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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions
R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2026-001170

The State, ... Appellant,

v.

Michael Jaedyn Smith, ... Appellant.

MEMORANDUM ADDRESSING APPEALABILITY

The State charged Jaedyn Smith with one count of second-degree criminal sexual conduct with a minor in the Court of General Sessions for Anderson County. By written order dated March 10, 2026 (filed March 13, 2026), the Honorable R. Lawton McIntosh remanded this matter the Family Court. The State moved to reconsider on March 23, 2026, and Judge McIntosh denied the motion on May 1, 2026. On May 18, 2026, the State appealed. On May 28, 2026, this Court requested the parties provide a "memoranda addressing the issue of appealability." For the reasons set forth below, the orders remanding this matter to Family Court and denying the motion to reconsider are not appealable.

In *State v. Ledford*, the Supreme Court summarized the general rule regarding the right to appeal an interlocutory order:

> The right of appeal arises from and is controlled by statutory law. Rule 201(a) of the South Carolina Appellate Court Rules provides in pertinent part, "Appeal may be taken, as provided by law, from any final judgment, *appealable order or decision*." Rule 201(a), SCACR (emphasis added). The

> determination of whether a party may appeal an order issued before or during trial is governed primarily by section 14-3-330 of the South Carolina Code. Section 14-3-330(2) permits an immediate appeal in a law case from:
>
>> An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action.
>
> The provisions of section 14-3-330, including subsection (2), have been narrowly construed, and the immediate appeal of orders issued before or during trial generally has not been permitted.

422 S.C. 244, 247-48, 810 S.E.2d 868, 869-70 (2018) (some internal quotations and citations omitted). *Ledford* held that the trial court's mid-trial decision regarding a request to charge "was not immediately appealable." *Id.,* 422 S.C. at 249, 810 S.E.2d at 870. Similarly, *State v. Wilson* held "a pretrial order disqualifying a prosecuting attorney in a criminal case is not directly appealable by the State." 387 S.C. 597, 603, 693 S.E.2d 923, 926 (2010).

The exception to this general rule, which allows the State to appeal certain orders, is limited to the situation where the trial court suppresses evidence that effectively ends the case. *See, e.g., State v. McKnight*, 287 S.C. 167, 168, 337 S.E.2d 208, 209 (1985) ("A pre-trial order granting the suppression of evidence which significantly impairs the prosecution of a criminal case is directly appealable under S.C. Code Ann. § 14-3-330(2)(a) (1976).").

In Mr. Smith's case, the trial court's order does not end the case. The State can still proceed in Family Court. This Court should dismiss the State's appeal.

(signature on next page)

Respectfully Submitted,

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Certificate of Service

I certify that I served this pleading on the State of South Carolina, by email, using counsel's primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

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