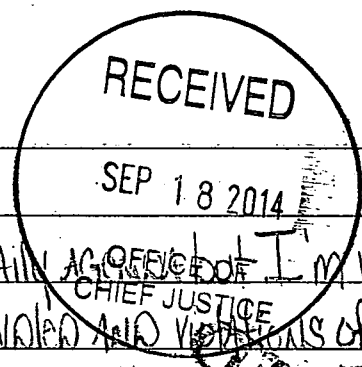


Chief Justice Tol,

2014-002012



9-12-14

PARDON ME FOR INTRUDING ON YOUR DAILY AG. OFFICE OF T.M. WRITING YOU IN REGARDS TO MY CASES) WHICH ARE BEING MISHANDLED AND VIOLATIONS OF CONSTITUTIONAL RIGHTS. I TURNED MYSELF IN ON DECEMBER 31, 2013 AFTER I WAS INFORMED THAT I HAD A WARRANT FOR ARMED ROBBERY FOR A CRIME THAT TOOK PLACE DECEMBER 17, 2013. I WAS DENIED BOND AND ^{TRUCK} ~~WAS~~ HELD BY THE JUDGE IT WAS BECAUSE I HAD PENDING CHARGES FOR A CRIME THAT TOOK PLACE ON DECEMBER 3, 2013 IN WHICH I ALSO HAD NO KNOWLEDGE. ON JANUARY 16, 2013 I WAS TAKEN TO FLORENCE COUNTY DETENTIONAL CENTER WHERE I WAS SERVED WARRANT(S) FOR MURDER, ARMED ROBBERY, AND CONSPIRACY. I WAS TAKEN BACK TO WILLIAMSBURG COUNTY, THEN MOVED TO GEORGETOWN BECAUSE I HAVE A FAMILY MEMBER WHO WORKS AT WILLIAMSBURG COUNTY. I WAS APPOINTED A LAWYER FOR MY CHARGE IN WILLIAMSBURG COUNTY (DOWARD HARVIN). HE FILED FOR A MOTION FOR DISCOVERY OF EVIDENCE BACK IN APRIL SOMETIME AND THE PROSECUTION HAS REFUSED TO SEND IT. WITH THE CRIME HAPPENING BACK IN DECEMBER 17, 2013 (9 MONTHS AGO) THEY SHOULD'VE SENT SOMETHING SINCE I'M BEING HELD WITHOUT A BOND. THEY HAVE THE TWO SUSPECT(S) ON CAMERA COMMITTING THE CRIME. ONE GUY (DOLLARS) SAYS I WAS INVOLVED WHEN I WAS NOT. MY FLORENCE COUNTY CHARGES WEREN'T INDICTED FROM JANUARY - JUNE 5, 2014. THE CHARGES WERE DROPPED DUE TO LACK OF PROBABLE CAUSE ON MAY 30, 2014. I WAS ALREADY AWARE THE STATE COULD GET A DIRECT INDICTMENT. FLORENCE COUNTY PICKED ME UP FROM GEORGETOWN ON JUNE 11, 2014 WHERE THE PROSECUTOR ED CLEMENTS INFORMED ME I WAS DIRECT INDICTED "TRUE BILL." HE TOLD ME THIS IN THE PRESENCE OF TWO OFFICERS AND MY LAWYER AT THE TIME J. DAVID BANNER. I WAS THEN TAKEN IN FRONT OF A JUDGE, DENIED BAIL WITHOUT EVIDENCE PLACING ME AT THE SCENE, AND ARRAIGNED WHERE I PLEA NOT GUILTY. WHEN A PERSON PLEAS "NOT GUILTY" BY LAW A TRIAL DATE IS TO BE SET. J. DAVID BANNER ASKED TO BE REMOVED FROM MY

