RECEIVED
Aug 18 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BARNWELL 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.

FINAL REPLY 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 Drawer 3368
Aiken, South Carolina 29802
(803) 642-1557

ATTORNEYS FOR APPELLANT

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

State Cases:

State Statutes:

State Rules:

APPELLANT'S STATEMENT OF ISSUE ON APPEAL

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 court 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

The statement of the case, statement of facts, standard of review, and the substantive arguments set forth in the State's Brief of Appellant are hereby incorporated by reference. On July 7, 2025, Respondents timely served and filed an "Initial Brief of Respondent." This Reply Brief of Appellant, submitted on behalf of the State, now follows.

ARGUMENT

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.

As argued in detail in the brief of appellant previously filed in this direct appeal, the State submits 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 illegal 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.

Now, in response to the four specific arguments raised by Respondents in their initial brief, the State further argues as follows.

A. This Appeal is *Not* Interlocutory

Respondents argue this appeal should be dismissed as premature and impermissibly interlocutory because the indictments on these charges are still pending. They contend that where the lower court orders dismissed the arrest warrants but not the corresponding indictments, those orders "are not a final adjudication of any issue in the case." They further argue the State should have either proceeded on the indictments or, as the order instructed, obtained new arrest warrants and brought them in magistrate court. (Brief of Respondent, p.4-p.6).

The State disagrees, particularly where: (1) the State already obtained valid arrest warrants for each Respondent and was simply seeking to prosecute them in magistrates court per the controlling statutes when the warrants were dismissed, at Respondents' behest; and (2) one of the primary thrusts of Respondents' argument below was that the entire procedure of sending those valid arrest warrants to general sessions court, getting indictments before the grand jury, and then asking to transfer the cases to magistrate court for trial was "made up" and improper.

Indeed, Respondents are now effectively promoting an argument inconsistent with the argument they made below—wherein they sought a final adjudication on the State's attempt to prosecute them in magistrate court subject to the one-to-ten-year statutory sentencing range set forth in the relevant statutes. Respondents convinced the lower court to find a nonexistent ambiguity, engage in statutory interpretation, find the Legislature could *not* have intended for the relevant category of offenses to be subject to the ten-year maximum penalty, AND then dismiss the underlying arrest warrants based on these findings. Now, to claim that the State can simply proceed on the indictments Respondents previously challenged as improper seems disingenuous and should be rejected out-of-hand. Whatever the case, even if this Court ignores this inherent inconsistency, the lower court orders themselves are immediately appealable. This is because, like an order quashing an indictment or an order suppressing key evidence, their *effect* is to render a final adjudication both: (1) by constituting a pretrial order that significantly impairs the prosecution of these criminal cases and (2) by ultimately depriving the State of any appellate remedy by which to vindicate the substantial right of the State to prosecute these criminal cases using the proper statutory sentencing range.

The right of appeal arises from and is controlled by statutory law. *State v. Ledford*, 422 S.C. 244, 247, 810 S.E.2d 868, 869 (2018); *Hagood v. Sommerville*, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005). Rule 201(a) of the South Carolina Appellate Court Rules provides in pertinent part, "Appeal may be taken, as provided by law, from any final judgment, *appealable order or decision*." Rule 201(a), SCACR (emphasis added). The determination of whether a party may appeal an order issued before or during trial is governed primarily by section 14-3-330 of the South Carolina Code. *Ledford*, 422 S.C. at 248, 810 S.E.2d at 870; *Hagood*, 362 S.C. at 195, 607 S.E.2d at 708. Section 14-3-330(2) permits an immediate appeal in a law case from:

> An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action[.]

S.C. Code Ann. § 14-3-330(2) (2017). An order affecting a "substantial right" is defined as one which discontinues an action, **prevents an appeal**, grants or refuses a new trial, or strikes an action or defense. *Mid-State Distrib., Inc. v. Century Importers, Inc.*, 310 S.C. 330, 426 S.E.2d 777 (1993) (emphasis added); *see also Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89 (2000) (stating that immediate appeals are permitted where a substantial right could not be vindicated on appeal).

