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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BARNEWLL COUNTY
Courtney Clyburn Pope, Circuit Court Judge

Trial Court Case Nos. 2024-GS-06-00202, 2024-GS-06-00203,
2024-GS-06-00208, 2024-GS-06-00207, 2024-GS-06-00206,
2024-GS-06-00205, 2024-GS-06-00204, 2024-GS-06-00212,
2024-GS-06-00200, 2024-GS-06-00201, 2024-GS-06-00198,
2024-GS-06-00197, 2024-GS-06-00199

Appellate Case No. 2024-001535

The State,Appellant

v.

John Wilson Williamson, III,Respondent.

AND

The State,Appellant

v.

Corey Lamont Rivera,Respondent.

AND

The State,Appellant

v.

Keshawn Lamar Kelley,Respondent.

AND

The State,Appellant

v.

Jasiah M. Brabham,Respondent.

AND

The State,Appellant

v.

Jericho Knight-Hudson,Respondent.

AND

The State,Appellant

v.

Shemar McKay Donaldson,Respondent.

AND

The State,Appellant

v.

Jonathan William Eugene Blocker,Respondent.

INITIAL BRIEF OF APPELLANT

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Assistant Attorney General
S.C. Bar No. 8729
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

BILL WEEKS
Solicitor, Second Judicial Circuit
Post Office Drawewr 3368
Aiken, South Carolina 29802
(803) 642-1557

ATTORNEYS FOR APPELLANT

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RESPONDENT'S STATEMENT OF ISSUE ON APPEAL

1. Whether the circuit court committed an error of law in granting Respondents' motions to dismiss their arrest warrants for furnishing or attempting to furnish contraband, other than weapons or illegal drugs, to an inmate in a county or municipal prison where: (1) the Legislature's grant of subject matter jurisdiction and concomitant sentencing authority to the magistrate courts was authorized by the South Carolina Constitution and (2) the relevant criminal and jurisdictional statutes enacted by the Legislature pursuant to that constitutional authorization are unambiguous and convey a clear and definite meaning.

STATEMENT OF THE CASE

John Wilson Williamson, III, (Arrest Warrant Nos. 2023A0610400084 & 2023A0610400174; Indictment Nos. 2024-GS-06-00202 & 2024-GS-06-00203); **Corey Lamont Rivera** (Arrest Warrant Nos. 2023A0610400221, 2023A0610400233, 2023A0610400234, & 2023A0610400235; Indictment Nos. 2024-GS-06-00205, 2024-GS-06-00206, 2024-GS-06-00207, & 2024-GS-06-00208); **Jasiah M. Brabham** (Arrest Warrant No. 2023A0610400137; Indictment No. 2024-GS-06-00212); **Keshawn Lamar Kelley** (Arrest Warrant No. 2023A0610400135; Indictment No. 2024-GS-06-00204); **Jericho Knight-Hudson** (Arrest Warrant Nos. 2023A0610400175 & 2024A0610400205; Indictment Nos. 2024-GS-06-00200 & 2024-GS-06-00201); **Shemar McKay Donaldson** (Arrest Warrant Nos. 2023A0610400176 & 2023A0610400220; Indictment Nos. 2024-GS-06-00197 & 2024-GS-06-00198); and **Jonathan William Eugene Blocker** (Arrest Warrant No. 2023A0610400205; Indictment No. 2024-GS-06-00199) were each arrested for one or more violations of S.C. Code § 24-7-155 (furnishing or attempting to furnish “a prisoner in any county, municipal, or multijurisdictional jail, prison camp, work camp, or overnight lockup facility with a matter declared to be contraband”). Pursuant to the terms of the South Carolina Code, this offense is classified as a felony and may be punished by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) or imprisonment for not less than one (1) year nor more than ten (10) years, or both. S.C. Code § 24-7-155 (2023); *see also* CDR Code 437 at sccourts.org/cdr-codes/?code=437.¹ Consequently, the arrest warrants were forwarded to the Barnwell County

¹ This offense and its punishment mirror the companion offense of furnishing or attempting to furnish “any prisoner under the jurisdiction of the Department of Corrections with any matter declared by the director to be contraband.” S.C. Code Ann. § 24-3-950 (2023); *see also* CDR Code 74 at sccourts.org/cdr-codes/?code=74.