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S.C. SUPREME COURT

case saying he's not familiar with these types of cases) after he did a good job at my preliminary hearing. I felt it was a stall tactic on behalf of the prosecution. A direct indictment is a very powerful indictment that says the state is ready for trial. I put in for a speedy trial and I told the clerk of court to send me a copy of it clock stamped in which I have yet to receive. I have yet to receive a true bill indictment. I've enclosed all paperwork to corroborate what I'm saying under state and federal law. The evidence against me is insufficient and had the police done an adequate investigation this would not have happened. This is the result of lazy and suspicious police work. They've totally ignored the elements) fingerprints, hair samples, saliva samples, and victim identification. I wasn't even questioned and still haven't. Just locked up and denied bail. Wrongful conviction(s) occur ever month in every state in this country, and the reasons are all varied and all the same. Bad police work, false accomplice's identification, bad defense lawyers, and biased prosecutors. Murders are still shocking events) and people want justice quickly. Citizens and jurors trust the authorities to handle cases properly. Caseloads are staggering and often give rise to less than professional procedures and conduct. It's quite odd for me to be accused of two crimes and not leave a shred of evidence. I'm being held because of an alleged accomplice with a shaky implication. All I'm asking for is my Rule 5 from Williamshurg County, a trial date set for my charges in Florence County. Judge Craig Brown hasn't responded to my trial date. How long does a person have to sit in jail if they're charged with murder? Thank you in advance for your time and consideration.

Respectfully,
Gregory J. Canty

State of South Carolina } In The Court of General Sessions
Twelfth Judicial Circuit

County of Florence }

State of South Carolina } Motion for A Fast and Speedy Trial

-vs-

Gregory Tywanne Canty
Defendant

Date: 6-16-14

WARRANT Number(s) MURDER: 2013A2110201693

CONSPIRACY: 2013A2110201694 Armed Robbery: 2013A2110201695

COMES NOW defendant Gregory Tywanne Canty (pro se) moves this court for a fast and speedy trial pursuant to his right to a speedy trial under the United States and the South Carolina Constitutions and under 17-23-90.

Defendant has been held since December 31, 2013 on these charges and denied bail.

Motion should be granted based on the following fact(s):

(1) Defendant has been incarcerated for 168 days.

(2) A speedy trial minimizes the length of the periods of anxiety for victims, witnesses, defendants, and their families.

(3) All three charges were dismissed due to lack of evidence on May 30, 2014 by Judge Belinda Timmons, and were later direct indicted by the Grand Jury.

(4) Two law enforcement agencies (Florence County Sheriff's Office) and (SLED) have already had six and a half months of ongoing investigation related to the case, so the prosecution and law enforcement has had a reasonable amount of time to acquire evidence to prepare for trial.

(5) A speedy trial requires repetitive handling and review of files by police officers, prosecutors, defense counsel, judges, court staff, and others involved in the case.

(6) Defendant sitting in jail for a year and a half or two years or more violates due process by the courts.

(7) Speedy trials are based upon the seriousness of the alleged crime(s) and defendant is charged with serious offense(s). With defendant being arrested 168 days ago and two law enforcement agencies investigating for six and a half months; the state should be ready within 180 more days; which would be nine months to a year total preparational.

(8) Defendant is ready to prove his innocence to a jury, and move on with his life and get over the shame, humiliation, and embarrassment of the ludicrous charges for which he is charged.

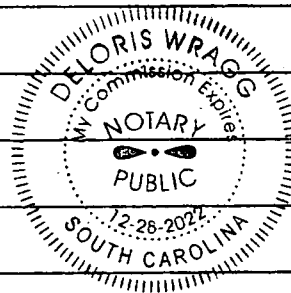
(9) Defendant is exercising his sixth amendment right to a fair and speedy public trial by jury, including the rights to be notified of the accusations, to confront the accuser, to obtain witnesses and to retain counsel.

