

In The Court of Appeals In South Carolina

The State of South Carolina
Plaintiff,

Indictment Numbers

VS.

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FEB 23 2026

SC Court of Appeals

Robert Southard

Defendant,

2025-GS-40-134

2025-GS-40-135

2025-GS-40-136

2025-GS-40-137

2025-GS-40-138

Defendant's Appeal of Trial Court's Denial of Defendant's Motion to Discharge from Pretrial Confinement Based on State's Failure to Abide by Speedy Trial Demand

Comes now Defendant, Robert Southard, appealing the trial court's dismissal of Defendant's Motion to Discharge Based on State's Failure to Abide by the South Carolina Statute 17-23-90.

Defendant acknowledges that this is an attempt to appeal an interlocutory order, and as a general rule an interlocutory order is not immediately appealable. Hamm v. South Carolina Pub Serv. Comm'n, 312 S.C. 238 (1994).

In South Carolina it is well-established that Appeals taken from interlocutory orders are not allowable for policy reasons, the primary being to not delay justice. *State v. Mckeltrick*, 13 S.C. 439 (1880); *State v. Hughes*, 56 S.C. 540 (1900).

However, in this case, it is Defendant alleging the State is delaying justice, and in so doing, denying Defendant his right to a Speedy Trial, or in the alternative, access to the commands of the Speedy Trial Act that leave no room for discretion by the trial judge *State v. Campbell*, 277 S.C. 408 (1982).

In *State v. Langford*, the South Carolina Supreme Court held, *inter alia*, that a court's decision on whether to dismiss on Speedy Trial grounds is reviewed for abuse of discretion *State v. Langford*, 400 S.C. 421 (2012). And in *Fields v. J. Haynes Waters Builders Inc.* the same court defined an abuse of discretion, saying "[the abuse] occurs when the trial court's decision is based upon an error of law or upon factual findings that are without evidentiary support." *Fields v. J. Haynes Waters Builders Inc.*, 376 S.C. 545, 555 (2008).

Here, the trial court dismissed Defendant's Motion with no stated explanation. By not providing a reason, Appellate Courts, and Defendant, are left to speculate as to the actual reason, which means a determination cannot be made as to whether the reason constitutes an error of law, is based on factual findings without evidentiary support, or another valid reason. Thus, not giving a reason is in itself, an abuse of discretion. Especially since the language of the Speedy Trial Act, and South Carolina Supreme Court precedent interpreting that Act, leave no room for discretion where a violation occurs.

As a sidenote, Defendant was told by Counsel that this appeal most likely would be barred by the general rule against interlocutory appeals, but Defendant believes this issue is too important, and ultimately would have been required anyway if Defendant waited until sentence was imposed.

Wherefore, Defendant prays this Court reverse the trial court's decision, and grant Defendant's Motion for Discharge from Pretrial Confinement as if he had been acquitted, *State v. Campbell*, 277 S.C. 408, 409 (1982).

Remanding to give the trial court an opportunity to belatedly give a reason should not be considered an option, given that it is their in action that ultimately lead to this Appeal.

Executed on 2/16/2026

Respectfully Submitted,

Robert Sutherland

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