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Nov 13 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RUBEN RAMIREZ,

APPELLANT

APPELLATE CASE NO. 2025-000372

RETURN TO MOTION TO
DISMISS APPEAL AS MOOT

Appellant Ruben Ramirez hereby makes a return to the state's motion to dismiss. In support of this return, counsel shows:

1. On February 14, 2025, Appellant appeared before the Honorable Robert J. Bonds in the Jasper County General Sessions Court for a guilty plea hearing. Appellant pleaded guilty to one count of Sexual Exploitation of a Minor in the Third Degree and one count of Unlawful Dissemination of Obscene Material to a Person Under the Age of 18. Appellant was sentenced to serve concurrent terms of imprisonment of ten years for each offense, but the court ruled that Appellant was not entitled to credit for time served in pre-trial detention. *See* Amended Initial Brief of Appellant at 2; Attachments A – B of State's Motion to Dismiss Appeal as Moot.

2. On October 16, 2025, Appellant filed and served his Initial Brief of Appellant and Designation of Matter. On October 28, 2025, after receiving a corrected copy of the plea transcript, Appellant filed and served a Motion to Serve and File an Amended Initial Brief of Appellant. On October 29, 2025, this Court issued an Order granting Appellant's motion and accepting his amended initial brief.

3. The sole issue raised in Appellant's Amended Initial Brief was whether the plea court erred in denying Appellant credit for time served when he was in pre-trial detention on the above-mentioned offenses, after he had completed his prior sentences at the Department of Corrections. Appellant argued it was not in the plea court's discretion to deny him credit for that time since S.C. Code Ann. § 24-13-40 provides that credit for time served in pre-trial detention must be given in these circumstances. In the Conclusion of his brief, Appellant requested this Court reverse the trial court's ruling denying him credit for time served and hold he 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. *See* Amended Initial Brief of Appellant at 1 – 7.

4. On or about October 27, 2025, undersigned counsel spoke with counsel for Respondent, and counsel for Respondent informed undersigned counsel that the Department of Corrections had in fact already given Appellant credit for that time. Counsel for Respondent provided undersigned counsel with documentation from the Department of Corrections confirming that Appellant had been given credit for that time, in the form of a letter from the Department's Deputy General Counsel, and Appellant's Department of Corrections "Jail Time Report[s] for SCDC Transfer." *See* Attachment C to State's Motion to Dismiss Appeal as Moot.


5. On November 3, 2025, the State filed a Motion to Dismiss Appeal as Moot, in

which it provided this Court with the above-mentioned documentation from the Department of Corrections. In its Motion, the State conceded that Appellant was entitled to the credit for the time he served in pre-trial detention solely on the above-mentioned offenses, the denial of which by the plea court formed the basis of this appeal. *See* State's Motion to Dismiss Appeal as Moot at 4; Attachment C to State's Motion to Dismiss Appeal as Moot.

6. It therefore appears that Appellant has, in practical effect, received the relief he requested in his Amended Initial Brief of Appellant.

WHEREFORE, Appellant respectfully leaves this matter in the sound discretion of this Court, to grant such relief as may be just and proper.

Respectfully submitted,



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

This 13th day of November, 2025.

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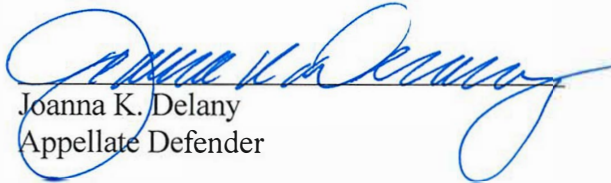
RUBEN RAMIREZ,

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 Return to Motion to Dismiss Appeal as Moot in the above referenced case has been served on Mark R. Farthing, Esquire, at the primary email address listed in the Attorney Information System (AIS), this 13th day of November, 2025.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: [Caroline Collins](#); [Delany, Joanna](#)
Subject: 2025-000372 The State v. Ruben Ramirez Return to Motion to Dismiss
Date: Thursday, November 13, 2025 4:49:00 PM
Attachments: 2025-000372 The State v. Ruben Ramirez Return to Motion to Dismiss.pdf

Good Afternoon Mr. Farthing,

Attached for service in the above-referenced case is the return to the motion to dismiss, which will be filed with the Court of Appeals today, November 13, 2025, via email filing.

Thank you!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330