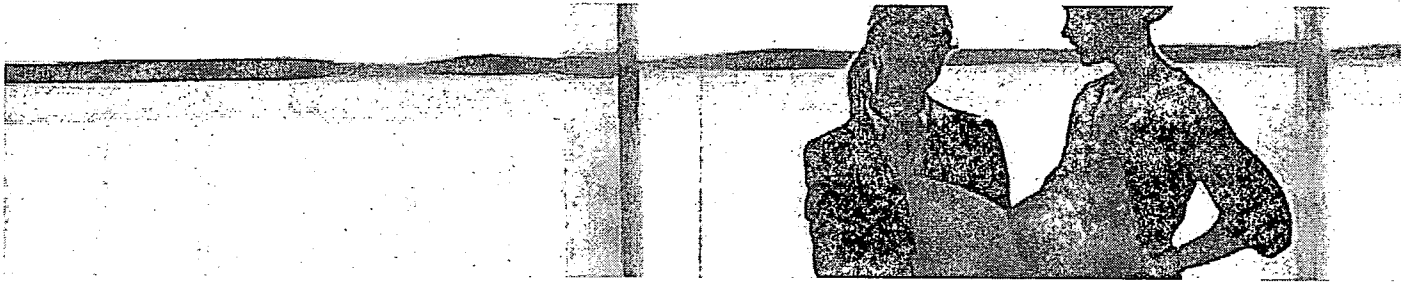
Wherefore defendant prays he will be brought to trial within 180 days of the clerk of court's clock stamp, which is his sixth amendment right to a speedy trial.

Respectfully Submitted,
Gregory J. Canty 6-16-14

cc:

Clerk of Court
Chief Judge
Ed Clements (Solicitor)
Supreme Court Chief Justice





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Be

Criminal Justice Section Standards

Speedy Trial

Speedy Trial

PART I.

GENERAL PRINCIPLES

Standard 12-1.1 Purposes of the Standards on Speedy Trial and

Timely Resolution of Criminal Cases

(a) The Standards on Speedy Trial and Timely Resolution of Criminal Cases have three main purposes: (1) to effectuate the right of the accused to a speedy trial; (2) to further the interests of the public, including victims and witnesses, in the fair, accurate, and timely resolution of criminal cases; and (3) to ensure the effective utilization of resources.

(b) These standards should be read in conjunction with other ABA Standards of Criminal Justice, and with recognition that fairness and accuracy are essential components of the criminal justice process. The standards are not intended to emphasize speedy

disposition of cases to the detriment of the interests of the parties and the public, including victims and witnesses, in the fair, accurate and timely resolution of cases. In implementing these standards in individual cases and in developing policies for overall management of caseloads, jurisdictions should seek to ensure that both prosecutors and defense counsel have adequate opportunity to investigate their cases, consult with witnesses, review documents, make appropriate motions, and conduct other essential aspects of case preparation.

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Standard 12-1.2 Importance of establishing both speedy trial rules and standards for timely resolution of criminal cases

(a) The right of an accused to a speedy trial is fundamental. It should be effectuated and protected by rule or statute that:

(i) sets specific limits on the time within which either the defendant must be brought to trial or the case must be resolved through a non-trial disposition;

(ii) provides guidelines for computing the time within which the trial must be commenced or the case otherwise resolved; and

(iii) establishes appropriate consequences in the event that the accused's right to a speedy trial is denied.

(b) The public, including victims and witnesses has an interest in the timely resolution of criminal cases. From the commencement of a criminal case to its conclusion, any elapsed time other than reasonably

needed for preparation and court events should be minimized. The public's interest should be expressed in formally adopted policies and standards that:

- (i) establish goals for the timely resolution of criminal cases from commencement to disposition and for specific stages, taking into account the seriousness and complexity of different types of cases;
- (ii) require monitoring of the performance of the courts and other organizational entities with respect to the goals; and
- (iii) provide for public dissemination of data concerning organizational performance in relation to the goals.

