

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Appellant,

v.

Juan Manuel Ramirez Sandoval, Respondent.

Appellate Case No. 2023-000590

Appeal From Charleston County
Bentley Price, Circuit Court Judge

Opinion No. 6166
Heard November 12, 2025 – Filed September 23, 2026

REVERSED AND REMANDED

Attorney General Alan McCrory Wilson, Senior
Assistant Attorney General Mark Reynolds Farthing, and
Assistant Attorney General Joshua Abraham Edwards, all
of Columbia; and Solicitor Scarlett Anne Wilson, of
Charleston, all for Appellant.

Senior Appellate Defender Lara Mary Caudy, of
Columbia, for Respondent.

MCDONALD, J.: In the months after the COVID-19 restrictions on jury trials were lifted, diligent efforts were made to secure two qualified Spanish-speaking interpreters for Juan M. Ramirez Sandoval's retrial on criminal sexual conduct charges. After these efforts proved unsuccessful, the circuit court dismissed Sandoval's charges, finding his rights to a speedy trial and due process had been violated. The State appeals this order of dismissal, arguing the circuit court

improperly weighed the inability to secure the necessary interpreters against the prosecution despite the absence of bad faith or intentional delay. We reverse the order of dismissal and remand this matter to the court of general sessions.

Facts and Procedural History

In March 2018, Sandoval was arrested on two counts of first-degree criminal sexual conduct (CSC) with a minor. One warrant alleged Sandoval forced Victim #1 to perform fellatio on him, starting in 2008, when the victim was six years old, and continuing until 2012. The second warrant alleged Sandoval anally raped Victim #1, beginning in 2008 and continuing until 2012. After posting bail on these charges, Sandoval was taken into custody by Immigration and Customs Enforcement (ICE) and held at Fort Stewart in Georgia until his extradition to South Carolina in June 2018.

Three additional 2018 charges followed, with one arrest warrant alleging Sandoval showed pornography to Victim #1 and thus contributed to the delinquency of a minor. In August 2018, the State charged Sandoval with a third count of first-degree CSC with a minor following an allegation of fellatio committed upon a second child in 2011, when Victim #2 was ten years old. Finally, in December 2018, Sandoval was indicted on one count of lewd act upon a child between fourteen and sixteen years old.

In February 2020, Sandoval was tried on two counts of first-degree CSC with a minor and the contributing to delinquency charge. Because Sandoval and several witnesses are Spanish speakers, two Spanish-speaking interpreters assisted in accordance with court rules and best practices for court interpretation. The circuit court declared a mistrial after the jury was unable to reach unanimous verdicts in Sandoval's first trial. Less than two months later—on April 3, 2020—jury trials were suspended until further notice due to the coronavirus. *See In re: Operation of the Trial Courts During the Coronavirus Emergency*, S.C. Sup. Ct. Order dated April 3, 2020 (Shearouse Adv. Sh. No. 14).

Following the resumption of jury trials, the State and the defense diligently attempted to schedule Sandoval's second trial. On February 28, 2022, the circuit court held a status conference at which Sandoval sought to formally reject the State's plea offer. The State explained that the offer would expire on April 8, the pretrial conference date for potential trials to be reached during the week of May 6, 2022. But at the April 8 pretrial conference, the circuit court continued the trial because Sandoval had recently been appointed new defense counsel. With defense

counsel's consent, the State placed the case on the priority trial docket for the week of August 29, 2022, and "counsel on both sides made several attempts to confirm with the Clerk of Court that interpretation had been arranged." Yet, as of July 2022, "only one of two required interpreters was available for trial."

On July 14, 2022, defense counsel wrote to the chief administrative judge seeking guidance on the interpreter problem. Then, at a July 20 status conference, the administrative judge "informed the parties that this trial would not proceed as arranged due to the ongoing issues in obtaining an adequate number of interpreters." Sandoval filed a motion for a speedy trial the next day.

At the January 31, 2023 hearing on Sandoval's speedy trial motion, the State informed the circuit court, "We were going to try to have a trial in August of 2022, and no interpreter. Since then, it hasn't been on the docket or anything because [there are] no interpreters." Through the single interpreter present at this hearing, the circuit court informed Sandoval that he had two options: "One is plead guilty, be deported, or potentially go to trial, spend 25 years in prison, and then get deported. That's option 1 and option 2. Do you understand?" Sandoval replied, "I can't plead guilty to an offer that I'm not really sure I understand." Thereafter, defense counsel requested "a \$40,000 bond and that trial be set within 90 days of today." Counsel further asserted, "If a trial cannot be had by then, this case should be dismissed." The circuit court declined to address bond at the January 31 hearing but stated, "I'm going to keep it on for March 6. And if there's no interpreters, we're going to call the case and we'll go from there."

