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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
Court Of General Sessions
The Honorable Deadra L. Jefferson Circuit Court Judge

Appellate Case No. 2024-000650

THE STATE,

Respondent,

v.

JAMES ELTON RILES,

Appellant.

INITIAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

1. Whether the trial court erred in denying Appellant's motion to dismiss where the 180-day clock associated with the Interstate Agreement on Detainers did not start until the certificate was delivered.
2. Whether the trial court erred in denying Appellant's motion to dismiss where the prosecution was triggered under Article III rather than Article IV.

STATEMENT OF THE CASE

James Riles was indicted by the Berkeley County Grand Jury on December 6, 2023, for burglary first degree. On March 8 of 2024, a hearing was held before the Honorable Deadra L. Jefferson. Another hearing was held on March 13, 2024, before the honorable Roger M. Young. On April 8, 2024, Riles proceeded to a jury trial before the Honorable Deadra L. Jefferson. Riles was convicted as charged and sentenced to fifteen years' imprisonment. A timely notice of appeal was filed on April 17, 2024. This appeal follows.

STANDARD OF REVIEW

“In criminal cases, the appellate court sits to review errors of law only.” State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). “Our courts have indicated that a circuit court’s failure to comply with the mandatory language of the IAD is an error of law.” State v. Barnes, 431 S.C. 66, 80, 846 S.E.2d 389, 396 (Ct. App. 2020), *aff’d as modified*, 436 S.C. 202, 871 S.E.2d 421 (2022).

STATEMENT OF FACTS

On October 28, 2021, law enforcement arrested Riles, in connection with the theft of two chainsaws. (April 11 Tr. p. 106). The State presented evidence that Riles took the chainsaws after seeing an open garage. (April 11 Tr. p. 107-8). Specifically, the State introduced a video which showed Riles enter the garage and contained audio which sounded like a chainsaw. (April 11 Tr.p. 107-8). In 2022, before the arrest warrant was served, Riles began serving five-year sentence in the Georgia Department of Corrections. (March 8 Tr. p. 20-21). While incarcerated in Georgia, Riles sent a letter to the Berkley County Solicitor's Office asking to resolve pending charges. (March 13 Tr. p. 7-9). The letter was dated April 12, 2023, and postmarked April 14, 2023. (March 13 Tr. p. 7-9).

After receiving the letter from Riles, the Berkeley County Solicitor requested custody of Riles pursuant to Article IV. (March 13 Tr. p. 13). In July, the Solicitor's office followed up and was given no response. (March 13 Tr. p. 13). In October, Riles contacted the public defender's office in an attempt to have the case dismissed. (March 13 Tr. p. 13). On November 14, 2023, the State received the remaining IAD forms. (March 13 Tr. p. 2-3).

On November 29th, Riles was transported to South Carolina. (March 13 Tr. p. 3). Riles was subsequently indicted on December 6th. (March 13 Tr. p. 3). On March 13th, Judge Young found Riles failed to initiate the 180-day clock under Article III until November 14th when the request for disposition was accompanied by the proper certificate. (Order dated March 13).

During the hearing the State asserted that it believed Article III applied to Riles, but nonetheless sought an extension out of an abundance of caution should Article IV be pertinent. (March 13 Tr. p. 3-4). The State noted that Article III applied in this instance because the process was initiated by Riles. (March 13 Tr. p. 3-4). The State further explained that ordinarily under

Article IV a Cuyler hearing is necessary to waive extradition. (March 13 Tr. p. 14). The Court also considered Riles' motion to dismiss due to the alleged inability of the State to comply with the IAD. (March 13 Tr. p. 3-4). The State argued in the hearing that the purpose of the IAD is to facilitate expeditious disposition of cases, but here such was not possible until paperwork was delivered allowing temporary custody of Riles. (March 13 Tr. p. 13-14). The Court denied Riles's motion to dismiss and found the statute was not triggered until the November 14th delivery. (Order dated March 13). Riles proceeded to a Jury trial on April 8, 2024, and was convicted and sentenced to fifteen years' concurrent to the time served in Georgia. (April 12 Tr. p. 222).