Clerk of Court of General Sessions and were subsequently presented to the Barnwell County Grand Jury, whereupon Respondents were indicted.²

On July 8, 2024, upon request of the Solicitor for the Second Judicial Circuit, the Honorable Courtney Clyburn Pope, Resident Judge for the Barnwell County Court of General Sessions, issued an “Order Transferring Cases to Magistrate Court (§24-3-965).” The Order found: “the attached cases allege violations of §24-7-155 (Possession of Contraband by a County Inmate) that *do not* include the furnishing or possession of illegal drugs or weapons” and “accordingly, pursuant to §23-3-965 [sic], these cases are exclusively triable in the magistrate’s court.” Based on these findings, Judge Clyburn Pope ordered that all pending and similarly situated defendants’ cases for violations of Section 24-7-155 be transferred to the Barnwell County magistrate court for trial. She further ordered that: “The Solicitor shall report the disposition of the transferred cases to the Chief Administrative Judge for General Sessions within one hundred eighty (180) days from the date of this order, provided, however that the expiration of the 180-day period shall not affect the ability of the magistrate court to try any cases transferred to the magistrate’s court still pending at that time.” (July 8, 2024, Order Transferring Cases to Magistrate Court (§24-3-965)).³

² The South Carolina Rules of Criminal Procedure provide that: “Magistrates, municipal judges, and other officials authorized to issue warrants shall, *in all cases within the jurisdiction of the Court of General Sessions*, forward to the Clerk of the Court of General Sessions all documents pertaining to the case including, but not limited to, the arrest warrant and bond, within fifteen (15) days from the date of arrest in the case of an arrest warrant and date of issuance in the case of other documents.” Rule 3, SCRCrimP (emphasis added). As explained in detail in the argument below, because the charged cases all involve contraband “other than weapons or illegal drugs,” they do not appear to be within the jurisdiction of the Court of General Sessions and instead appear to be in the jurisdiction of the magistrate court. S.C. Code Ann. § 24-3-965 (2023). Nevertheless, because no independent or separate CDR Code currently exists for contraband offenses not involving weapons or illegal drugs, the arrest warrants triggered the provisions of Rule 3, SCRCrimP, and forwarding the arrest warrants to the Clerk of Court of General Sessions.

³ As noted in its caption, this order was based on Section 24-3-965 of the Code which provides in part: “Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, 24-3-950, and 24-7-155, the offenses of furnishing contraband, other than weapons or illegal drugs . . . must be tried exclusively in magistrate’s court.”

On July 9, 2024, following the issuance of the July 8, 2024 Order, Samuel Grimes, Esquire, counsel for defendant Corey Lamont Rivera, filed, in the Court of General Sessions, a three-page written: “Motion to Dismiss or in the Alternative to Define Sentencing Range,” as well as a fourteen-page “Memorandum in Support of Motion to Dismiss or in the Alternative to Define Sentencing Range” challenging the transfer of his case to magistrate’s court for trial. (July 9, 2024, Motion and Memorandum).

Rivera’s motion was scheduled for a hearing before Judge Clyburn Pope on Tuesday, July 16, 2024. Rivera was present and was represented by Mr. Grimes. The State was represented by Deputy Solicitor David W. Miller of the Second Circuit Solicitor’s Office. At the outset of the hearing, the State advised the court that in addition to defendant Rivera, defendant John Wilson Williamson. III, would also be appearing to join in the motion to dismiss, and that Williamson would be represented by Derek M. Bush of the Second Circuit Public Defender’s Office. Williamson was indeed present and was represented by Mr. Bush. (July 16, 2024 Tr.p.3-p.4). The State then provided the court with a brief procedural history, explaining that in addition to Rivera and Williamson there were a number of other similarly situated defendants from Barnwell County who also wanted to challenge the transfer to magistrate’s court, but who would not be available to join in the arguments until Thursday, July 18, 2024. The State further explained that when multiple defendants attempted to challenge the transfer during an earlier status conference before Barnwell County Chief Magistrate Gantt, the parties agreed it would be best to handle their arguments in the circuit court where they could seek a consolidated ruling from Judge Clyburn Pope. The State noted that each defendant had been indicted prior to the transfer, and that Ola A. Johnson, Esquire, and public defender Wallis Alves represented the additional defendants who would be joining in the motion to dismiss on Thursday, July 18, 2024.

The solicitor advised the court that Johnson and Alves might wish to make additional arguments on behalf of their respective clients. (July 16, 2024 Tr.p.4-p.7). Mr. Grimes largely agreed with the procedural history described and asked the court to withhold its ruling until hearing from all defendants at the conclusion of the future hearing to be held Thursday. Judge Clyburn Pope agreed to the request and then heard initial arguments on the joint motion to dismiss from Mr. Grimes and Mr. Bush, as well as responsive arguments from the State. (July 16, 2024 Tr.p.7-p.8; p.73).