The State confirmed at the subsequent March 3, 2023 status conference that despite diligently searching, the Clerk of Court had been able to find only one qualified interpreter for the upcoming term of court. The circuit court then declared "there was no alternative" and asked defense counsel to prepare an order of dismissal.¹

Standard of Review

"A court's decision on whether to dismiss on speedy trial grounds is reviewed for an abuse of discretion." *State v. Langford*, 400 S.C. 421, 442, 735 S.E.2d 471, 482 (2012). "An abuse of discretion occurs when the trial court's decision is based upon an error of law or upon factual findings that are without evidentiary support."

¹ Sandoval was released to ICE; it appears that he was deported to Mexico in May 2023.

Id. (quoting *Fields v. J. Haynes Waters Builders, Inc.*, 376 S.C. 545, 555, 658 S.E.2d 80, 85 (2008)).

Analysis

The State assigns two separate errors to the circuit court's dismissal of Sandoval's charges on speedy trial grounds. First, the State argues the circuit court erred in finding Sandoval had asserted his speedy trial right "throughout the pendency of his case" because he made the speedy trial motion less than eight months before the challenged dismissal. The State contends the circuit court then erred as a matter of law by heavily weighing the inability to secure the required court interpreters against the prosecution. We agree.

The Sixth Amendment to the United States Constitution provides, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial." U.S. Const. amend. VI. The South Carolina Constitution likewise states, "Any person charged with an offense shall enjoy the right to a speedy and public trial." S.C. Const. art. I, § 14. "The main goals of this right are to prevent undue pretrial incarceration, minimize the anxiety stemming from public accusation of a crime, and limit the possibility of long delays impairing an accused's defense." *Langford*, 400 S.C. at 441, 735 S.E.2d at 481. However, "[a] speedy trial does not mean an immediate one; it does not imply undue haste, for the [S]tate, too, is entitled to a reasonable time in which to prepare its case; it simply means a trial without unreasonable and unnecessary delay." *Id.* at 441, 735 S.E.2d at 481–82 (quoting *Wheeler v. State*, 247 S.C. 393, 400, 147 S.E.2d 627, 630 (1966)). "Because of the vagaries of this unavoidably ad hoc inquiry, the [United States] Supreme Court has acknowledged that it 'can do little more than identify some of the factors' for courts to examine." *Id.* at 441, 735 S.E.2d at 482 (quoting *Barker v. Wingo*, 407 U.S. 514, 530 (1972)).

In *Barker*, the United States Supreme Court provided a four-factor test for determining whether a defendant's right to a speedy trial has been violated. This test includes a weighing of the "[l]ength of delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant." 407 U.S. at 530; *see also State v. Waites*, 270 S.C. 104, 107, 240 S.E.2d 651, 653 (1978) (recognizing application of the *Barker* factors). The Supreme Court explained:

We regard none of the four factors identified above as either a necessary or sufficient condition to the finding of a deprivation of the right of speedy trial. Rather, they are

related factors and must be considered together with such other circumstances as may be relevant. In sum, these factors have no talismanic qualities; courts must still engage in a difficult and sensitive balancing process.

Barker, 407 U.S. at 533; *see also State v. Pittman*, 373 S.C. 527, 549, 647 S.E.2d 144, 155 (2007) (holding a speedy trial claim must be "analyzed in terms of the circumstances of each case, balancing the conduct of the prosecution and the defense"). "If a defendant demonstrates that his speedy trial rights have been violated, the proper remedy is dismissal of the charges." *State v. Barnes*, 431 S.C. 66, 81, 846 S.E.2d 389, 396 (Ct. App. 2020), *aff'd as modified*, 436 S.C. 202, 871 S.E.2d 421 (2022).

1. Length of Delay

Generally, "[t]he clock starts running on a defendant's speedy trial right when he is 'indicted, arrested, or otherwise officially accused,' and therefore we are to include the time between arrest and indictment." *Langford*, 400 S.C. at 442, 735 S.E.2d at 482 (quoting *United States v. MacDonald*, 456 U.S. 1, 6 (1982)).