ARGUMENT

I. The trial court did not err in denying Appellant’s motion to dismiss because the 180-day clock associated with the Interstate Agreement on Detainers did not start until the certificate was delivered.

The trial court did not err in denying the Appellant’s motion to dismiss because the IAD 180-day clock was not triggered until the necessary certificate was delivered to the Berkely County Solicitor. Once the certificate was delivered, on November 14, 2023, the State was required to bring Riles to trial within 180 days. Riles’ trial began on April 8, 2024, satisfying the State’s obligation under the IAD.

The IAD is a compact, entered into by the federal government and the vast majority of states, including South Carolina. See S.C. Code Ann. §17-11-10 (2003). The central purpose of the IAD is to allow participating states to uniformly and expeditiously dispose of charges pending against prisoners held out of state. S.C. Code Ann. § 17–11–10 (2003); State v. Adams, 354 S.C. 361, 370, 580 S.E.2d 785, 790 (Ct. App. 2003). A detainer is a notice filed with an institution in which a particular prisoner is incarcerated, advising that he is wanted to face pending criminal charges in another jurisdiction, and requesting that the prisoner either be held for the other jurisdiction’s prosecutors or that these prosecutors be notified when the prisoner’s release is imminent. See Carchman v. Nash, 473 U.S. 716, 719 (1985).

Article III of the IAD gives a prisoner against whom a detainer has been lodged the right to request a final disposition of the relevant charges; and Article IV gives the jurisdiction in which charges remain the right to have the prisoner transported for trial. Id. at 149-50. Once invoked, each article provides a specific, but different, time frame within which trial must be had. Id. The code states:

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; provided, that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

S.C. Code Ann. § 17-11-10 (2003).

The rights and protections created by the IAD are statutory rights, not fundamental or constitutional. Barnes, 431 S.C. 416; Camp v. U.S., 587 F.2d 397, 400 (8th Cir. 1978) (holding the IAD is a statutory set of rules and does not amount to constitutionally guaranteed rights); Diggs v. Owens, 833 F.2d 439, 442 (3rd Cir.1987) (holding the IAD is a set of procedural rules, the violation of which does not infringe a constitutional right).

Most jurisdictions have held that defendants must strictly comply with the IAD before courts dismiss charges based on the violation of the 180-day provision of Article III. Eckard v. Commonwealth, 460 S.E.2d 242, 246 (Va. Ct. App. 1995) (“Courts have generally required that prisoners must strictly comply with IAD procedures”); Tinghitella v. California, 718 F.2d 308, 312 (9th Cir.1983) (“formal requirements must be met before the timely trial provisions of the IAD come into play”); State v. Mangum, 291 P.3d 44, 50 (Idaho Ct. App. 2012) (the majority of jurisdictions . . . have concluded that prisoners attempting to invoke the provisions of the IAD must strictly comply with the provisions set forth by the statute”); State v. Somerlot, 544 S.E.2d 52 (WV. 2000) (noting a prisoner “must strictly comply with the procedures set forth in the Interstate Agreement on Detainers Act”).

In Johnson, our Supreme Court found that a prisoner failed to comply with IAD requirements and accordingly did not trigger the 180-day clock. State v. Johnson, 278 S.C. 668, 671, 301 S.E.2d 138, 140 (1983). In Johnson, the prisoner failed to properly state where he was incarcerated or send the required certificate that would have included the relevant information. Id. In reaching its conclusion the Johnson Court cited the Georgia Supreme Court's decision in Stynchombe, where the court found the absence of the pertinent certificate was "fatal" to the prisoner's claim under Article III. Reed v. Stynchombe, 290 S.E.2d 469 (Ga. 1982).