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Standard 12-1.3 Case differentiation

In establishing statutes or rules for speedy trial and goals and practices for timely resolution of criminal cases, jurisdictions should:

- (a) take account of the relative seriousness and complexity of different types of cases; and
- (b) distinguish between defendants in detention and defendants on pretrial release. The time limits concerning speedy trial for detained defendants should ordinarily be shorter than the limits applicable to defendants on pretrial release.

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Standard 12-1.4 Systems approach

(a) These standards approach the issues of speedy trial and timely case resolution from a systemic perspective, recognizing that many different institutions, agencies, and individuals play key roles in criminal cases. In order for the purposes of the standards to be achieved, the interests and perspectives of the following should be taken into account:

(i) defendants;

(ii) the public, including victims and witnesses;

(iii) courts;

(iv) prosecutors and defense counsel; and

(v) law enforcement agencies, officials responsible for local detention facilities, pretrial services agencies, probation departments, and other organizations involved in or affected by the prosecution and adjudication of criminal cases.

(b) Jurisdictions should provide adequate resources to the institutions and agencies involved in criminal justice processes, in order to enable the purposes of these standards to be achieved.

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Standard 12-1.5 Caseflow systems that will enable timely resolution of all criminal cases

These standards focus on the timely resolution of all criminal cases, including the large proportion of cases not resolved by trial. In order to utilize limited resources effectively, jurisdictions should design caseflow systems that enable an early assessment of the complexity and prospects for non-trial resolution of

cases, and seek to facilitate the early resolution of cases not likely to be tried. Such caseflow systems should ensure that many cases are resolved rapidly, that trial continuances are minimized, that case scheduling functions with a high degree of certainty and predictability concerning case scheduling, and that the jurisdiction's speedy trial requirements and standards for timely resolution can be met.

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PART II.

DEFENDANT'S RIGHT TO A SPEEDY TRIAL

Standard 12-2.1 Speedy trial time limits

(a) A defendant's right to a speedy trial should be formally recognized and protected by rule or by statute that establishes outside limits on the amount of time that may elapse from the date of a specific event until the commencement of the trial or other disposition of the case. The time limits should be expressed in days or months.

(b) The presumptive speedy trial time limit for persons held in pretrial detention should be [90] days from the date of the defendant's first appearance in court after the filing of a charging instrument. The presumptive limit for persons who are on pretrial release should be [180] days from the date of the defendant's first appearance in court after either either the filing of any charging instrument or the issuance of a citation or summons. Shorter presumptive speedy trial time limits should be set for persons charged with minor offenses.

(c) Certain periods of time should be excluded from the

computation of time allowed under the rule or statute, as set forth below in Standard 12-2.3.

(d) Provision should be made for the court to determine, on motion of the prosecution or the defense or on its own motion, that a case is of such complexity that the presumptive speedy trial time limit should be extended in order to enable the parties to make adequate preparations for pretrial proceedings or for the trial itself. The court should give substantial weight to a motion for extension of the speedy trial limit on these grounds that is made, with good cause shown, by either the prosecution or the defense. In the event that a determination of complexity is made, the judge should establish a revised time limit and should state on the record the reasons for extending the time. A motion to extend the speedy trial time limit because of the complexity of the case should be made as soon as practicable.

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Standard 12-2.2 Commencement and setting of speedy trial time limit

The speedy trial time limit should commence, without demand by the defendant, from the date of the defendant's first appearance in court after either a charge is filed or a citation or summons is issued, except that:

(a) If the charge is dismissed and thereafter the defendant is charged with the same offense or one arising out of the same criminal episode, or if a superseding charging instrument is filed by the prosecution in place of the original charge, then:

the court may in the interests of justice extend the time limit for a period not to exceed [30] days beyond the date on which the expiration of time is determined by the court, unless the defendant requests a longer period not to exceed [75] days.

