RECEIVED

Jan 13 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to the Court of Appeals
Appeal from Charleston County
Honorable Jennifer B. McCoy, Circuit Court Judge
Appellate Case No. 2026-000061

THE STATE,

Respondent,

vs.

RONZELL BILAH OLDS,

Petitioner.

RETURN TO PETITION FOR WRIT OF CERTIORARI

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

101 Meeting Street, Suite 400
O.T. Wallace Building
Charleston, SC 29401
(843) 958-1900

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

STATEMENT OF ISSUE ON CERTIORARI

"Did the Court of Appeals err in affirming the trial judge's refusal to dismiss the indictment because Petitioner was denied his state and federal constitutional right to a speedy trial?"

COUNTER-STATEMENT OF ISSUE ON CERTIORARI

Did the Court of Appeals correctly find the three circuit court judges who were presented with Olds's speedy trial dismissal motions did not abuse their broad discretion by declining to dismiss Olds's charges when the approximately forty-eight-month period of delay between Olds's arrest and trial did not result from any intentional efforts on the part of the State to hinder Olds's defense, did not cause any meaningful prejudice to Olds, and resulted in large part from difficulties caused by the unexpected onset of a global pandemic?

STATEMENT OF THE CASE

Procedural History

In January of 2018, Petitioner Ronzell Bilah Olds was arrested following an investigation into an armed robbery of a convenience store. Later that same month, Olds was arrested in connection to a string of similar armed robberies committed a few weeks earlier, and he was served with additional arrest warrants in April of 2018 stemming from yet another earlier armed robbery. In May of 2020, Olds filed a motion seeking dismissal of all his charges. On June 17, 2020, a virtual hearing was held on Olds's motion before the Honorable R. Markley Dennis, Jr., circuit court judge. Subsequent to that hearing, Judge Dennis issued an order denying Olds's motion. Thereafter, in January of 2022, the State submitted a motion seeking a continuance in Olds's case, and Olds again submitted a motion seeking for all his charges to be dismissed. On January 27, 2022, a virtual hearing was held on the motions before the Honorable Deadra L. Jefferson, circuit court judge. Subsequently, in February of 2022, the Charleston County Grand Jury indicted Olds for armed robbery and possession of a weapon during the commission of a violent crime in connection to the January 2018 incident. A few days after that, Judge Jefferson issued an order denying Olds's latest dismissal motion. On March 7, 2022, a jury trial was commenced in the Charleston County Court of General Sessions with the Honorable Jennifer B. McCoy, circuit court judge, presiding. At the conclusion of the three-day trial, the jury convicted Olds as indicted. Following the verdict, the trial judge sentenced Olds to an aggregate term of imprisonment of twenty years for his convictions.[1] Olds then timely filed and perfected an appeal.

[1] In imposing Olds's sentence, the trial judge granted Olds 1,510 days of credit for time served, including 609 days of discretionary credit for time Olds spent on monitored house arrest prior to trial. (R. p. 539; p. 541).

On appeal, the Court of Appeals—following briefing—issued an unpublished opinion in which it unanimously affirmed Olds's convictions and sentence. State v. Olds, Op. No. 2025-UP-338 (S.C. Ct. App. filed Oct. 8, 2025). Thereafter, Olds petitioned the Court of Appeals for rehearing, and the petition was denied. Olds then filed a petition for a writ of certiorari in the Supreme Court.

Factual History

Around 1:43 a.m. in the early morning hours of January 16, 2018, a skinny masked man entered the Sunoco convenience store located on Sam Rittenberg Boulevard in the West Ashley area of Charleston, approached the cashier, pointed a gun at her, and demanded money. (R. pp. 292-296; pp. 300-301; pp. 315-318; p. 322; p. 376; pp. 422-423). In response, the cashier quickly handed over the cash from the store's register, including—consistent with her training—a lone two-dollar bill that the store kept on hand solely for use during robberies. (R. pp. 293-294; p. 301). The robber then rapidly fled from the store with the two-dollar bill and the rest of his loot, and he headed in the direction of nearby Orleans Road. (R. p. 321). Significantly, unbeknownst to him at that time, the serial number from the two-dollar bill he had just stolen was recorded in advance to aid in identifying the perpetrator in the event of a robbery like the one he had just committed. (R. pp. 273-274; p. 293; p. 332; p. 377).

During the ensuing investigation into the robbery, Olds was identified as a suspect following a review of the store's surveillance footage, and, as a result, several officers went to the apartment of Olds's ex-girlfriend, Deonna Greene, in search of him. (R. pp. 295-296; pp. 317-319; pp. 326-327; pp. 377-378). Olds was known to frequently be at that location, and Greene's apartment was situated only a quarter of a mile away from the Sunoco store that had been robbed. (R. pp. 326-327; State's Ex. # 2 (Photograph)). Upon arriving there, the officers

did not find Olds, but they were able to speak with Greene. (R. pp. 327-328). As a result of doing so, they obtained a quantity of cash that included a single two-dollar bill. (R. p. 336; p. 355; pp. 378-379; pp. 440-443; State's Ex. # 17 (Photograph)). The serial number from that two-dollar bill was then compared to the recorded serial number from Sunoco's records, and, critically, the numbers proved to be an exact match. (R. pp. 332-334; p. 337; pp. 378-379).