The provisions of section 14-3-330, including subsection (2), have been narrowly construed, and the immediate appeal of orders issued before or during trial generally has not been permitted. *Ledford*, 422 S.C. at 248, 810 S.E.2d at 870; *State v. Wilson*, 387 S.C. 597, 601, 693 S.E.2d 923, 925 (2010). Nevertheless, the State may appeal orders and rulings that significantly impair the prosecution before final judgment. *Reed v. Becka*, 333 S.C. 676, 511 S.E.2d 396 (Ct. App. 1999) ("Because it so significantly impairs the prosecution of a criminal case, an order which prohibits the State from withdrawing a plea offer is directly appealable by the State under § 14-3-330(2)(a)."); *State v. Saunders*, 324 S.C. 314, 476 S.E.2d 711 (Ct. App. 1996) (The State may appeal an order quashing an indictment on double jeopardy grounds); *State v. McKnight*, 287 S.C. 157, 337 S.E.2d 208 (1985) (the State may appeal a pretrial order granting the suppression of evidence which significantly impairs the prosecution of a criminal case); *State v. Royster*, 181 S.C. 269, 186 S.E.2d 921 (1936) (The State may appeal an order that has the effect of applying to any venire of jurors by which the defendant might be tried); *State v. Deschamps*, 126, S.C. 416, 120 S.E. 491 (1923) (The State may appeal an order setting aside a

conviction before sentencing, based upon an error of law.); *State v. Johnson*, 76 S.C. 39, 56 S.E. 544(1907) (The State may appeal from the circuit court order where the defendant was convicted in city court for violating an ordinance and the circuit court held the ordinance unconstitutional); *State v. Long*, 66 S.C. 398, 44 S.E. 960 (1902) (stating State may appeal an order dismissing the prosecution). In *Ledford*, our Supreme Court noted, "[w]e have never extended the right of appeal to an adverse **mid-trial ruling**." *Ledford*, 422 S.C. at 248, 810 S.E.2d at 870 (emphasis added). In this case, the State's issue is immediately appealable. As recognized in *Ledford*, an immediate appeal from a mid-trial ruling on a proposed jury charge is a different animal from an immediate appeal from a pre-trial evidentiary ruling which materially hampers the State's prosecution of a case. *Id.* Here, the circuit court's decision is more akin to a pre-trial ruling which materially hampers prosecution of these cases. Section 14-3-330(2) requires the State to show that the circuit court's decision to dismiss the arrest warrants and limit further prosecution to a sentence of thirty days, in effect "determines the action." The State has made that showing. The trial court's decision forecloses the possibility that any of these Respondents would be exposed to a penalty of more than thirty days which, as explained in the Brief of Appellant, forecloses the State's ability to meaningfully prosecute these crimes. Therefore, the trial court's decision to dismiss the warrants and hamstring the prosecution with a limited sentencing range *did* in effect "determine the action." Similarly, going forward to trial on a case where the trial court and the parties have been specifically limited by a higher court to a maximum sentence of thirty days would likely preclude the State from later attempting to challenge that limited sentence following a conviction. For all of these reasons, the State submits this appeal is not interlocutory. This Court should consider and address the substantive issues raised, on their merits.

In addition to their primary argument, Respondents also claim two additional reasons should preclude the State from appealing: (1) they claim it is a moot issue and (2) they claim the State had an alternative path to preserve its rights by obtaining new arrest warrants in the original jurisdiction of the magistrate court. As to the first point, the State submits the issue is not moot because a ruling reversing both the circuit court's dismissal of the arrest warrants and its declaration that the only available sentence in any further prosecution of Respondents cannot exceed thirty days would have a clear practical legal effect upon the existing controversy. *Byrd v. Irmo High Sch.*, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon an existing controversy." (quoting *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)). Indeed, it would correct a clear error of law and would restore the State's ability to prosecute and seek proper sentences for Respondents as authorized under the unambiguous statutes.

As to the second point, the State submits Respondents' claim begs the question. The arrest warrants in this case **were** obtained from a magistrate court; however, they were later dismissed by the circuit court rather than allowing the State to proceed with prosecution of those warrants. Thus, the proposed "alternative path" appears circular, leading to possible additional dismissals if the State seeks to now get new warrants and prosecute Respondents in magistrate court under the proper ten-year maximum sentencing range. This very real possibility supports a finding that the appeal is not interlocutory.