On Thursday, July 18, 2024, the consolidated matter was reconvened before Judge Clyburn Pope. Defendants Jasiah M. Brabham and Keshawn Lamar Kelley were present, and both were represented by Ola A. Johnson, Esquire. Although it does not appear they were present, defendants Jericho Knight-Hudson and Shemar McKay Donaldson were represented by Ms. Alves, and defendant Jonathan William Eugene Blocker was represented by Andrew B. Farley, Esquire. As acknowledged by Judge Clyburn Pope at the end of the hearing, all similarly situated defendants (including the three not in attendance) had also joined in the motion and would consequently obtain a ruling from the court. Deputy Solicitor Miller again appeared on behalf of the State. (July 18, 2024 Tr.). At the conclusion of the hearing, the lower court took the matter under advisement and said it would issue a ruling after getting all parties and attorneys involved. (July 18, 2024 Tr.p.12).

As individual proposed orders were submitted by the various defense attorneys representing the seven defendants, Judge Clyburn Pope issued nearly identical individual orders, each styled: "Order Dismissing Warrants." (Orders Dismissing Warrants). Over the course of the two-day hearing, the lower court incorporated all motions, memoranda, arguments, and objections of both the State and the similarly situated defendants in the record. (Orders

Dismissing Warrants). The two transcripts from the joint hearings are a combined eighty-seven (87) pages long.

The State timely filed notice of intent to appeal each of the seven (7) orders dismissing the respective warrants and indictments. After obtaining copies of the transcripts, on February 21, 2025, the State served and filed a Motion to Consolidate, asking this Court to exercise its discretion to consolidate the seven appeals into a single appeal as provided for in Rule 214, SCACR. On February 26, 2025, a letter in lieu of a formal return was submitted by Appellate Defender Jordan M. Wayburn in the Division of Appellate Defense of the South Carolina Commission on Indigent Defense, advising he was the attorney representing all seven Respondents and consenting to the motion. In an Order filed March 3, 2025, this Court granted the motion to consolidate. This Brief of Appellant on behalf of the State now follows.

STATEMENT OF FACTS

In his original motion to dismiss, Respondent Rivera raised a variety of procedural, substantive, and practical challenges to the circuit court's order transferring his case to magistrate's court; however, it centered on the overarching claims that "placing Defendant in jeopardy of trial in one court while the only charging documents are pending in a separate court is a violation of Defendant's due process." (July 9, 2024 Motion). The memorandum then argued several grounds challenging the Order including: "Statutory Interpretation," "Jurisdiction," & "Alternative Issue," with subsections titled "Vagueness," "Legislative Intent," and "Other Instructive Sources." (July 9, 2024 Memorandum).

Motion Hearing

At the motion hearing before Judge Clyburn Pope, Rivera proceeded to press the arguments made in his written motion. He acknowledged his motion boiled down to the lower court's consideration of what section 24-3-965 means in regard to both: (1) which court (general sessions or magistrate) has jurisdiction to try the underlying offenses, and (2) what penalty may be imposed by that court upon conviction. Rivera then articulated a challenge to the procedure he alleged had been employed by the State, complaining that the arrest warrants were filed in general sessions court but that the State was then attempting to try the cases in magistrate court because the contraband charges did not involve weapons or drugs. He claimed the procedure of sending the arrest warrants to general sessions court, getting indictments before the grand jury, and then asking to transfer the cases to the magistrate for trial, was "made up" as compared to the statutory procedure for sending cases to "transfer court" in section 22-3-545 of the Code. Rivera argued it would be a procedural nightmare to try cases in magistrate's court as "ten-year felony" offenses before pivoting his argument to a focus on statutory interpretation and why he believed it should be employed to limit the possible sentencing range. (July 16, 2024 Tr.p.8-p.18).

In regard to the statute, Rivera properly referred to the rules of statutory interpretation, including the cardinal rule that courts should ascertain and give effect to the intent of the legislature by following the plain meaning of any statute where it is clear on its face, without resorting to any other rules of interpretation. He claimed the question of jurisdiction itself was clear, with section 24-3-965 placing it exclusively in the province of the magistrate for contraband charges that did not involve weapons or illegal drugs; however, he argued this rendered the ten-year maximum statutory punishment set forth in section 24-7-155 ambiguous