Later that same day, Olds was tracked down, arrested in connection to the Sunoco robbery, and brought to the police station. (R. pp. 382-383). Detective Yolanda Brown of the Charleston Police Department met with Olds at that location, and he agreed to an interview after being advised of and waiving his rights. (R. pp. 383; p. 394; Court's Ex. # 1 (Interview Recording)). During the course of the conversation that followed, Olds confirmed he stayed with Greene at her apartment on the night of the robbery, and he further confirmed he left her some money, including a two-dollar bill, on that date.[2] (R. p. 339; pp. 395-396; pp. 398-399; Court's Ex. # 1). Initially though, Olds—who was not yet aware the officers connected that two-dollar bill to the robbery—insisted he had not been involved in the incident. (R. pp. 332-333; p. 367; p. 396; Court's Ex. # 1). However, as the interview continued, Detective Brown confronted Olds with the information about the serial number match, and Olds, who was still wearing what appeared to be the same distinctive white belt he wore during the robbery, eventually candidly confessed he was, in fact, the robber. (R. pp. 338-339; pp. 400-401; pp. 404-405; p. 412; Court's Ex. # 1).

[2] Olds perhaps made those admissions because, as he would later acknowledge during the interview, he had spoken with Greene earlier that day and had been alerted by her about the officers coming to her apartment in search of him. (Court's Ex. # 1). Tellingly, after Olds revealed Greene had informed him about the officers' visit to her apartment, he quickly followed that by stating: "Y'all don't supposed to know that." (Court's Ex. # 1).

In the weeks and months that followed Olds's arrest, Olds was served with *eight* additional arrest warrants—for a total of ten—stemming from similar crimes committed in the weeks leading up to the Sunoco robbery. (R. pp. 552-592). In response to those charges, the solicitor—in June of 2018—submitted a plea offer to Olds that would have allowed him to collectively resolve all ten, and that offer was set to expire on September 7, 2018. (R. p. 6). As the expiration date neared, defense counsel contacted the solicitor and successfully requested it be extended until October 8, 2018. (R. p. 7). Days later, Olds was indicted for three of his offenses from December of 2017. (R. pp. 1-2; p. 7). Thereafter, on the revised expiration date, defense counsel asked the court to schedule a plea hearing for December 6, 2018, and, in doing so, defense counsel noted Olds would "accept or reject" at that time. (R. p. 7). Following that, when the December date arrived, defense counsel indicated Olds was rejecting the plea offer at that time but discussions with him concerning a possible guilty plea would continue. (R. p. 7). Shortly after that, Olds formally rejected the State's plea offer on the record. (R. p. 7).

Subsequent to those events, plea discussions apparently continued until—on November 26, 2019—Olds's case was set for a January 2020 trial by the court. (R. pp. 7-8). However, a few days after that, Olds's case was continued *without* objection from *either* party. (R. p. 8). Then, following that, South Carolina's courts and grand juries—including the trial courts and grand jury in Charleston County—were forced to shut down in March of 2020 in response to the emergency caused by the global COVID-19 pandemic. (R. p. 44).

Shortly after the shutdown took effect, a status conference was held in Olds's case. (R. p. 8; p. 11). As a result of it, the court placed the matter on the "priority docket" *at the solicitor's request* and—with the hope trials would soon be able to resume—scheduled it to be tried on August 17, 2020. (R. p. 8; p. 11). However, just days after that, defense counsel submitted a

motion seeking for all Olds's charges—indicted and unindicted—to be dismissed based on pre-indictment delay and a purported speedy trial violation.[3] (R. pp. 1-4). In response, a circuit court judge conducted a *virtual* hearing on the matter. (R. pp. 12-13).

During the course of that virtual hearing, defense counsel contended he believed his "strongest" argument was the two arrest warrants related to January 2018 Sunoco robbery should be dismissed due to pre-indictment delay. (R. p. 14). As support for that contention, defense counsel asserted he had heard an as-of-then-unconfirmed "rumor" Mark Maschke, who supposedly *could* have testified Olds was under the influence of drugs at the time of his arrest, had died from a drug overdose. (R. p. 15). Defense counsel explained he believed Maschke's testimony was potentially relevant to the issue of whether Olds's confession was voluntarily made, and, thus, he claimed Maschke's death caused substantial actual prejudice to the defense. (R. p. 3; p. 15). Beyond that, defense counsel—without further elaboration—noted he "put some speedy trial arguments" in the dismissal motion as well.[4] (R. p. 16). In rebuttal, the solicitor contended defense counsel's claims related to Maschke were not sufficient to establish substantial actual prejudice because multiple other sources, including Olds himself, could

[3] In addition to those grounds, defense counsel also referenced the timelines set out in Rule 3 of the South Carolina Rules of Criminal Procedure. (R. p. 2). However, as our courts have recognized and explained, that particular rule is administrative in nature, and, thus, noncompliance with the timelines set out in it does *not* itself warrant dismissal of criminal charges. See State v. Edwards, 374 S.C. 543, 572, 649 S.E.2d 112, 127 (Ct. App. 2007) (recognizing Rule 3 is purely "administrative" and instructing a solicitor's delay in complying with the timelines set out in that rule "does not within itself invalidate a warrant or prevent subsequent prosecution"), rev'd on other grounds, 384 S.C. 504, 682 S.E.2d 820 (2009).