To trigger a speedy trial analysis, the accused must allege that the interval between accusation and trial has crossed the threshold dividing ordinary from 'presumptively prejudicial' delay, since, by definition, he cannot complain that the government has denied him a 'speedy' trial if it has, in fact, prosecuted his case with customary promptness.

State v. Hunsberger, 418 S.C. 335, 342-43, 794 S.E.2d 368, 372 (2016). "Presumptively prejudicial delay exists when an accused is not prosecuted with ordinary promptness." *Id.* at 343, 794 S.E.2d at 372.

Because Sandoval's first trial resulted in a hung jury, the speedy trial clock for the retrial begins on the date of the mistrial. *See Barnes*, 431 S.C. at 84, 846 S.E.2d at 398 (stating Barnes's speedy trial rights attached as to his retrial on the date the case was remitted to the circuit court following *Barnes I*); *Graham v. State*, 299 So. 3d 273, 287 (Ala. Crim. App. 2019) (explaining "Graham ignores the fact that her first trial ended in a mistrial. The intervening mistrial impacts the starting date for examining the *Barker v. Wingo* factors. Under the circumstances, Alabama has joined the majority of jurisdictions, measuring the starting date for purposes of a

speedy-trial analysis from the declaration of a mistrial."); *State v. Short*, 964 N.W.2d 272, 303 (Neb. 2021) ("Absent extraordinary circumstances, we do not consider the entire period of time beginning with the original charge or arrest in computing the length of the delay when there has been a mistrial."). In *Barnes*, the parties agreed that "the three-year and seven-month period between the date of remittitur and the date of Barnes's retrial [was] 'presumptively prejudicial,' triggering the speedy trial analysis." 431 S.C. at 85, 846 S.E.2d at 398; *see also Langford*, 400 S.C. at 442, 735 S.E.2d at 482 (finding a delay of twenty-three months between arrest and trial presumptively prejudicial, thus triggering examination of the remaining *Barker* factors); *Waites*, 270 S.C. at 108, 240 S.E.2d at 653 (holding a delay of two years and four months "sufficient to trigger" review of the other *Barnes* factors).

Counting from the date of the mistrial, the circuit court found Sandoval had been awaiting trial for two years and eleven months. The parties agree that the circuit court correctly ruled this delay is "presumptively prejudicial and meets the threshold requirement for a speedy trial claim."

2. Reason for the Delay

When considering trial delays, "the Supreme Court has stated that 'different weights should be assigned to different reasons.'" *Langford*, 400 S.C. at 443, 735 S.E.2d at 483 (quoting *Barker*, 407 U.S. at 531). "A deliberate attempt by the State to delay the trial as a means of impairing the accused's ability to defend himself 'should be weighted heavily against the government.'" *Id.* (quoting *Barker*, 407 U.S. at 531). "Neutral reasons, which could include overcrowded dockets or negligence, are 'weighted less heavily' but still count against the State because it bears the ultimate responsibility for these circumstances." *Id.* (quoting *Barker*, 407 U.S. at 531); *see also Pittman*, 373 S.C. at 549, 647 S.E.2d at 155 ("The ultimate responsibility for the trial of a criminal defendant rests with the State."). "Delays occasioned by the defendant, however, weigh against him." *Id.* "This is not only in accord with the reality that delay may be a defense tactic, but it is also a recognition that a defendant should not be able to procure a dismissal of the charges against him due to delays he caused." *Id.*

As the circuit court initially acknowledged here, "a substantial portion of the post-mistrial delay occurred during court closures and slow-downs caused by the COVID-19 pandemic." And, as we noted earlier, our supreme court issued an order continuing all jury trials until further notice on April 3, 2020. On December 16, 2020, the supreme court amended this order to allow jury trials in limited

circumstances at the discretion of the trial court pursuant to a safety plan approved by the Chief Justice.² Shortly thereafter, all in-person proceedings in circuit court were again halted.³ However, the supreme court rescinded this order on February 26, 2021, permitting jury trials to resume on March 15, 2021, subject to stated safety protocols.⁴ On August 27, 2021, the supreme court again amended the April 3, 2020 order, this time removing the safety plan approval provision.⁵