Importantly, the United States Supreme has held that the 180-day clock does not commence until a prisoner's disposition was delivered to the court and prosecutor. Fex v. Michigan, 507 U.S. 43 (1993). The Fex Court noted the IAD "provides for documentary evidence of the date on which the request is delivered to the officials of the receiving State but requires no record of the date on which it is transmitted to the warden." Id. Specifically, the Court held "the 180-day time period in Article III(a) of the IAD does not commence until the prisoner's request for final disposition of the charges against him has actually been delivered to the court and prosecuting officer of the jurisdiction that lodged the detainer against him." Id. The Court noted that a delay through a warden's negligence or even malice was bad given the intent of the IAD. Fex, 507 U.S. 49-51. However, the Court explained it is no worse than what regularly occurred prior to the IAD's enactment. Id. What the Court emphasized would be "significantly worse" is if prosecution was precluded due to a warden's negligence before the prosecutor knew of a request. Id.

Here, Riles failed to strictly comply with the requirements of the IAD to successfully trigger the IAD 180-day provision. The trial court properly found that the clock did not start until the Berkeley County Solicitor acquired the necessary certificate. Consequently, the State had

until May 12, 2024, to bring Riles to trial. It did so on April 8, 2024, which was a date fully before the deadline. As discussed above, courts have stressed strict compliance and actual delivery to trigger the timeframe. Additionally, Fex specifically weighs potential outcomes of delayed prosecution due to negligence of a warden, and in that analysis stressed the harm associated with a precluded prosecution. The purpose of the IAD is to provide for the uniform and expeditious disposal of charges, but here the State was not in possession of the necessary documents to initiate Riles' prosecution. Accordingly, the trial court er by denying Appellant's motion to dismiss. This Court should affirm.

II. The trial court did not err in denying Appellant's motion to dismiss because the prosecution was triggered under Article III rather than Article IV.

The court properly found that the IAD was not triggered until November 14, when the notice for disposition was accompanied by the certificate. The proceedings were initiated by Riles and correspondingly triggered Article III of the IAD rather than Article IV. Because Article III was triggered, the pertinent deadline for the State to bring Riles to trial was 180 days.

The IAD provides:

- (a) 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 made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability 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. Provided, further, that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.
- (b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate 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. The authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.
- (c) In respect of any proceedings made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having

jurisdiction of the matter may grant any necessary or reasonable continuance.

S.C. Code Ann. § 17-11-10.

The transfer of a prisoner under the IAD can be initiated “under Article III, whereby the prisoner requests a trial on outstanding charges in the receiving state, or under Article IV, whereby the receiving state requests temporary custody of the prisoner to bring him to trial.” State v. Almy, 162 P.3d 680, 681 (Ariz. Ct. App. 2007).

During the hearing the State asserted that it believed Article III applied to Riles, but nonetheless sought an extension out of an abundance of caution should Article IV be applicable, due to the different deadlines. (March 13 Tr. p. 3-4). The court found Article III was applicable and denied Riles’ motion to dismiss. Here, the court properly found Article III is the appropriate article, because the process was initiated by Riles, not the State. See Shewan v. State, 396 So.2d 1133 (Fla. 5th Ct. App 1980) (holding the 180–day limit applied where defendant made an Article III request for disposition before the State took custody); State v. Willoughby, 927 P.2d 1379 (Hi. Ct. App.1996) (holding article IV applied where state was first to file request); See also State v. York, 583 N.E.2d 1046, 1050 (Oh. Ct. App. 1990) (finding Appellant waived any rights under Article IV by making an Article III request). Additionally, under Article IV a Cuyler hearing is necessary to waive extradition, and such a hearing was not held.¹ However, under Article III a request for disposition is deemed a waiver of extradition. S.C. Code Ann. § 17-11-10.

¹ Cuyler v. Adams, 449 U.S. 433 (1981).

Here, Riles initiated the process under Article III with his letter requesting the resolution of pending charges. The IAD was not strictly complied with until the paperwork was delivered on November 14th, which triggered Article III. The Court properly denied Riles's motion to dismiss and found that the statute was not triggered until the November 14th delivery. This Court should affirm.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

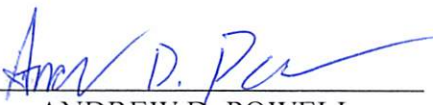
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