

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**RECEIVED**  
**Oct 28 2025**  
SC Court of Appeals

Appeal from Jasper County

Honorable Robert J. Bonds, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

RUBEN RAMIREZ,

APPELLANT

APPELLATE CASE NO. 2025-000372

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AMENDED INITIAL BRIEF OF APPELLANT

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**STATEMENT OF ISSUE ON APPEAL**

Whether the court erred by denying Appellant credit for time served in pre-trial detention, where credit for time served in pre-trial detention was mandated by statute?

## STATEMENT OF THE CASE

On February 14, 2025, Ruben Ramirez, Appellant, appeared before the Honorable Robert J. Bonds for a plea hearing in the Jasper County Court of General Sessions. Tr. 1. Appellant was represented by Hillary Futch. Kyle Senn prosecuted the case. Tr. 2. Appellant pleaded guilty to one count of dissemination of obscene material to a person under the age of eighteen and one count of third-degree sexual exploitation of a minor. Appellant waived presentment of the indictments to the Jasper County Grand Jury. R. \*(indictments all pages); Tr. 4, l. 9 – 9, l. 1. The court sentenced Appellant to serve concurrent ten-year terms of imprisonment for the offenses, and it ruled he was not entitled to credit for time served. Tr. 20, ll. 5-19.

This appeal follows.

## STANDARD OF REVIEW

“In criminal cases, the appellate court sits to review errors of law only.” *State v. Vick*, 384 S.C. 189, 197, 682 S.E.2d 275, 279 (Ct. App. 2009) (quoting *State v. Wilson*, 345 S.C. 1, 5-6, 545 S.E.2d 827, 829 (2001)). The appellate court is “bound by the trial court’s factual findings unless they are clearly erroneous.” *Id.* (quoting *Wilson*, 345 S.C. at 5-6, 545 S.E.2d at 829). The reviewing court “does not re-evaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial court’s ruling is supported by any evidence.” *State v. Slocumb*, 412 S.C. 88, 91, 770 S.E.2d 436, 438 (Ct. App. 2015). “A sentence will not be overturned absent an abuse of discretion when the ruling is based on an error of law or a factual conclusion without evidentiary support.” *In re M.B.H.*, 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010).

## ARGUMENT

The court erred by denying Appellant credit for time served in pre-trial detention, where credit for time served in pre-trial detention was mandated by statute.

### ***Relevant facts***

In 2021, Appellant was incarcerated at Ridgeville Correctional Institution. He was serving sentences for other offenses when he committed the offenses in this case, which involved exchanging nude photos with a minor via a contraband cell phone. Tr. 13, l. 16 – 15, l. 1. Appellant, who was thirty-four years old at the time of his plea, had been in the Department of Corrections since the age of sixteen, and he retained the “mentality” of a younger person. Tr. 7, ll. 23-24; Tr. 17, ll. 6-14.

The State argued Appellant should not receive any credit for time served in pre-trial detention. Tr. 5, ll. 5-8; Tr. 16, ll. 4-7. Defense counsel argued Appellant *should be* given credit for time served. Tr. 17, l. 16 – 19, l. 6. Counsel explained that some of the time Appellant was incarcerated pre-trial on these charges was while he was serving prison sentences on his prior convictions. However, she also explained that Appellant “maxed out” (i.e., completed the active portion of the prior sentences) but remained detained on the charges in this case for a period of time during July and August of 2024, until he “bond[ed] out.”<sup>1</sup> Tr. 17, l. 16 – 19, l. 17. The court ruled that Appellant was not entitled to any credit for time served. Tr. 20, ll. 16-19.

### ***Discussion***

At issue is whether Appellant was entitled to credit for the time he served in July and August of 2024, which was after he completed his sentence at the Department of Corrections on

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<sup>1</sup> Appellant was then subsequently detained at the Greenville County Detention Center to be evaluated pursuant to the Sexually Violent Predator Act. Tr. 17, l. 21 – 19, l. 17.

the prior offenses but before he posted bond on the offenses in this case. S.C. Code Ann. § 24-13-40 (2013), which was in effect at the time these offenses were committed, provided in relevant part that

In every case in computing the time served by a prisoner, **full credit against the sentence must be given for time served prior to trial and sentencing**, and may be given for any time spent under monitored house arrest. Provided, **however**, that **credit for time served prior to trial and sentencing shall not be given**: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) **when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense[.]**

(emphasis added).<sup>2</sup>

In discussing this statute, this Court has held: “The requirement that a prisoner receive credit for time served is mandatory.” *Hayes v. State*, 413 S.C. 553, 559, 777 S.E.2d 6, 10 (Ct. App. 2015) (citing *State v. Boggs*, 388 S.C. 314, 316, 696 S.E.2d 597, 598 (Ct. App. 2010)). “Thus, a prisoner will receive credit for time served unless either (1) they were an escapee or (2) the prisoner was already serving a sentence on a different offense.” *Id.* See also *Allen v. State*, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000) (same). “Time served” in section 24-13-40 “means the time during which a defendant is in pre-trial confinement and charged with the offense for which he is sentenced (so long as he is not serving time for a prior conviction).” *Blakeney v. State*, 339 S.C. 86, 88, 529 S.E.2d 9, 10–11 (2000). See *State v. McCord*, 349 S.C. 477, 487, 562 S.E.2d 689, 694 (Ct. App. 2002) (“[S]ection 23–13–40 mandates credit for time served unless an exception applies.” “[T]his matter is not discretionary with the trial court.”).

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<sup>2</sup> This statute was amended shortly prior to Appellant’s plea; the relevant portion of the updated version of the statute is identical. See S.C. Code Ann. § 24-13-40 (2023).

Appellant was entitled to credit for the time in which he was detained pretrial on the offenses in the instant case, i.e., after he completed his other sentences but before he posted bond on these offenses. The record reflects that Appellant was detained solely on these charges during July and August of 2024. It was not within the judge's discretion to deny him credit for that time. S.C. Code Ann. § 24-13-40; *McCord*, 349 S.C. at 487, 562 S.E.2d at 694.

Therefore, Appellant would respectfully request this Court reverse the circuit court's decision that he was not entitled to any credit for time served, and hold he is entitled to credit for the time he served while detained on these offenses after he "maxed out" his other sentences. S.C. Code Ann. § 24-13-40.

**CONCLUSION**

Based on the foregoing argument, Appellant respectfully requests this Court reverse the trial court's ruling denying him credit for time served, and hold Appellant is entitled to credit for time served in pre-trial detention from the date he completed his incarceration on the prior offenses until the date he posted bond on these offenses.



Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

This 28th day of October, 2025.

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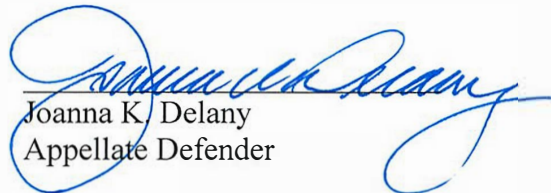
RUBEN RAMIREZ,

APPELLANT

APPELLATE CASE NO. 2025-000372

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Amended Initial Brief of Appellant in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of October, 2025.

  
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