because of the general punishment limitations the legislature has placed on magistrates and the “notwithstanding” language in section 24-3-965 itself. Rivera argued that because section 24-3-965 says: “notwithstanding the provisions of . . . 24-7-155,” that language must be given effect, which in his opinion means the legislature must have intended to limit the penalty provision of section 24-7-155 so as to restrict the punishment for non-weapon or illegal drug contraband offenses to a maximum of thirty days’ imprisonment.⁴ In support of this argument, Respondents pointed to: (1) a previously existing but now expired CDR code issued by South Carolina Court Administration [3322], (2) a 2019 appellate opinion from this Court which identified as unpreserved an issue concerning the trial court’s failure to give a jury charge on section 24-3-965 as a purported lesser-included-offense of section 24-7-155,⁵ and (3) a Senate bill intended to specifically address cell phones as prison contraband.⁶ (July 18, 2024 Tr.p.18-p.39). Finally, Rivera focused on certain provisions of our South Carolina Constitution and argued that indicting him for these magistrate level offenses and then asking the court of general sessions to supervise his prosecution in magistrate court was unconstitutional. He further argued that allowing a magistrate court trial with sentencing exposure to a ten-year felony would also be unconstitutional. (July 16, 2024 Tr.p.39-p.44).

In response, the State articulated a common-sense, straightforward argument based on the unambiguous, plain language used by the Legislature in section 24-3-965, an argument which addressed the “notwithstanding” language Respondents claimed was problematic but which did

⁴ Interestingly, Rivera initially ignored the remainder of the statutes listed in the relevant clause, which provides in full: “Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, 22-3-950, and 24-7-155” S.C. Code Ann. § 24-3-965 (2024) (emphasis added).

⁵ *State v. Grier*, 427 S.C. 107, 828 S.E.2d 782 (2019).

⁶ Notably, S. 117, 125th Session (S.C. 2023-2024), the “Contraband Cell Phone Act,” was read for the first time and referred to the Committee on Corrections and Penology on January 10, 2023; however, no further action was taken on the bill during the remainder of the 2023-2024 session of the General Assembly, a session that ended *prior* to Respondents’ argument before Judge Clyburn Pope.

not require the lower court to resort to statutory interpretation to divine additional meaning or impose Respondents' preferred meaning in a fashion that expanded the plain language of the statute. Indeed, the solicitor noted the most obvious reason the Legislature would allow operation of section 24-3-965 notwithstanding section 24-7-155—because otherwise an unworkable overlap would exist. Without the notwithstanding language, section 24-7-155 would allow prosecution of ALL types of contraband, including material that was not weapons or illegal drugs, in general sessions court, while section 24-3-965 would simultaneously allow prosecution of contraband that was not weapons or illegal drugs in magistrate court. The notwithstanding clause makes it clear that this group of contraband cases should be tried exclusively in magistrate court *in spite of* the statute that normally would lead to them being tried in general sessions court.⁷ The solicitor further explained how this interpretation made particular sense given the other statutes the legislature directed should be disregarded in enacting 24-3-965—sections 22-3-540, 22-3-545, and 22-3-550—all of which generally restrict or limit the magistrate court's jurisdiction and sentencing authority. In regard to the procedure employed, the State explained it had indicted the cases out of an abundance of caution, but noted nothing about that action would prevent or deprive a magistrate court of jurisdiction to simply try these cases. The State argued the legislative intent couldn't be more clear and that there is no ambiguity in the statute which would require further interpretation. (July 16, 2024 Tr.p.44-p.60). The State, Rivera, and Williamson made additional arguments, all of which were taken under advisement by the lower court. (July 16, 2024 Tr.p.60-p.73).

At the subsequent portion of the motion hearing on July 18, 2024, the other Respondents who appeared focused on the claim that the alleged ambiguity in section 24-3-965 should be

⁷ “Notwithstanding” is typically defined as meaning “despite” or “in spite of.” *See Notwithstanding*, Merriam-Webster, <https://www.meriam-webster.com/dictionary/notwithstanding> (last visited May 1, 2025); THE AMERICAN HERITAGE COLLEGE DICTIONARY 934 (3rd ed. 1997).

resolved in favor of an interpretation that limited the magistrate court's sentencing range to a maximum sentence of thirty days. (July 18, 2024 Tr.p.1-p.12).

Ruling by the Lower Court

In each of the seven individual orders "Dismissing Warrants and Indictments," the lower court found as follows:

The Court agrees with defendants that the overlapping contraband statutes are ambiguous and the legislature could not have intended a sentence of up to 10 years for this category of cases. In reaching this determination, the Court believes it does not make sense to ignore or except all of the provisions of each listed statute section – which would mean to ignore the entire statute that creates the offense as well as the entire statute which provides any criminal jurisdiction to the magistrate court. Therefore, the Court finds that an ambiguity exists in the statute and that the Court must use the mandated rules of statutory interpretation to discern the meaning of §24-3-965.