The circuit court took judicial notice that "trials have been being regularly scheduled after the COVID interruption since the second half of 2021." Thus, the circuit court seemingly recognized that for a substantial portion of the elapsed time, it simply was not possible for the State to set the second trial.⁶

Yet, despite this initial recognition, the circuit court's order of dismissal failed to include *any* consideration of the COVID-19 court interruptions in its analysis of the "reason for the delay." *Cf. State v. Paige*, 977 N.W.2d 829, 838 (Minn. 2022) (holding "trial delays due to the statewide orders issued in response to the COVID-19 global pandemic do not weigh against the State" in a speedy trial analysis because delays arising from "*external* factors (the death of judge or a burned down courthouse)" are not weighed against the State); *United States v. Olsen*, 21 F.4th 1036, 1047 (9th Cir. 2022) (recognizing the COVID-19 pandemic as an "extraordinary circumstance" justifying trial delay); *Barker*, 407 U.S. at 531 (explaining a "valid reason, such as a missing witness, should serve to justify appropriate delay").

² See *In re: Operation of the Trial Courts During the Coronavirus Emergency (As Amended December 16, 2020)*, S.C. Sup. Ct. Order dated Dec. 16, 2020 (Shearouse Adv. Sh. No. 50).

³ See *In re: In-Person Proceedings in Circuit, Family, Probate, and Master-in-Equity [Courts]*, S.C. Sup. Ct. Order dated Jan. 6, 2021.

⁴ See *In re: In-Person Proceedings and Jury Trials in Circuit, Family, Probate, and Master-in-Equity Courts*, S.C. Sup. Ct. Order dated Feb. 26, 2021.

⁵ See *In re: Operation of the Trial Courts During the Coronavirus Emergency (As Amended August 27, 2021)*, S.C. Sup. Ct. Order dated Aug. 27, 2021 (Howard Adv. Sh. No. 30).

⁶ See *In re: In-Person Proceedings and Jury Trials in the Trial Courts*, S.C. Sup. Ct. Order dated March 1, 2022 (explaining that for the last two years, "the South Carolina Judicial Branch has been forced to alter normal operating procedures in the trial courts due to the dangers caused by COVID-19").

Instead, in considering the reason for the delay, the circuit court's order focused exclusively on the unavailability of court interpreters. Defense counsel correctly conceded that the prosecution did not attempt to deliberately delay the trial or otherwise seek to hinder Sandoval's ability to exercise his speedy trial right. Likewise, correspondence with the Charleston County Clerk of Court's General Sessions Docket Manager indicates that while he had been able to secure two interpreters at one point in time, there were "no longer two interpreters available" for Sandoval's retrial. This was so despite the fact that the Clerk of Court's staff had "reached out to every interpreter that Court Administration lists for Spanish in the State and [had] yet to get much of a response." Nevertheless, the circuit court determined:

These indefinite delays attributed to lack of interpretation (or court resources) should be counted and weighed heavily against the State as the responsibility for bringing a case to trial ultimately falls not only on our prosecutors, but on our courts. *Barker*, 407 U.S. at 529. No date certain, time frame, or other guidance were provided to the parties when interpretation was not secured in June 2022. Despite appearing neutral in nature, I find that the State's inability to bring the Defendant to trial due to the government's inability to provide appropriate legal interpretation to this Defendant is a factor that weighs heavily against the State.

Our review of the record and applicable case law reveals that the COVID-19 interruption of jury trials was a neutral reason for much of this delay. The lack of court interpreters may present a closer question, but under the circumstances here, we view this neutrally as well.⁷ We are concerned that despite its specific acknowledgement of the external factors contributing to the interpreter shortage, the circuit court weighed heavily against the State the resulting delay in setting Sandoval's second trial. There is simply no evidence in this record to support a suggestion that the State tarried in seeking the two qualified court interpreters required for Sandoval's second trial. Thus, the circuit court's heavy weighing of this reason for the trial delay against the State was manifestly erroneous. *See, e.g.*,

⁷ The circuit court's order of dismissal appropriately noted, "Interpreters are independent contractors who may and do choose to turn down work from courts in favor of more lucrative, more secure opportunities in the private sector and in medical interpreting."