(ii) In determining whether and for what period to order such an extension, the court should consider the totality of the circumstances, including:

(A) the gravity of the offense;

(B) the reasons for the failure to bring the defendant to trial within the previously-established time limit;

(C) the extent to which the prosecution or the defense is responsible for the delay; and

(D) the extent of the prejudice to the interests of the defense, the prosecution, or the public that may result from the extension of time or the dismissal of the charges.

(iii) If the court sets an extended period of time pursuant to this paragraph but the trial does not commence within the extended period, the charges should be dismissed with prejudice.

(c) In making a determination concerning actions taken with respect to detention, dismissal, or fixing a date for the commencement of trial pursuant to this standard, the court should set forth, on the record, the reasons for its ruling.

(d) Dismissal of the charge(s) with prejudice pursuant to this standard should forever bar prosecution for the offenses charged and for any other offense required to be joined with that offense.

Standard 12-2.3 Excluded periods

The following periods should be excluded in computing allowable time under the speedy trial rule or statute:

(a) The following periods should be excluded in computing allowable time under the speedy trial rule or statute:

(i) time that elapses during other proceedings in the case against the defendant, including but not limited to an examination and hearing on competency, a period during which the defendant is incompetent to stand trial, and any interlocutory appeals;

(ii) time that elapses during a period when the defendant is on trial or engaged in proceedings in a different case in the same or a different court and was therefore physically unavailable;

(iii) time that elapses as a result of a continuance of the trial date granted at the request or with the consent of the defendant or the defendant's counsel. A defendant who has waived the right to counsel and is proceeding pro se should not be deemed to have consented to a continuance unless the defendant has been advised by the court of the right to a speedy trial and the effect of the defendant's consent;

(iv) time that elapses during any delay caused by the defendant's failure to appear for scheduled court proceedings;

(v) time when the defendant is joined for trial with a codefendant as to whom the speedy trial time limit has not run, if the court finds that, for reasons stated on the

record, the interests of justice served by the joinder outweigh the defendant's right to have the trial held within the originally prescribed time limits; and

(vi) other reasonable periods of time when circumstances warrant exclusion of the time upon good cause shown or upon a determination by the court that the interests of justice served by excluding a period of time from the speedy trial time limit outweigh the defendant's right to have the trial held within the originally prescribed time limits. No period of delay resulting from a continuance granted by the court in accordance with this paragraph should be excludable unless the court sets forth, in the record of the case, its reasons for finding that the interests of justice served by the granting of the continuance outweigh the defendant's right to have the trial held within the originally prescribed time limits.

(b) Time required for the consideration and disposition of pretrial motions should not be automatically excluded in computing allowable time under the speedy trial rule or statute. Such time may be excluded by the court upon request or on its own motion pursuant to Standard 12-2.3

(a)(vi).

(c) If the court sets a case for trial on a date that is outside the speedy trial time limit, and the defendant is on notice of the scheduled date, the defendant's failure to object to the trial date on speedy trial grounds should be deemed consent to an extension of the time allowed under the speedy trial rule or statute to the scheduled date. Time that elapses during such an extended period should be excluded in computing time under the speedy trial rule or statute.

Standard 12-2.4 Special procedures applicable to persons serving terms of imprisonment

To protect the right to speedy trial of a person serving a term of imprisonment either within or without the jurisdiction, it should be provided by rule or statute that:

- (a) if the prosecuting attorney knows that a person charged with a criminal offense is serving a term of imprisonment in a penal institution of that or another jurisdiction, the prosecuting attorney should promptly:
 - (i) undertake to obtain the presence of the prisoner for trial; or
 - (ii) cause a detainer to be filed with the official having custody of the prisoner and request the official to so advise the prisoner and to advise the prisoner of the prisoner's right to demand trial;
- (b) if an official having custody of such a prisoner receives a detainer, the official should promptly advise the prisoner of the charge and of the prisoner's right to demand trial. If at any time thereafter the prisoner informs such official that the prisoner does demand trial, the official shall cause a certificate to that effect to be sent promptly to the prosecuting attorney who caused the detainer to be filed;
- (c) upon receipt of such certificate, the prosecuting attorney should promptly seek to obtain the presence of the prisoner for trial; and
- (d) when the official having custody of the prisoner receives from the prosecuting attorney a properly supported request for temporary custody of such prisoner

for trial, the prisoner should be made available to that prosecuting attorney (subject, in cases of interjurisdictional transfer, to the traditional right of the executive to refuse transfer and the right of the prisoner to contest the legality of the delivery).