In applying the rules of statutory interpretation, the Court must defer to legislative intent, avoid absurd results, and because this statute is penal in nature, must construe any ambiguity in favor of defendants. §24-3-965 divides violations of §24-7-155 into two classes of cases – one that involves weapons or illegal drugs, and another that involves all other types of contraband. The Court finds that the legislature could not have intended for the category of cases that does not involve weapons or illegal drugs to be subject to the same ten-year maximum penalty.

The court further finds that violations of §24-7-155, that do not involve weapons or illegal drugs must be brought in magistrate court with magistrate court warrants and are not properly filed in general sessions court. Thus, the July 8, 2024 Order Transferring Cases to Magistrate Court is hereby vacated. Therefore, the above warrants must be dismissed. If the State intends to pursue prosecution of the allegations in [these matters], [they] must be prosecuted in magistrate court.

Based on the foregoing, it is therefore ORDERED:

1. The previously filed July 8, 2024 Order Transferring Cases to the Magistrate Court is hereby VACATED; and,

2. The warrants in [these matters] are not properly before this Court and should be, and hereby are, DISMISSED; and
3. Nothing in this order prevents the State from obtaining new warrants in the original jurisdiction of the magistrate court against the Defendant[s] for the offenses alleged in [these matters].

IT IS SO ORDERED.

(Orders “Dismissing Warrants and Indictments”).

STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only. *State v. Robinson*, 426 S.C. 579, 591, 828 S.E.2d 203, 209 (2019); *State v. Wilson*, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001); *State v. Holcomb*, 426 S.C. 557, 562, 827 S.E.2d 367, 370 (Ct. App. 2019).

Appellate courts review questions of law *de novo*, with no deference to trial courts. *Smalls v. State*, 422 S.C. 174, 181, 810 S.E.2d 836, 840 (2018). Questions of statutory interpretation are questions of law, which are subject to *de novo* review and which the appellate court is free to decide without any deference to the court below. *State v. Whitner*, 399 S.C. 547, 552, 732 S.E.2d 861, 863 (2012).

ARGUMENT

I.

The circuit court committed an error of law in granting Respondents' motions to dismiss their arrest warrants for furnishing or attempting to furnish contraband, other than weapons or illegal drugs, to an inmate in a county or municipal prison because: (1) the Legislature's grant of subject matter jurisdiction and concomitant sentencing authority to the magistrate courts was authorized by the South Carolina Constitution and (2) the relevant criminal and jurisdictional statutes enacted by the Legislature pursuant to that constitutional authorization are unambiguous and convey a clear and definite meaning.

The circuit court committed an error of law in granting Respondents' motions to dismiss their arrest warrants for furnishing or attempting to furnish contraband, other than weapons or illegal drugs, to an inmate in a county or municipal prison. First, the Legislature acted in full compliance with the South Carolina Constitution in giving both subject matter jurisdiction and full sentencing authority to the magistrate courts to try criminal contraband cases involving matters other than weapons or other drugs. Indeed, the Constitution explicitly gives the General Assembly the authority to enact general laws that: (1) vest judicial power in other courts—beyond a Supreme Court, a Court of Appeals, and a Circuit Court—such as a magistrate court; (2) give exclusive criminal jurisdiction to such inferior courts; and (3) provide for the criminal jurisdiction of magistrates. Second, the relevant statutory provisions are not ambiguous and convey a clear and definite intent to establish both the jurisdiction of the magistrate court to try the criminal charges at issue and, in the event of a conviction on those charges, the authority to sentence Respondents within the statutory sentencing range established for the charged offense. Under its *de novo* standard of review, this Court should reverse the circuit court, reinstate the dismissed arrest warrants, and allow these prosecutions to proceed in the Barnwell County

Magistrate Court with the authority to impose the statutorily authorized sentence as set forth in section 24-7-155.

Discussion / Analysis

The criminal statute at issue in Respondents' cases establishes the crime of furnishing or attempting to furnish contraband to a prisoner in a jail or work camp and provides as follows:

It is unlawful for a person to furnish or attempt to furnish a prisoner in any county, municipal, or multijurisdictional jail, prison camp, work camp, or overnight lockup facility with a matter declared to be contraband. It is unlawful for an inmate of a facility to possess a matter declared to be contraband. Matters considered contraband within the meaning of this section are those which are designated as contraband and published by the Department of Corrections as Regulation 33-1 of the Department of Corrections and this regulation must be displayed in a conspicuous place available and visible to visitors and inmates at the facility. The facility manager of a local detention facility, with the approval of the sheriff or chief administrative officer as appropriate, may designate additional items as contraband. Notice of the additional items must be displayed with Regulation 33-1.