B. The Warrants were *Not* Properly Dismissed

Curiously, Respondents argue that since the parties agree the magistrate court has exclusive jurisdiction over the charged offenses, this means the warrants were properly dismissed by the court of general sessions. They contend 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 that "the [S]tate cannot bring arrest warrants to a court without jurisdiction over them." (Brief of Respondent, p.6-p.7). The State submits these claims expose yet another inconsistency in Respondents' position. If, as contended, the court of general sessions lacked jurisdiction over the arrest warrants in this matter, then it also lacked authority to dismiss those warrants and its order should simply be reversed. As fleshed-out in the Brief of Appellant, the State **does** agree the Legislature gave the magistrate court exclusive jurisdiction to handle these charges; however, it contends the Legislature **also** gave the magistrate court the sentencing authority set forth in § 24-7-155. The State is simply seeking to have the lower court's order reversed and the arrest warrants reinstated without any restriction, direct or indirect, placed on the range of penalties authorized by the statute.

C. The General Assembly Unambiguously Established the Magistrate Court's Jurisdiction and Sentencing Range for the Relevant Offenses

Respondents argue the sentencing range for these offenses is not properly before this Court because the issue is not yet ripe for review. They contend that despite the language in the lower court's order, the sentencing question was *not* decided below and therefore the issue is contingent, hypothetical, or abstract. (Brief of Respondent, p.7-p.8). The State disagrees. When the circuit court held: (1) "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" and (2) "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;"* it removed the issue from the realm of the abstract and rendered the issue real and ripe. Indeed, it is absurd to think a magistrate judge would entertain the concept that a ten-year maximum sentence was an option at trial in the face of the circuit court's orders in these cases. Here, the order for relief *necessarily* incorporates a binding decision that nothing more than a thirty-day sentence can be imposed, particularly in light of the conclusion that a statutory ambiguity mandated the lower court applying the rules of statutory interpretation. Thus, the decision was neither contingent, hypothetical, nor abstract, and the sentencing issue is ripe for review.

Respondents also argue the ten-year sentence in section 24-7-155 simply cannot apply to contraband cases not concerning illegal drugs and weapons because this would be an unreasonable interpretation. (Brief of Respondent, p. 9-p.10). For all the reasons set forth in the Brief of Appellant, the State disagrees and contends the statutes unambiguously confer the magistrate court with the authority to impose up to a ten-year sentence for these cases. Finally, Respondents argue the limited legislative history of the provisions support the lower court's interpretation, noting that twenty-one years after section 24-7-155 was passed, the Legislature enacted section 24-3-965, purportedly in an effort to avoid "bogging down the general sessions court" with the large number of minor infractions. Yet, the same could be said regardless of the sentencing range available to the magistrate court once those "minor infractions" were removed from the purview of the circuit court. Either way, the general sessions court would no longer be bogged down. Thus, the legislative history does not appear to weigh in favor of Respondents' position.

D. Dismissal of the Indictments is *Not* Warranted

Respondents argue the remaining indictments against them for these offenses should now be dismissed by order of this Court, along with the arrest warrants, because "the circuit court and grand jury lacked jurisdiction over the offenses." They contend that because the magistrate court had exclusive jurisdiction over the trial of the offenses, the indictments must be dismissed for the same reason the arrest warrants were dismissed by the circuit court. (Brief of Respondent, p.11-p.12). The State submits Respondents are again conflating the issues.

Respondents are now asking this Court for the very relief they argue earlier renders this entire appeal interlocutory in the first place, because the indictments are "still pending." In other words, Respondents believe the lower court's statutory interpretation was correct and therefore would require dismissal of the indictments issued by the grand jury—an action Respondents seem to acknowledge would render it a final adjudication on the issues. The State submits all of this confusion and inconsistency supports the need for this Court to accept this appeal as appropriate and ripe, and to reverse the decision of the circuit court and grant the relief requested in the Brief of Appellant. It also justifies denial of Respondents' request for a writ of prohibition preventing the prosecution of the indictments. Instead, this Court should: (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
August 18, 2025

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BARNWELL 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 *Final Brief of Appellant*, *Final Reply Brief of Appellant*, and the *Record on Appeal*, all dated August 18, 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 certify that all parties required by Rule to be served have been served. This 18th day of August, 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: Monday, August 18, 2025 10:16 AM
To: jwayburn@sccid.sc.gov
Cc: Ben Aplin; Stock, Chris
Subject: The State v. John Williamson, III, et al. (2024-001535)
Attachments: WILLIAMSON John et al - Final Brief of Appellant.pdf; WILLIAMSON John et al - Final Reply Brief of Appellant.pdf; WILLIAMSON John et al - Record on Appeal.pdf

Good morning Mr. Wayburn,

Attached please find the Final Brief of Appellant, Final Reply Brief of Appellant, and the Record on Appeal in The State v. John Williamson, III, et al. (2024-001535). These documents will be filed today with the Court of Appeals vis 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