

While there is no specific code section in the South Carolina Code that bans interlocutory appeals, both case law, and certain sections of the code, specifically § 14-3-330 for example, make it clear that except in very limited circumstances an interlocutory order is not appealable by a criminal defendant until the case is concluded.

Appellant asks this Court to finally consider overturning this unnecessary hinderance to a Defendant's right to be considered innocent until proven guilty, and also to fully protect the civil liberties of those who are detained pretrial.

There is no case law that Appellant can point to in the vast history of South Carolina common-law where interlocutory appeals have been granted, because for close to 150 years, this has been the "rule" in South Carolina.

Here, Appellant asserted his right to a Speedy Trial on two occasions in open court, the first time at his initial bond hearing, and the second time at another court date. Appellant also filed a Motion for Discharge from Pretrial Confinement with the Trial Court, which was denied with no reason given. And that is the reason for this appeal.

Appellant understands that the ban on interlocutory appeals during the pendency of a criminal action can be used by a criminal defendant to delay the final application of justice. And Appellant agrees that interlocutory appeals should not be granted when they clearly have a purpose of delaying a criminal trial.

However, here, Appellant has twice tried to speed-up the application of justice, and arguably, a third time as well when he filed the Motion for Discharge alleging the State violated the Speedy Trial Act for not bringing him to trial as required by § 17-23-90.

The purpose of this appeal is not to delay justice, but to argue that the Trial Court abused its discretion in denying Appellant's Motion for Discharge by not stating a valid, or for that matter any, reason as to why the Motion for Discharge was denied. Without an interlocutory appeal being granted, Appellant will have to remain incarcerated, pretrial, which has already exceeded two (2) years, then go through the trial process, and then, if found guilty, file an appeal of the Trial Court's denial of his allegation that the State violated the Speedy Trial Act. This could take years of continued pretrial confinement with no guarantee that the State can even prove the charges against Appellant beyond a reasonable doubt, which means that his appeal of this vital issue might not even be heard until he has either been found Not Guilty after trial, or if the State ultimately decides to drop or drastically reduce the charges. This is a clear violation of Defendant's right to a Speedy Trial, and a clear example of how an abuse of discretion at the Trial Court level can have a devastating "Butterfly Effect" that results in irreparable harm to Appellant.

Therefore, Appellant prays this honorable Supreme Court of the State of South Carolina grant this Writ of Certiorari, so that this Court can correct the Trial Court's abuse of discretion, and protect a criminal defendant's right to be considered innocent until proven guilty, and not have his civil liberties infringed when his ultimate goal is to speed-up the application of justice.

If this case is not the "Bright-Line" determination, there will be one in the future. Why not now? Why not you?

Submitted this the ____ day of _____, 2026.

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S.C. SUPREME COURT

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