S.C. Code Ann. § 24-7-155 (2023). In terms of punishment, the statute goes on to provide:

A person violating the provisions of this section is guilty of a *felony* and, upon conviction, must be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars *or imprisonment for not less than one year nor more than ten years*, or both.

Id. (emphasis added). A related jurisdictional statute, which is included in Chapter 3 of Title 22 of the South Carolina Code—the Chapter defining “Jurisdiction and Procedure in Magistrates’ Courts”—states:

Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, 24-3-950, and 24-7-155, the offenses of furnishing contraband, other than weapons or illegal drugs, to an inmate under the jurisdiction of the Department of Corrections or to an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility, and the possession of contraband, other than weapons or illegal drugs, by an inmate under the jurisdiction of the Department of Corrections or by an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility must be tried exclusively in magistrates court. Matters considered

contraband within the meaning of this section are those which are designated as contraband by the Director of the Department of Corrections or by the local facility manager.

S.C. Code Ann. § 24-3-965 (2023) (emphasis added).

S.C. Constitution – Legislative Power

The police power is an attribute of a State's sovereignty and is an essential element of the power to govern, which is reserved to the States. 72 AM. JUR. 2D *States, Etc.* § 21 (2025). It is a background principle that Congress does not normally intrude upon the police power of the States. *Id.* Under the 10th Amendment, the States, not the federal government, wield the general police power. *Id.* Specifically, the Tenth Amendment provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

U.S. Const. amend. X. Thus, the South Carolina Legislature has the power, within constitutional limits, to define and punish crimes. *Guinyard v. State*, 260 S.C. 220, 226, 195 S.E.2d 392, 395 (1973) (citing 22 C.J.S. *Criminal Law* § 13 & 21 AM. JUR. 2D, *Criminal Law*, § 14). This power lies solely with the General Assembly and not with the Judicial or Executive branches. S.C. Const. art. I, § 8 (“In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.”).

Subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong. *State v. Gentry*, 363 S.C. 93, 100, 610 S.E.2d 494, 498 (2005); *Pierce v. State*, 338 S.C. 139, 526 S.E.2d 222 (2000); *Dove v. Gold Kist*,

Inc., 314 S.C. 235, 442 S.E.2d 598 (1994). Our State Constitution provides that the judicial power shall be vested in a unified judicial system, which shall include a Supreme Court, a Court of Appeals, a Circuit Court, *and such other courts of uniform jurisdiction as may be provided for by general law*. S.C. Const. art. V, § 1 (emphasis added). It also establishes the subject matter jurisdiction of the courts in South Carolina and provides that “The Circuit Court shall be a general trial court with original jurisdiction in civil and criminal cases...” S.C. Const. art. V, § 11. The Constitution further provides: “The Governor, by and with the advice and consent of the Senate, shall appoint a number of magistrates for each county as provided by law. *The General Assembly shall provide for their terms of office and their civil and criminal jurisdiction*. The terms of office must be uniform throughout the State.” S.C. Const. art. V, § 26 (emphasis added).

With respect to the criminal jurisdiction of magistrates, the General Assembly has generally provided:

Magistrates shall have exclusive jurisdiction of all criminal cases in which the punishment does not exceed a fine of five hundred dollars or imprisonment for thirty days, except in cases in which an offense within the jurisdiction of a magistrate is included in the charge of an offense beyond his jurisdiction Magistrates shall have concurrent but not exclusive jurisdiction in the excepted cases. *The provisions of this section shall not be construed so as to limit the jurisdiction of any magistrate whose jurisdiction has been extended beyond that stated above.*

S.C. Code Ann. § 22-3-540 (2023) (emphasis added). Using nearly identical language, the Code similarly states: “Magistrates have jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding five hundred dollars, or imprisonment not exceeding thirty days, or both.” S.C. Code Ann. § 22-3-550 (2023). Despite these limiting provisions, the General Assembly has expanded the jurisdiction of magistrate courts by authorizing the transfer of certain criminal cases from general sessions courts; however, transfer

court is limited to criminal cases where the penalty does not exceed five thousand five hundred dollars or one year imprisonment, or both. S.C. Code Ann. § 22-3-545 (2023).