[4] Specifically, as to those arguments, defense counsel identified some general law on the right to a speedy trial before simply asserting: "[Olds] also moves to dismiss all of [his] charges based on violation of his right to a speedy trial. [Olds] has been incarcerated since January 16, 2018. [Olds] has suffered actual prejudice due to the death of witness Mark A. Maschke. [Olds] believes this delay is so lengthy as to result in a finding of presumptive prejudice that would trigger analysis of the other factors." (R. pp. 2-4).

provide insight regarding Olds's condition at the time of his law enforcement interview. (R. pp. 17-18). Furthermore, the solicitor argued Olds's speedy trial rights had not been violated because his case could not have been tried any earlier, and he noted more indictments were expected to be issued the following month. (R. p. 18).

Ultimately, after considering the arguments of counsel and reviewing a recording of Olds's interview with law enforcement, the circuit court judge declined to dismiss the charges. (R. pp. 23-24). In reaching that conclusion, the circuit court judge found Olds failed to establish he suffered substantial actual prejudice as a result of Maschke's death. (R. pp. 23-24). Likewise, based on a review of the case's procedural history and the absence of any delay-caused prejudice, the circuit court judge concluded Olds's speedy trial rights had not been violated. (R. p. 24).

Following that ruling, the global pandemic continued to cause problems on worldwide, national, and state levels and resulted in the solicitor being unable to present additional indictments to the grand jury as intended. (R. pp. 45-46). And, by April of 2021, that particular solicitor was no longer working for the Ninth Circuit Solicitor's Office, which required Olds's case to be reassigned to a new solicitor. (R. p. 44; pp. 46-47). Meanwhile, by that point, Olds was personally no longer in pre-trial incarceration because he obtained release on bond in July of 2020. (R. pp. 50-51).

Once Olds's case was reassigned, the new solicitor reviewed the records associated with it in his office's case management system and mistakenly concluded the charges related to the Sunoco robbery had already resulted in the issuance of indictments due to the fact indictment numbers and a grand jury meeting date were identified in the system. (R. p. 35. p. 47). Proceeding forward under that mistaken belief, the solicitor communicated with defense counsel

about the case while also participating in several status conferences about it with a circuit court judge. (R. p. 47). Significantly, during those communications and status conferences, the solicitor made statements to defense counsel and the circuit court judge demonstrating his erroneous belief Olds's case had already been indicted. (R. p. 48; p. 59). Despite being aware of the solicitor's error, defense counsel did not correct it for either the solicitor *or* the circuit court judge, and the circuit court judge ended up—after jury trials finally resumed in Charleston County in September of 2021—scheduling Olds's unindicted case related to the Sunoco robbery for trial on January 31, 2022. (R. pp. 29-30; p. 43; p. 48).

Thereafter, one week before that trial was set to begin, the solicitor discovered the necessary indictments had not actually been issued, and he immediately responded by contacting defense counsel, who advised him Olds would *not* be willing to waive presentment of his charges to a grand jury.[5] (R. p. 48). At that point, the solicitor quickly submitted a request for a continuance to the circuit court judge while also arranging for the indictments to be presented to the grand jury as soon as possible, which was on February 7, 2022. (R. pp. 29-41; p. 49). Meanwhile, defense counsel submitted another motion to dismiss based on pre-indictment delay and a purported speedy trial violation.[6] (R. pp. 25-28). In response to those motions, the circuit court judge promptly conducted another virtual hearing. (R. pp. 42-43).

During the course of that hearing, the solicitor explained Olds's case had been placed by the court on several prior trial dockets but the current docket on which it had been placed was the

[5] Since Olds had at least claimed to desire a speedy trial, the solicitor offered to go forward with the trial as already scheduled if Olds was willing to waive presentment to the grand jury. (R. p. 31).

[6] Notably, in that motion to dismiss, defense counsel appeared to acknowledge he heard the solicitor express a mistaken belief the indictments had already been issued during the status conference that led to Olds's case being scheduled for trial in January of 2022 but nevertheless allowed that mistake to go uncorrected. (R. pp. 25-26).

first time it had a "realistic opportunity to be reached."[7] (R. p. 44). The solicitor further explained he was requesting the State's *first* continuance in Olds's case and proceeded to recount the "oversight" that led to the need for it along with the pandemic-related factors—including a lengthy shutdown of the courts for trial purposes—that had resulted in numerous delays in the case. (R. pp. 44-49; p. 67). In rebuttal, defense counsel pointed to the length of the delays incurred up to that point and described them as an "extraordinarily long time." (R. p. 50). However, he also candidly conceded "the virus" existed. (R. p. 50). He then proceeded to repeat his earlier claim Olds suffered substantial actual prejudice due to the death of Maschke. (R. p. 57). At the conclusion of the hearing, the circuit court judge took the matter under advisement with the understanding the case would go forward with trial during the week of March 7, 2022, which was the first available term of court for which it could be scheduled, if she ultimately did not agree to dismiss the charges. (R. pp. 75-76; pp. 81-83).

