

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions

William C. McMaster, III, Circuit Court Judge

Case Nos. 2026A2420100125; 20261111000499; 20261111000500

The State of South Carolina,

Respondent,

v.

Alexander Lone Nelson,

Appellant.

RULE 203 EXPLANATION

I. Procedural Posture and Facts

Appellant is charged in the Greenwood County Court of General Sessions with one count of Public Disorderly Conduct, one count of Unlawful Communication, and one count of Possession of a Schedule I-V Controlled Substance, 1st offense. The drug offenses carries a maximum possible penalty of six months. The other two charges carry a maximum possible penalty of thirty days each. The State filed a Motion to Revoke Bond pursuant to S.C. Code § 17-15-55 on August 6, 2026, citing the following grounds for revocation: *“As a condition of Defendant Nelson’s Bond, Defendant Nelson was ordered to have no contact with the victim. The State will show that Defendant Nelson violated this condition of his bond.”* In support of its Motion to Revoke Bond, the State provided defense counsel with a Greenwood City Police Department Incident Report dated August 5, 2026. A hearing on the State’s Motion was held before the Circuit Court on August 10, 2026. At the hearing, the Court heard from the alleged victim, Monique Williams, and reviewed the Incident Report dated August 5, 2026, which was admitted as Court’s Exhibit 1. The Incident Report states, in relevant part, *“an unidentified male began making threats towards [Williams]”* and *“Williams advised that she could not positively identify the caller and was not certain that the voice belonged to Nelson.”* Law enforcement did not question Appellant, arrest Appellant or conduct any further investigation into the matter. After hearing from Williams and reviewing the Incident Report but before making its ruling, the Court ordered that the Department of Probation, Parole and Pardon Services test Appellant for illicit substances. Appellant complied and subsequently tested positive for THC, methamphetamine and amphetamine. Following the reading of those results on the record, the Court made two findings: (1) that Appellant violated the no contact provision of his bond by a preponderance of the evidence by contacting Williams on August 5, 2026 and (2) that Appellant is in violation of his bond for failure to refrain from illicit substances. The Court revoked Appellant’s bond on both grounds.

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Aug 14 2026

SC Court of Appeals

II. Argument on Appeal

Defense counsel objected on two bases: (1) the Court erred in finding by a preponderance of the evidence that Appellant violated the no contact provision of his bond where Williams admitted to law enforcement that she could not positively identify the caller and law enforcement found no evidence sufficient to establish probable cause to arrest Appellant and (2) the Court erred in revoking Appellant's bond for testing positive for illicit substances where the State failed to seek revocation on that ground and where the statute does not provide for sua sponte revocation by the Court.¹ See S.C. Code § 17-15-55(B)(1) ("Motions by the State to revoke or modify a bond must be made in writing, *state with particularity the grounds for revocation* or modification, and set forth the relief or order sought." (emphasis added)).

III. Finality of the Judgment

The Circuit Court's Order revoking Appellant's bond is not an impermissible interlocutory order and is immediately appealable because the Court has permanently divested Appellant of his right to credit for time served prior to trial and sentencing pursuant to S.C. Code § 24-13-40 ("[C]redit for time served prior to trial and sentencing shall not be given when the prisoner . . . has bond revoked on any charge prior to trial or plea."). The Circuit Court cannot re-invest Appellant of his right by reinstating the bond because § 24-13-40 contains no exceptions for bonds that are subsequently reinstated prior to the disposition of the case. Thus, the Circuit Order's Order in this case constitutes a final judgment. See *Ex parte Wilson*, 367 S.C. 7, 12–13 (2005) ("Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory and not final."); see also *Good v. Hartford Accident Indemn. Co.*, 201 S.C. 32 (1942) ("[A] final judgment is one which operates to divest some right in such a manner as to put it beyond the power of the court making the order to place the parties in their original condition after the expiration of the term."). The Circuit Court's Order also implicates *Apprendi* and violates the Eighth Amendment and Article I, § 15 of the South Carolina Constitution because there is a high likelihood that Appellant will remain incarcerated on a revoked bond for more time than the statutory maximum for some or all of his charges.² By revoking Appellant's bond, the Court imposed a penalty that essentially operates as an enhancement of the maximum sentence permitted by statute without a finding of guilt beyond a reasonable doubt. *Apprendi v. New Jersey*, 530 U.S. 46 (2000). Even if the Circuit Court were to issue an Order releasing Appellant from custody and reinstating his bond after serving the statutory maximum eight months on all charges, he is still not entitled to credit for that time pursuant to § 24-13-40. The Circuit Court's Order operates as a final judgment and divests Appellant of several substantial rights. For these reasons, the Order is immediately appealable.

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¹ This argument is not to suggest that the Court was without authority to remand Appellant into custody for testing positive for illicit substances by other lawful means, including finding Appellant in contempt of court without revoking his bond and triggering § 24-13-40.

² Even if Appellant's bond is reinstated and he is released from confinement prior to the disposition of this appeal, this Court should address the merits of the case because the issues raised are capable of repetition but evading review, particularly regarding bond revocations on lower-level offenses like the ones at issue here. See *Nelson v. Ozmint*, 390 S.C. 432, 433–34 (2010) (addressing moot issue of SCDC's calculation of the prisoner's sentence as not including good time credits or earned work credits because it was an issue that was capable of repetition, yet usually evading review).



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PROOF OF SERVICE

The undersigned Counsel certifies that on August 14, 2026, the Notice of Appeal was served on the Respondent via e-mail. Counsel also certifies that on August 14, 2026, a copy of the Notice of Appeal was filed with the Greenwood County Clerk of Court.



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August 14, 2026

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
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RE: State of South Carolina vs. Alexander Nelson
Case No. 2026A2420100125; 20261111000499; 20261111000500

Dear Madam Clerk,

Enclosed please find the Appellant Alexander Nelson's Notice of Appeal, Rule 203 Explanation and accompanying documents in the above-entitled matter.

Please let me know if you have any questions regarding the enclosed.

Very Truly Yours,



Elizabeth M. Thomas
Assistant Public Defender
Eighth Circuit Public Defender's Office