



# The South Carolina Court of Appeals

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POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

April 30, 2024

Edward Gordon Jones, 322143  
Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

Mr. Alan McCrory Wilson, Esquire  
S.C. Attorney General's Office  
PO Box 11549  
Columbia SC 29211-1549

Mr. Mark Reynolds Farthing, Esquire  
PO Box 11549  
Columbia SC 29211-1549

Mr. William Douglas Richardson, Jr., Esquire  
305 E. North Street, Suite 325  
Greenville SC 29601

Mr. Ivan James Toney, Esquire  
506 Pettigru Street  
Greenville SC 29601

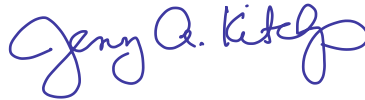
Mr. Robert Michael Dudek, Esquire  
PO Box 11589  
Columbia SC 29211

Re: The State v. Edward G. Jones  
Appellate Case No. 2024-000270

Dear Counsel and Mr. Jones:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitzel". The signature is written in a cursive style with a large initial "J" and "K".

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# The South Carolina Court of Appeals

The State, Respondent,

v.

Edward Gordon Jones, Appellant.

Appellate Case No. 2024-000270

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## ORDER

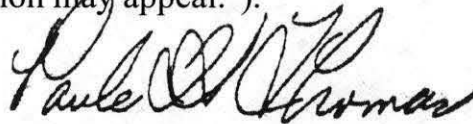
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On February 21, 2024, Appellant filed an emergency petition for a writ of mandamus, requesting this court compel the Honorable Alex Kinlaw, Jr., to set bail for Appellant. According to Appellant, he was denied bond on May 13, 2021, and subsequent motions to reconsider bond and motions to set bond based on a change in circumstances have been denied. After careful consideration, we deny Appellant's request for an emergency petition for a writ of mandamus because setting bail is not a ministerial act. *See Wilson v. Preston*, 378 S.C. 348, 354, 662 S.E.2d 580, 582 (2008) ("The primary purpose of a writ of mandamus is to enforce an established right and to enforce a corresponding imperative duty created or imposed by law."); *id.* at 354, 662 S.E.2d at 583 ("To obtain a writ of mandamus requiring performance of an act, the petitioner must show: (1) a duty of respondent to perform the act; (2) the ministerial nature of the act; (3) the petitioner's specific legal right for which discharge of the duty is necessary; and (4) a lack of any other legal remedy."); *id.* ("Mandamus 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."); *id.* ("The duty is ministerial when . . . it is defined by law with such precision as to leave nothing to the exercise of discretion."); *id.* ("In contrast, a quasi-judicial duty requires the exercise of reason in the adaptation of means to an end, and discretion in determining how or whether the act shall be done or the course pursued."); *City of Rock Hill v. Thompson*, 349 S.C. 197, 200, 563 S.E.2d 101, 103 (2002) ("Issuance of a particular decision by a judge is typically a matter of discretion and, therefore, not proper for mandamus."); S.C. Code Ann. § 17-15-10 (A) (Supp. 2023) (explaining that setting bond is a discretionary act); S.C. Code Ann. § 17-15-30 (Supp. 2023) (listing matters to be considered in

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**Apr 30 2024**

determining conditions of release of individuals charged with crimes); S.C. Code Ann. § 17-15-55 (Supp. 2023) (establishing procedures for reconsideration of bond by circuit courts).

On February 26, 2024, Appellant filed a notice of appeal, in which he explained he wished to appeal a July 18, 2023 order denying his second motion for a speedy trial. The order provided by Appellant states the "[m]atter will probably be heard [during] the November 2023 term." Thus, the order is not a denial of Appellant's request for a speedy trial; rather, it is an order scheduling a hearing on the motion. We dismiss the appeal as interlocutory. *See State v. Robinson*, 286 S.C. 173, 173, 337 S.E.2d 204, 204 (1985) ("A criminal defendant may not appeal until final judgment."); *Ex parte Wilson*, 367 S.C. 7, 12, 625 S.E.2d 205, 208 (2005) ("As a general rule, only final judgments are appealable"); *id.* ("Any judgment or decree leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory and not final."); S.C. Code Ann. § 14-3-330 (2017) (defining appellate jurisdiction); Rule 201(b), SCACR ("Only a party aggrieved by an order, judgment, sentence or decision may appeal.").<sup>1</sup>



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FOR THE COURT

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
William Douglas Richardson, Jr., Esquire  
Ivan James Toney, Esquire  
Robert Michael Dudek, Esquire  
Honorable Alex Kinlaw, Jr.

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**Apr 30 2024**

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<sup>1</sup> In light of our decision to dismiss the appeal, we take no action on Appellant's motion to proceed *in forma pauperis* or his request for a stay. *See State v. Hill*, 314 S.C. 330, 332, 444 S.E.2d 255, 256 (1994) ("[A] writ of supersedeas is only available where there is an appealable order.").