Shortly thereafter, the solicitor presented the indictments to the grand jury, and, on February 7, 2022, the grand jury indicted Olds for armed robbery and possession of a weapon during the commission of a violent crime. (R. p. 95; pp. 544-545; pp. 548-549). Just over a week after that, the circuit court judge issued an order denying Olds's latest dismissal motion. (R. pp. 85-90). In declining to dismiss, the circuit court judge concluded Olds had failed to establish the factors necessary to establish a violation of his speedy trial rights, and, consistent with the earlier order denying relief, she further found he failed to demonstrate substantial actual prejudice as required for a grant of relief based on pre-indictment delay. (R. pp. 87-80).

[7] Later on during the hearing, defense counsel readily acknowledged Olds's case had only previously been placed by the court on two earlier trial dockets and, even then, was not really "in the running" for actually going forward. (R. p. 59).

Following that ruling, Olds proceeded forward to trial as scheduled. (R. p. 91; p. 95). Toward the outset of trial, defense counsel renewed Olds's motion to dismiss, and the trial judge again denied the motion. (R. pp. 104-107). An in camera hearing was then held to determine the voluntariness of Olds's confession, and, during the course of that hearing, several officers testified about Olds's seeming lack of intoxication or impairment at the time of the interview. (R. pp. 110-163; pp. 167-185). In addition to that, the recording of the interview was introduced, and, on it, Olds was depicted providing lucid and appropriate responses to the officers' questions. (Court's Ex. # 1). Furthermore, Olds testified about the interview but did *not* claim he confessed due to marijuana intoxication or an overborne will. (R. pp. 200-217). Instead, Olds, who described himself as only being "a little high" at the time of the interview, asserted he confessed due to his efforts *to be polite*. (R. p. 210; pp. 214-215; p. 217). Ultimately, after considering everything presented, the trial judge ruled Olds's confession was voluntary and admissible. (R. pp. 244-245).

As the trial proceeded forward, testimony and evidence was presented detailing the armed robbery of the Sunoco store and the ensuing investigation into it that led to Olds being identified as the robber, including evidence and testimony linking Olds to the unique two-dollar bill stolen during the incident. (R. pp. 271-279; pp. 292-310; pp. 312-367; pp. 374-423; pp. 439-444). Likewise, the details of Olds's confession to law enforcement were presented, and portions of the interview recording were played for the jury along with a recording of candid incriminating admissions Olds made from jail following his arrest. (R. pp. 338-339; pp. 382-412; pp. 434-438; State's Ex. # 22 (Jail Call Recording)).

Following the presentation of that testimony and evidence, the solicitor rested the State's case, and defense counsel renewed the previously-raised dismissal motion. (R. p. 452; pp. 454-

455). As support for that renewed motion, defense counsel reiterated his claim Maschke's death resulted in prejudice to the defense because Maschke purportedly could have corroborated Olds's in camera testimony about smoking marijuana prior to his interview with law enforcement.[8] (R. pp. 454-455). Furthermore, defense counsel additionally pointed to the absence of Greene, who investigators *for the State* had not been able to locate for trial, along with his recent discovery of the death of the Sunoco store's manager, who was not present during the robbery, as additional sources of prejudice caused by the delays in Olds's case.[9] (R. pp. 292-293; pp. 446-448; pp. 454-455). However, in pointing to those two witnesses, defense counsel did *not* claim to have made *any* efforts to locate them at any point and did *not* provide any specifics as to what testimony—favorable for the defense or otherwise—he thought they might have provided if present. (R. pp. 454-455). The trial judge responded by simply noting defense counsel's position for the record. (R. pp. 455-456).

Subsequently, Olds's case was submitted to the jury, and, after a little over two hours of deliberations, the jury convicted Olds as indicted. (R. p. 520; pp. 531-532). Following that, the trial judge sentenced Olds to an aggregate twenty-year term of imprisonment. (R. p. 541). And, in imposing that sentence, the trial judge granted Olds credit for all the time he served in pre-trial incarceration *and* while released from custody on bond. (R. p. 539; p. 541).

Following his convictions, Olds appealed, arguing—in part—his constitutional speedy trial rights were violated. (App'x pp. 1-26). On appeal, the Court of Appeals affirmed. (App'x

[8] Based on information presented to the trial judge by defense counsel, Maschke died on May 17, 2019, at his residence in Mount Pleasant, South Carolina. (R. p. 543).

[9] Earlier on during trial, testimony was presented establishing the manager of the robbed Sunoco store died roughly a year before Olds's trial. (R. p. 279). Likewise, testimony was presented from an investigator from the Ninth Circuit Solicitor's Office indicating he attempted to locate Greene unsuccessfully for approximately a month and was prepared to issue a subpoena on behalf of the State if she could be located. (R. pp. 446-448).

pp. 70-74). In affirming, the Court of Appeals initially concluded the circuit court abused its discretion by determining the length of delay involved was not sufficient to trigger an analysis of the relevant speedy trial factors. (App'x p. 72). However, after reaching that conclusion, the Court of Appeals determined the Olds's right to a speedy trial was nevertheless not violated under the circumstances involved. (App'x p. 72). As support for that determination, the Court of Appeals found: (1) a substantial portion of the delays that were incurred in Olds's case resulted from "a global pandemic over which neither party had control"; (2) the other delays involved were neither deliberate nor willful and, thus, did not weigh heavily against the State; and (3) Olds failed to establish the existence of any actual or presumptive prejudice in his case. (App'x pp. 72-74).