State v. Kanneh, 944 A.2d 516, 524 (Md. Ct. App. 2008) (reversing dismissal granted on speedy trial grounds after thirty-five month trial delay and holding that where such delay was based in part on the unavailability of an interpreter, "because it was not the result of any bad faith, if weighed against the State, it is only slightly"); *State v. Cham*, 680 N.W.2d 121, 125 (Minn. Ct. App. 2004) (reversing dismissal of charge on speedy trial grounds where ongoing problem of obtaining an interpreter caused the majority of the delay, "[t]his delay had nothing to do with the district court administrator's effort to locate an interpreter, and the state was in no way responsible for the delay"; under such circumstances, "because the prosecution did not act in bad faith to delay the proceeding, the reason for delay weighs in favor of the state").

3. Accused's Assertion of his Right to a Speedy Trial

The third factor in the *Barker* analysis considers the defendant's assertion of his speedy trial right. *Hunsberger*, 418 S.C. at 343, 794 S.E.2d at 372. The accused's assertion of this right "is entitled strong evidentiary weight in determining whether the accused is being deprived of the right." *Id.* at 349, 794 S.E.2d at 375. "Failure by the accused to assert the right will make it more difficult for the accused to carry his burden of proving that he was denied a speedy trial." *Id.*

Here, Sandoval filed a motion for a speedy trial on July 21, 2022. At the January 31, 2023 hearing on this motion, defense counsel requested "a \$40,000 bond and that trial be set within 90 days of today" and argued, "If a trial cannot be had by then, this case should be dismissed." Defense counsel noted "this case just recently came up on the trial docket for March 6. We know that we may not be able to have a trial during that week, and so we assert the right to a jury trial for that week of March 6 as well, your Honor." The circuit court declined to address bond at this January hearing, stating, "I'm going to keep it on for March 6. And if there's no interpreters, we're going to call the case and we'll go from there."

Despite Sandoval's clear July 2022 assertion of his right to a speedy trial, the circuit court stated in its order of dismissal that Sandoval asserted his right to a speedy trial "throughout the pendency of his case." No evidence in the record supports this finding. Indeed, the record reveals Sandoval first asserted his right to a speedy trial some eight months before the challenged dismissal.

4. Prejudice

Finally, we must consider any prejudice Sandoval suffered due to the challenged trial delay. "The Supreme Court has identified three different types of prejudice the right to a speedy trial seeks to prevent: (1) oppressive pre-trial incarceration; (2) anxiety stemming from being publicly accused of a crime; and (3) the possibility that the accused's defense will be impaired due to the death or disappearance of witnesses or the loss of memory with the passage of time." *Langford*, 400 S.C. at 445, 735 S.E.2d at 484. "Of these, the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system." *Id.* (quoting *Barker*, 407 U.S. at 532).

The circuit court found Sandoval was prejudiced by this delay for several reasons, including his continuous incarceration from March 23, 2018, which included the time before and after Sandoval's first trial ended in a mistrial. The circuit court further expressed appropriate concern with the serious nature of the abuse allegations and the stigma that such charges create both in and outside of the jail environment. These are all legitimate concerns. However, no evidence supports the circuit court's conclusion that Sandoval was "most significantly" prejudiced by his "continued indefinite pretrial detention and the fact that the State is unable to bring him to trial and is unlikely to be able to bring him to trial in the near future," which "hinders Sandoval from presenting any defense at all." No specific harm to Sandoval's case was identified, and Sandoval offered no evidence or argument before the circuit court on this point. *See, e.g., Barker*, 407 U.S. at 534 (finding no prejudice and no speedy trial violation in part because there was "no claim that any of Barker's witnesses died or otherwise became unavailable owing to the delay"); *State v. Robinson*, 335 S.C. 620, 626, 518 S.E.2d 269, 272 (Ct. App. 1999) (recognizing that although the five-year delay was substantial, a "general assertion of prejudice alone is insufficient to establish actual prejudice" and noting Robinson cited "no specific witness or document that was unavailable because of the delay").

Conclusion

While the continued inability to secure two qualified Spanish-speaking interpreters in accordance with best court practices was understandably concerning, the circuit court erred in dismissing these indictments on speedy trial grounds. Alternatives available to the circuit court short of the drastic remedy of dismissal included granting Sandoval's request for bond and placing him on monitored home detention pending trial. Instead, the circuit court dismissed these most serious charges with prejudice more quickly than even Sandoval's counsel requested. We reverse the order of dismissal and remand this matter to the court of general sessions.

REVERSED AND REMANDED.

HEWITT and TURNER, JJ., concur.