieved by requiring the receiving state to proceed to trial within 180 days." *Id.*
17. The failure to bring Defendant to trial within 180 days negatively affected Defendant's ability to participate in prisoner rehabilitation programs. He stated in his letter to the

Berkeley County Solicitor's Office, "There are certain programs that would be conducive to my rehabilitation that I can not participate in due to the fact that the Berkeley County warrant shows on the NCIC background."

18. Because it has been greater than 180 days since Assistant Solicitor Morris acknowledged receipt of Defendant's request for final disposition of his pending Berkeley County charge pursuant to the IADA, and Defendant has not been brought to trial, Defendant respectfully moves for this Honorable Court to dismiss the charge of Burglary in the first degree. Defendant made multiple diligent attempts to receive final disposition on of his Berkeley County case, and should not be impeded from resolving his charge within 180 days due to any delay in the delivery of the certificate of inmate status from Riverbend Correctional to Assistant Solicitor Morris. For the reasons stated above, Defendant moves this Honorable Court for dismissal of this case with prejudice.

Respectfully Submitted,


Taylor J. Estes
Assistant Public Defender
Attorney for Defendant

Moncks Corner, South Carolina

Dated: 02/07/2021

15 - Life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

JG
FILED
APR 12 2024

STATE

INDICTMENT/CASE#: 2023-GS-08-03661

VS.

JAMES ELTON RILES

CASE NO.
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

AKA:
Race: White Sex: M Age: 52

A/W#: 2021A0810200722
Date of Offense: 10/20/2021
S.C. Code §: 16-11-0311

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0079

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#* [REDACTED] SID# [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

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SENTENCE SHEET
APR 22 2024
SC Court of Appeals

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Burglary First Degree

In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

100403

Kawohi Morris, Assistant Solicitor	104449 SC Bar #	Defendant	Attorney for Defendant Julie Shivers	SC Bar #
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WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 15 days/months/years/Time Served Youthful Offender Act not to exceed ___ years.

and/or to pay a fine of \$ ___; provided that upon the service of ___ days/months/years/Time Served and or payment of \$ ___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: *with actual time in Georgia Dept. of Correction*

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

STATE JAMES ELTON
VS. RILES

INDICTMENT/CASE#: 2023-GS-08-03661

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp
- No Contact with Victim
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$ _____	Beginning _____	\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____			
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$100
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$25
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
		TOTAL		\$128.75

Clerk of Court/Deputy Clerk: Janice Gibson
Court Reporter: Yvestre Torres

Presiding Judge: Dr. Jefferson
Judge Code: 2128
Sentence Date: 4/12/2024

The State of South Carolina

County of Berkeley

Office

HER

MBER

RY

COURT OF GENERAL SESSIONS

DECEMBER TERM 2023

THE STATE

VS.

JAMES RILES

W/M DOB: [REDACTED]

12/6/2023
Date:

Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311
CDR Code: 0079

4/12/24
Date:

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APR 22 2024

SC Court of Appeals

23 DEC -6 PM 4:37
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened December 2023, the Grand Jurors of Berkeley County present upon their oath:

Burglary First Degree

That in Berkeley County, South Carolina on or about October 20, 2021, the Defendant James Riles, did enter the dwelling of [REDACTED] without consent and with the intent to commit a crime therein. That, in addition, the defendant has a prior record with two or more convictions for burglary, housebreaking or a combination of both; in violation of § 16-11-311 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


KAWOHI MORRIS
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
STATE OF SOUTH CAROLINA,)
vs.)
JAMES ELTON RILES,)
Defendant.)

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

VERDICT FORM

39
FILED

APR 12 2024

CASE _____ NO _____
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

AS TO INDICTMENT NO.: 2023-GS-08-03661

We, the jury, by unanimous consent find the Defendant:

12 ✓ Guilty of Burglary, First Degree

OR AS TO THE LESSER INCLUDED OFFENSE

0 Guilty of Burglary, Second Degree

OR

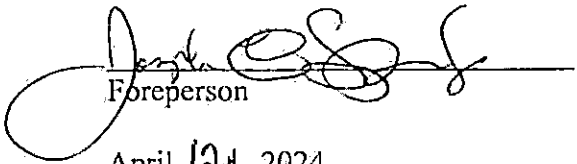
0 Not Guilty

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APR 22 2024

SC Court of Appeals

Please sign and date


Foreperson

April 12th 2024

Please let the bailiff(s) know when you have finished your deliberations.