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). When reviewing on appeal a ruling on a dismissal motion predicated upon pre-indictment delay or an alleged speedy trial violation, the appellate court reviews the trial judge's ruling under an abuse of discretion standard. State v. Hunsberger, 418 S.C. 335, 342, 794 S.E.2d 368, 371-372 (2016); see United States v. Madden, 682 F.3d 920, 929 (10th Cir. 2012) (explaining an appellate court "reviews the denial of a motion to dismiss based on preindictment delay for abuse of discretion"); United States v. Bracy, 67 F.3d 1421, 1426 (9th Cir. 1995) ("The denial of a motion to dismiss for impermissible pre-indictment delay is reviewed for abuse of discretion."); State v. Reaves, 414 S.C. 118, 132, 777 S.E.2d 213, 220 (2015) ("[A] trial court's decision as to whether to dismiss an indictment based on speedy trial grounds is reviewed for an abuse of discretion."). "An abuse of discretion occurs when the trial court's ruling is based upon an error of law, such as application of the wrong legal principle; or, when based upon factual conclusions, the ruling is without evidentiary support; or, when the trial court is vested with discretion, but the ruling reveals no discretion was exercised; or when the ruling does not fall within the range of permissible decisions applicable in a particular case, such that it may be deemed arbitrary and capricious." State v. Allen, 370 S.C. 88, 94, 634 S.E.2d 653, 656 (2006); see United States v. Summers, 666 F.3d 192, 197 (4th Cir. 2011) (instructing an appellate court will not find a trial judge's ruling constituted an abuse of discretion unless it was arbitrary and irrational).

ARGUMENT

Just as the Court of Appeals correctly concluded, the three circuit court judges who were presented with Olds's speedy trial dismissal motions did not abuse their broad discretion by declining to dismiss Olds's charges because the approximately forty-eight-month period of delay between Olds's arrest and trial did not result from any intentional efforts on the part of the State to hinder Olds's defense, did not cause any meaningful prejudice to Olds, and resulted in large part from difficulties caused by the unexpected onset of a global pandemic.

On certiorari, Olds contends the Court of Appeals reversibly erred by failing to find his charges should have been dismissed based on an alleged violation of his constitutional speedy trial rights. In support of that contention, Olds maintains his charges should have been dismissed based on the delay incurred between his January 2018 arrest and March 2022 trial because that delay was purportedly presumptively prejudicial, the justifications for it were allegedly unsatisfactory, he properly asserted his right to a speedy trial on multiple occasions, and his defense was supposedly actually prejudiced by the delay due to the unavailability of several witnesses. To the contrary and just as the Court of Appeals correctly concluded, the circuit court judges did not abuse their discretion by refusing to dismiss Olds's case based on an alleged speedy trial violation because the forty-eight-month period of delay involved was not the result of any willful or intentional efforts on the part of the State to hinder Olds's defense, did not result in any meaningful prejudice to Olds, and resulted in large part from difficulties caused by a global pandemic. Under such circumstances, Olds's constitutional speedy trial rights were not violated, and the extreme sanction of dismissal was not warranted. Therefore, the Court of Appeals correctly affirmed on appeal. Olds's petition for a writ of certiorari should be denied.

Pursuant to both the United States Constitution and the South Carolina Constitution, an accused in a criminal prosecution has a constitutionally-guaranteed right to a speedy trial. See U.S. Const. amend. VI ("In all criminal prosecutions, the accused shall enjoy the right to a

speedy and public trial[.]"); S.C. Const. art. I, § 14 ("Any person charged with an offense shall enjoy the right to a speedy and public trial[.]"). That right is designed to protect against anxiety stemming from public accusation of a crime and to limit the possibility of a lengthy pre-trial delay impairing an accused's defense. State v. Langford, 400 S.C. 421, 440, 735 S.E.2d 471, 481 (2012). However, most importantly, the right to a speedy trial is chiefly designed to prevent undue pre-trial impairment of liberty. See United States v. Loud Hawk, 474 U.S. 302, 312 (1986) ("[T]he Speedy Trial Clause's core concern is impairment of liberty[.]"). Critically though, the criminal trial process is designed to move at a deliberate pace due to the many procedural safeguards involved, and, thus, the essential guarantee provided by the right to a speedy trial is the orderly expedition of a charge as opposed to mere speedy expedition. United States v. Ewell, 383 U.S. 116, 120 (1966).

In order to trigger a speedy trial analysis, a criminal defendant's trial must have been delayed for a period of time that is presumptively prejudicial, which is necessarily dependent on the particular circumstances of *each individual case*. Langford, 400 S.C. at 442, 735 S.E.2d at 482. Notably, "a simple prosecution for ordinary street crime may have a lower threshold for a presumptively prejudicial delay than a more complex conspiracy case." Id. In South Carolina, a delay of over two years—under *normal* circumstances—has previously been found to be sufficient to trigger a speedy trial analysis. State v. Waites, 270 S.C. 104, 108, 240 S.E.2d 651, 653 (1978). Likewise, the United States Supreme Court has suggested a delay of roughly one year could—in certain circumstances—be presumptively prejudicial. See Doggett v. United States, 505 U.S. 647, 652 n.1 (1992) ("Depending on the nature of the charges, the lower courts have generally found postaccusation delay 'presumptively prejudicial' at least as it approaches one year."). However, even where a delay that is presumptively prejudicial exists, a speedy trial

determination "is *not based on the passage of a specific period of time*" and delay alone is not singularly dispositive. State v. Pittman, 373 S.C. 527, 549, 647 S.E.2d 144, 155 (2007) (emphasis added).