Criminalizing the act of furnishing contraband to prisoners is reasonably related to the promotion of safety for all prisoners. As such, section 24-7-155 is a legitimate exercise of the State's police powers in regulating public safety and welfare of prisons and jails. Here, the magistrate court had subject matter jurisdiction over the contraband charges brought against Respondents by the State pursuant to section 24-7-155, by virtue of section 24-3-965. Each statute was lawfully enacted by our legislature under its constitutionally reserved police powers and powers to establish the criminal jurisdiction of our inferior courts. This Court should therefore find the magistrate court has subject matter jurisdiction over the charged crimes and, for the reasons below, reverse the decision of the circuit court, reinstate the dismissed arrest warrants, and order that all non-weapon and drug related contraband charges be tried in magistrate court, subject to the statutory punishment provided for by our General Assembly in section 24-7-155.

Statutory Interpretation – No Ambiguity

All rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in the light of the intended purpose of the statute. *State v. Alston*, 422 S.C. 270, 282, 811 S.E.2d 747, 753 (2018); *State v. Sweat*, 386 S.C. 339, 350, 688 S.E.2d 569, 575 (2010); *State v. Robinson*, 437 S.C. 226, 231, 878 S.E.2d 8, 10 (Ct. App. 2022). The court should look to the plain language of the statute. *Binney v. State*, 384 S.C. 539, 544, 683 S.E.2d 478, 480 (2009); *Robinson*, 437 S.C. at 231, 878 S.E.2d at 11. If the language of a statute is unambiguous and conveys a clear and definite meaning, then the rules of statutory interpretation are not needed

and the court has no right to impose a different meaning. *State v. Grissett*, 422 S.C. 183, 189, 898 S.E.2d 139, 141 (2024); *State v. Gaines*, 380 S.C. 23, 33, 667 S.E.2d 728, 733 (2008); *State v. Brown*, 436 S.C. 505, 525-26, 873 S.E.2d 445, 455 (Ct. App. 2022). In interpreting a statute, the court will give words their plain and ordinary meaning and will not resort to forced construction that would limit or expand the statute. *State v. Taylor*, 436 S.C. 28, 34, 870 S.E.2d 168, 171 (2022); *Robinson*, 437 S.C. at 231, 878 S.E.2d at 11.

Here, contrary to the findings of the circuit court, the language of section 24-3-965 is plain and clear. It gives magistrate courts subject matter jurisdiction over a specific subset of offenses that fall under the broad set of contraband offenses set forth in section 24-7-155. It does **not** say anything about changing the sentencing range for that subset—instead only stating that, despite the broad scope of 24-7-155, which otherwise would encompass trials for all contraband violations, including the identified subset, the subset of offenses instead must be tried in magistrate court. This pronouncement is unambiguous on its face. In fact, the ambiguity Respondents manufactured in their effort to justify deviation from this plain meaning relies primarily on extraneous information such as expired CDR codes, unpreserved appellate issues, and defunct proposed legislation. Such mental gymnastics are simply not warranted here, and the State submits it was legal error for the lower court to be led down this path of false ambiguity. A focused consideration of the relevant statutes is instructive.

At its core, when broken down into simple terms and clauses, section 24-3-965 is not difficult to comprehend and implement. First, section 24-7-155 provides: “It is unlawful for a person to [A].” S.C. Code Ann. § 24-7-155 (2023) (modified for ease of interpretation). It goes on to provide: “A person violating the provisions of this section is guilty of a *felony* and, upon conviction, must be punished by [B].” *Id.* Subsequently enacted section 24-3-965 then provides:

“Notwithstanding the provisions of Sections [C], [D], [E], [F], and [A & B], the offenses of [A1 - a subset of A] must be tried exclusively in magistrates court. S.C. Code Ann. § 24-3-965 (2023) (modified for ease of interpretation). In other words, in spite of (see definition of “notwithstanding” above) any language in these statutes which would otherwise restrict or limit the “Jurisdiction and Procedure in Magistrates’ Courts,” a subset of the offenses described in 24-7-155, or “*the offenses of* [A1] must be tried exclusively in magistrates court.” *Id.* Period. The General Assembly’s intention and the language it used to enact that intention are clear. Thus, any further rules of statutory interpretation are not needed, and the lower court had no right to impose a different meaning. *Grissett, supra; Gaines, supra; Brown, supra.*

Whether any of us likes or agrees with what the Legislature did and whether we believe it to be logical are entirely separate issues, and not ones that allow Respondents, the State, or the Judicial Branch to ignore the General Assembly. This legislative decision was for the Legislature to decide—and for the rest of us to follow.⁸ As demonstrated below, the actual procedure for how this subset of contraband offenses makes its way to magistrate court for trial may be convoluted because there is a single CDR code available to associate with arrest warrants for section 24-7-155; however, this does not equate to statutory ambiguity and certainly does not justify the lower court finding ambiguity where none exists. This Court should reverse the decision of the circuit court, reinstate the dismissed arrest warrants, and order that all non-

⁸ Despite their protestations to the contrary below, failing to follow the plain meaning of the statute is what would lead to an absurd result in this matter. Typically, any criminal defendant in jail on another charge who could not make bond would satisfy the suggested maximum 30-day sentence well before he could be tried for the underlying offense. As a result, if a defendant is unable to make bond, for whatever reason, he could possess or attempt to possess any contraband, except weapons or illegal drugs, with impunity, safe in the knowledge that he will never be subject to any additional incarceration for that criminal offense. With the exception of Respondent Rivera, these circumstances are exactly the circumstances that exist here. If the lower court is affirmed, the remaining Respondents, who have already served more than thirty days in jail since being served with arrest warrants for the contraband charges, would face no direct consequences even if convicted. In other words, there is essentially no deterrence and the crime of a jail inmate possessing or attempting to possess contraband, other than weapons or illegal drugs, is nearly meaningless. This would lead to an absurd result – and one the Legislature could not possibly have intended.

weapon and drug related contraband charges be tried in magistrate court, subject to the statutory punishment provided for by our General Assembly in section 24-7-155.

CONCLUSION

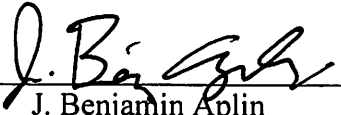
For all of the foregoing reasons, the State respectfully requests that this Court: (1) find the magistrate court has subject matter jurisdiction over the charged crimes; (2) reverse the decision of the circuit court; (3) reinstate the dismissed arrest warrants as to all seven Respondents; and (4) order that all non-weapon and drug related contraband charges be tried in magistrate court, subject to the statutory punishment provided for by our General Assembly in section 24-7-155.

Respectfully submitted,

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Assistant Attorney General

BILL WEEKS
Solicitor, Second Judicial Circuit

BY: 
J. Benjamin Aplin
S.C. Bar No. 8729

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

ATTORNEYS FOR APPELLANT

Columbia, South Carolina
May 13, 2025

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

May 13 2025

SC Court of Appeals

APPEAL FROM BARNEWLL COUNTY
Courtney Clyburn Pope, Circuit Court Judge

Trial Court Case Nos. 2024-GS-06-00202, 2024-GS-06-00203,
2024-GS-06-00208, 2024-GS-06-00207, 2024-GS-06-00206,
2024-GS-06-00205, 2024-GS-06-00204, 2024-GS-06-00212,
2024-GS-06-00200, 2024-GS-06-00201, 2024-GS-06-00198,
2024-GS-06-00197, 2024-GS-06-00199

Appellate Case No. 2024-001535

The State,Appellant

v.

John Wilson Williamson, III,Respondent.

AND

The State,Appellant

v.

Corey Lamont Rivera,Respondent.

AND

The State,Appellant

v.

Keshawn Lamar Kelley,Respondent.

AND

The State,Appellant

v.

Jasiah M. Brabham,Respondent.

AND

The State,Appellant

v.

Jericho Knight-Hudson,Respondent.

AND

The State,Appellant

v.

Shemar McKay Donaldson,Respondent.

AND

The State,Appellant


v.

Jonathan William Eugene Blocker,Respondent.

PROOF OF SERVICE

I, Susan Spencer, Legal Assistant, hereby certify that I have served the *Initial Brief of Appellant* and *Designation of Matter*, both dated May 13, 2025, on Respondents by sending an electronic copy via email to Jordan M. Wayburn, counsel of record for Respondents, at the address listed for counsel in AIS.

I further certified that all parties required by Rule to be served have been served. This 13th day of May, 2025.



Susan Spencer
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

Susan Spencer

From: Susan Spencer
Sent: Tuesday, May 13, 2025 11:52 AM
To: jwayburn@sccid.sc.gov
Cc: Ben Aplin; Stock, Chris
Subject: The State v. John W. Williamson, III, et al. (2024-001535)
Attachments: The State v. John W. Williamson, III et al. - Initial Brief of Appellant.pdf

Good Morning Mr. Wayburn,

Attached please find the Initial Brief of Appellant and Designation of Matter in The State v. John W. Williamson, III, et al. (2024-001535). This brief will be filed today with the Court of Appeals via the AIS OneDrive system. If you will, please confirm receipt.

Thank you.

SUSAN SPENCER, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3219 | susanspencer@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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