Ultimately, once a speedy trial analysis has been triggered, the question of whether a defendant's speedy trial rights have been violated is necessarily dependent on the specific circumstances of the defendant's particular case. State v. Robinson, 335 S.C. 620, 625, 518 S.E.2d 269, 272 (Ct. App. 1999). When attempting to answer that question, several factors should be considered. State v. Kennedy, 339 S.C. 243, 249, 528 S.E.2d 700, 703-704 (Ct. App. 2000). Specifically, a court analyzing a speedy trial claim should consider: (1) the length of the delay; (2) the reason for the delay; (3) the defendant's assertion of his right; and (4) whether any prejudice was suffered by the defendant as a result of the delay. Barker v. Wingo, 407 U.S. 514, 530 (1972). Notably though, none of the four factors is alone necessary or sufficient for a finding of a speedy trial violation. Id. at 533. Instead, "they are related factors and must be considered together with such other circumstances as may be relevant." Id. "In sum, these factors have no talismanic qualities; courts must still engage in a difficult and sensitive balancing process." Id.

In the case sub judice, a period of roughly forty-eight months elapsed between Olds's January 2018 arrest in connection to the Sunoco robbery and his March 2022 trial related to that incident. Looking to that period of delay, it was likely sufficiently lengthy to warrant consideration of the relevant speedy trial factors by the circuit court judges. See id. at 530 ("Until there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors that go into the balance."); Brazell, 325 S.C. at 75, 480 S.E.2d at 70 (recognizing the length of the delay may be sufficient to trigger review of the relevant speedy

trial factors); cf. Waites, 270 S.C. at 108, 240 S.E.2d at 653 (finding a delay of twenty-eight months sufficient to warrant review of the pertinent factors in a speedy trial analysis). However, it was not excessively or unreasonably long in light of the unusual circumstances of Olds's case, which was one that had to be prosecuted during the midst of a crisis caused by an unexpected global pandemic. Cf. Elias v. Superior Ct., 294 Cal. Rptr. 3d 178, 190 (Cal. Ct. App. 2022) ("Courts have recognized that health quarantines to prevent the spread of infectious diseases have long been recognized as good cause for continuing a trial date. A contrary holding would require trial court personnel, jurors, and witnesses to be exposed to debilitating and perhaps life-threatening illness. Public health concerns trump the right to a speedy trial. We acknowledge the unfortunate hardship to defendant from the delays in this case, but . . . neither the prosecution nor the court is responsible for the emergency that has overwhelmed the nation and much of the world." (citations, brackets, and internal quotations omitted)). As a result, the length of the delay involved—the first of the relevant factors in a speedy trial analysis—did not and should not weigh heavily against the State for purposes of a speedy trial analysis.

Turning to the second of the relevant factors, some portion of the delay *prior to* the onset of the global pandemic was incurred as part of the normal process involved in getting any criminal case ready to go to trial and could not legitimately be held against the State for speedy trial purposes. See Ratchford v. State, 785 A.2d 826, 830 (Md. Ct. Spec. App. 2001) (explaining the initial seven-month period of time between the date of the arrest and the case initially being scheduled for trial was "necessary for the orderly administration of justice and is not considered an unreasonable delay that calls for further accounting"); see also State v. Smith, 307 S.C. 376, 380, 415 S.E.2d 409, 411 (Ct. App. 1992) (finding the defendant bears the burden of showing a speedy trial delay was due to the neglect and willfulness of the State's prosecution). Similarly, a

significant portion of the initial delay was caused by the solicitor and defense counsel engaging in good faith plea negotiations on Olds's behalf, and several of those months of delay were caused by defense counsel requesting for a plea offer expiration date to be extended to allow *additional time* for it to be considered. See Vermont v. Brillon, 556 U.S. 81, 92-93 (2009) (recognizing delays caused by defense counsel's actions are attributable to the defendant and not the State when conducting a speedy trial analysis); see also State v. Dukes, 256 S.C. 218, 223, 182 S.E.2d 286, 288 (1971) ("The delay must be attributable to the State before the appellant can complain."); cf. United States v. Anderson, 902 F.2d 1105, 1110 (2d Cir. 1990) (finding no speedy trial violation where "defense counsel agreed to delays and continuances for purposes of plea negotiations"); People v. LoPizzo, 543 N.Y.S.2d 88, 88 (N.Y. App. Div. 1989) (rejecting a claim of a constitutional speedy trial violation when "[n]early all of the preindictment delay was directly attributable to the defendant's repeated requests for adjournments so that plea negotiations could be considered"). Furthermore, some of the pre-pandemic delay resulted from defense counsel's acquiescence in a court-initiated continuance of the case. See Barker, 407 U.S. at 535 (considering a defendant's acquiescence to delay when conducting a speedy trial analysis). Then, as a result of the global pandemic, the trial courts in Charleston County were shut down from March of 2020 until September of 2021, which was a circumstance entirely beyond the control of the solicitor, the court, or Olds himself and was not something that could be fairly held against *any* party for purposes of a speedy trial analysis. See State v. Paige, 977 N.W.2d 829, 838 (Minn. 2022) ("[W]e conclude that trial delays due to the statewide orders issued in response to the COVID-19 global pandemic do not weigh against the State."); Vlahos v. State, 518 P.3d 1057, 1072 (Wyo. 2022) ("Delays due to COVID-19 pandemic are neutral because the pandemic was an extraordinary circumstance not attributable to either the State or

[the defendant]." (citation and internal quotations omitted)). Beyond that, some portion of the post-pandemic delay resulted from the need to reassign Olds's case to a new solicitor following the departure of the original one handling the matter, which was a period of delay that could only be held slightly against the State if it could fairly be held against the State at all. See Strunk v. United States, 412 U.S. 434, 436 (1973) (instructing factors leading to unintentional delays such as "understaffed prosecutors" should be weighed less heavily than intentional delays in a speedy trial analysis); Hallowell v. State, 178 A.3d 610, 628 (Md. Ct. Spec. App. 2018) (finding the resignation of the original prosecutor assigned to the case, which resulted in delays that were needed for a new prosecutor to get familiar with and prepare the case for trial, constituted a more neutral reason for delay in a speedy trial analysis and only weighed slightly against the State). Likewise, some of the delay incurred after jury trials resumed in Charleston County in September of 2021 resulted from the post-pandemic condition of the docket, and, due to that, the earliest Olds's case could conceivably be tried was the end of January of 2022. See Langford, 400 S.C. at 444, 735 S.E.2d at 483 (recognizing the limited availability of terms of court can constitute a valid reason for delays); see also Wheeler v. State, 247 S.C. 393, 400, 147 S.E.2d 627, 630 (1966) ("A speedy trial does not mean an immediate one; it does not imply undue haste, for the state, too, is entitled to reasonable time in which to prepare its case; it simply means a trial without unreasonable and unnecessary delay."); cf. State v. Chapman, 289 S.C. 42, 45, 344 S.E.2d 611, 613 (1986) ("A portion of the delay was caused by the normal condition of the docket. . . . The constitutional guarantee of a speedy trial affords protection only against unnecessary or unreasonable delay."). Finally, the delay incurred between the planned January 2022 trial date and the ultimate March 2022 trial date resulted from the newly-assigned solicitor's mistaken-but-good-faith belief indictments had already been issued in connection to

the Sunoco robbery, and, significantly, defense counsel at least partially contributed to the delay that resulted from that error by allowing it to go uncorrected despite being aware of it. See Reaves, 414 S.C. at 130, 777 S.E.2d at 219 (explaining deliberate attempts to create delay to injure the defense should be weighed heavily against the State while neutral reasons, such as *mere negligence*, should be weighed *less* heavily); cf. People v. Canosa, 598 N.Y.S.2d 784, 785 (N.Y. App. Div. 1993) (excluding delay caused by a prosecutor's mistaken belief regarding the status of an indictment from a statutory speedy trial analysis due to the fact defense counsel was aware of the prosecutor's confusion but remained silent instead of correcting it). Therefore, when considering the actual reasons underlying all the delay involved, the non-willful and non-intentional period of delay incurred prior to Olds's trial did not warrant a finding Olds's speedy trial rights were infringed.

Turning to the third of the relevant factors, Olds unquestionably did raise a speedy trial dismissal claim at various points, but, significantly, he waited to first do so until twenty-eight months after his arrest *and* after trials were suspended—and, thus, could not possibly be conducted—due to the pandemic. See Waites, 270 S.C. at 109, 240 S.E.2d at 653 (considering the length of time Waites waited before first attempting to assert his speedy trial rights and characterizing it as "significant" when conducting a speedy trial analysis); cf. Osman v. Commonwealth, 883 S.E.2d 249, 277 (Va. Ct. App. 2023) ("[T]he third Barker factor—assertion of the right to a speedy trial—weighs only moderately in [Osman]'s favor due to the timing and frequency of his assertions. Despite having already spent sixteen months in jail, [Osman] did not assert his right to a speedy trial until March 25, 2020, only after the Supreme Court issued its first emergency order and the trial court administratively adjourned this case to a status date on May 21, 2020, in connection with the COVID-19 pandemic."). And, once jury trials finally

resumed after the pandemic-caused shutdown in Charleston County, Olds did not renew his speedy trial dismissal motion until just before his trial was set to commence *despite* being aware it could not truly go forward due to the solicitor's mistaken—but correctable—belief about the indictments, and, even without any corrective actions from defense counsel, Olds's trial was *still* able to go forward only a few weeks later. See Brillon, 556 U.S. at 90-91 ("Because the attorney is the defendant's agent when acting, or failing to act, in furtherance of the litigation, delay caused by the defendant's counsel is also charged against the defendant." (citation, brackets, and internal quotations omitted)); see also Langford, 400 S.C. at 440, 735 S.E.2d at 481 (recognizing delay is not an uncommon defense tactic); cf. Henderson v. Commonwealth, 563 S.W.3d 651, 665 (Ky. 2018) ("Henderson did, both in writing and verbally, assert his constitutional right to a speedy trial. Yet aside from those steps, all his actions seem intent upon causing delay and utilizing that delay to his defense's advantage. Thus, Henderson's invocation was less than 'vigorous.' "); Salahuddin v. State, 592 S.E.2d 410, 413 (Ga. 2004) ("[Salahuddin] did not assert his right to a speedy trial until fifteen months after indictment, which was nine months before the trial court heard pretrial motions. Accordingly, this particular factor, though not dispositive, must be balanced against [Salahuddin]'s interest."); State v. Barnes, 431 S.C. 66, 88, 846 S.E.2d 389, 400 (Ct. App. 2020) (finding the factor related to the assertion of speedy trial rights weighed against Barnes because he did not assert his speedy trial rights after his case was sent back for a retrial until just two months before his second trial was set to commence), aff'd as modified, 436 S.C. 202, 871 S.E.2d 421 (2022); Robinson, 335 S.C. at 626, 518 S.E.2d at 272 (considering the fact "Robinson's trial began only ten months after his first motion [asserting his right to a speedy trial] was filed" in finding no speedy trial violation occurred in Robinson's case). Thus, considering the delayed nature of Olds's initial assertion of his speedy trial rights,

his actions that were inconsistent with a genuine desire for anything other than dismissal, and his relatively prompt receipt of a trial just after the earliest available opportunity for one, Olds's assertion of his speedy trial rights did not weigh convincingly in his favor and could not have legitimately supported a finding those rights were violated.

Finally, turning to the fourth of the relevant factors, Olds's claims of prejudice were primarily focused on the prejudice incurred due to the loss or unavailability of several witnesses, including Maschke. Importantly though, Maschke's death occurred less than a year and a half after Olds's arrest and before Olds's case could realistically be brought to trial. Cf. Reaves, 414 S.C. at 132, 777 S.E.2d at 220 (concluding Reaves's claim evidence was lost as a result of delays was not supported by the record when the evidence was most likely lost earlier during the investigation as opposed to later). Meanwhile, the loss or unavailability of the store manager and Greene appeared to hamper the State more than the defense and, thus, did not truly prejudice Olds. See Robinson, 335 S.C. at 626, 518 S.E.2d at 272 ("[L]ost witnesses and documents are also disadvantages that hamper the State."). Furthermore, although Olds remained incarcerated for some period between his arrest and trial before he was able to obtain release on bond, Olds did receive full credit toward his sentence for *all* the time between his arrest and trial, which helped to minimize any harm that could have resulted from the delay in his case. Cf. Millard v. Lynaugh, 810 F.2d 1403, 1406-1407 (5th Cir. 1987) (concluding the prejudice resulting from pre-trial incarceration was mitigating by the fact Millard received credit for the time served in pre-trial detention towards his sentence); State v. Monroe, 262 S.C. 346, 350, 204 S.E.2d 433, 435 (1974) (considering the fact Monroe received full credit for the time he spent incarcerated prior to his trial in finding his speedy trial rights were not violated). Therefore, because Olds's defense was not truly hampered by any of the delay and because he did not suffer any undue

prejudice as a result of the delay, Olds was not sufficiently prejudiced by the delay between his arrest and trial to justify a finding his constitutional speedy trial rights were violated.

Accordingly, because the relevant circumstances in Olds's case—including the fact it had to be prosecuted during a global pandemic that necessitated a lengthy shutdown of South Carolina's trial courts and grand juries—do not support a conclusion the forty-eight month period of delay was the result of any intentional or willful actions on the part of the State or resulted in any undue prejudice to Olds, Olds's speedy trial rights were—just as the circuit court judges and Court of Appeals recognized—not violated. Cf. Loud Hawk, 474 U.S. at 317 ("We cannot hold, on the facts before us, that the delays asserted by respondents weigh sufficiently in support of their speedy trial claim to violate the Speedy Trial Clause. They do not justify the severe remedy of dismissing the indictment."); Robinson, 335 S.C. at 626-627, 518 S.E.2d at 272 (finding—despite a total period of delay of five years—no speedy trial violation occurred when Robinson was tried within one year of his first assertion of his speedy trial rights, adequate justification was presented for delay, and no evidence of actual prejudice was introduced). Based on that, the circuit court judges who considered Olds's various dismissal motions did not abuse their discretion by refusing to impose the extreme—and unwarranted—sanction of dismissal in Olds's case, and the Court of Appeals correctly affirmed on appeal. See Langford, 400 S.C. at 442, 735 S.E.2d at 482 ("A court's decision on whether to dismiss on speedy trial grounds is reviewed for an abuse of discretion."); cf. State v. Cooper, 386 S.C. 210, 217-218, 687 S.E.2d 62, 66-67 (Ct. App. 2009) (affirming the denial of Cooper's speedy trial motion where the delay in bringing the case to trial was at least forty-four months). Olds's petition for a writ of certiorari should be denied.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted the petition for a writ of certiorari should be denied.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

BY:_____
Mark R. Farthing
S.C. Bar Number 76901

ATTORNEYS FOR RESPONDENT

January 13, 2026