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Standard 12-2.5 Computation of time for persons serving terms of imprisonment

The time for purposes of the right to a speedy trial in the case of a prisoner whose presence has been obtained while the prisoner is serving a term of imprisonment should commence running from the time the prisoner's presence for trial has been obtained. If the prosecuting attorney has unreasonably delayed causing a detainer to be filed with the custodial official or delayed seeking to obtain the prisoner's presence for trial in lieu of filing a detainer or upon receipt of a certificate of demand, such periods of unreasonable delay should also be counted in ascertaining whether the time has run.

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Standard 12-2.6 Implementation of speedy trial time limits

In adopting a rule or statute that establishes speedy trial time limits, jurisdictions should provide that:
(a) an indictment, information, or other formal charging

instrument should be filed within [30] days after the defendant's first appearance in court after either an arrest or issuance of a citation or summons, so that defendants receive prompt notice of the charges on which they will be held to answer and have adequate opportunity to prepare for pretrial motions and for trial within the speedy trial time limit period;

(b) at the time of the defendant's first appearance in court after either the filing of a charging instrument or the issuance of a citation or summons, the court should advise the defendant of the right to a speedy trial and of the presumptive speedy trial time limit, and should inform the defendant that the granting of a continuance requested or consented to by the defense will have the effect of lengthening the speedy trial time limit period; and

(c) at any time that action is taken that has the effect of extending the time otherwise allowed under the speedy trial rule or statute, the court should set forth its reasons on the record and should confirm, with the prosecution and the defense, the date by which a trial must be held or the case otherwise resolved. The new date should be noted on the record.

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Standard 12-2.7. Effects of exceeding the speedy trial time limit period

(a) If a defendant who is in pretrial detention is not brought to trial and the case is not otherwise resolved before the expiration of time allowed under the speedy trial rule or statute, as extended by periods excluded in

accordance with Standard 12-2.3 or extended by the court pursuant to Standard 12-2.1(d), the court should:

(i) order that the defendant be released from detention under conditions set in accordance with the ABA Criminal Justice Standards on Pretrial Release that best minimize the risk of flight and the risk of danger to the community or any person, and set the trial to begin on a date within the speedy trial time limit period for defendants on pretrial release, provided, however, that

(ii) if no condition or combination of conditions of release will reasonably protect the safety of the community or any person:

(A) the court should not order the defendant's release, and should set the trial to begin as expeditiously as possible, receiving the highest possible priority on the court's trial docket and in any event to begin within [15] days, unless the defendant requests a longer period not to exceed [45] days; and

(B) if the trial does not begin within the time set pursuant to subdivision (A), the court should order that the defendant be released from detention under conditions that, to whatever extent reasonably possible, minimize the risk of flight and the risk of danger to the community or any person, and reset the defendant's trial to begin on a date within the speedy trial time limit period for defendants on pretrial release.

(b) If a defendant who is on pretrial release is not brought to trial or the case is not otherwise resolved before the expiration of the time allowed under the speedy trial rule or statute, as extended by periods excluded in accordance with Standard 12-2.3 or extended by the court pursuant to Standard 12-2.1(d), the court should ordinarily dismiss the charges with prejudice, provided, however, that:

(i) after affording the parties an opportunity to be heard,

(i) the court should set a new speedy trial limit as set forth in Standard 12-2.1 or a shorter period. The new limit should commence at the defendant's first appearance before the court on the new charge; and

(ii) in setting the new limit, the court should consider:

(A) the degree to which the new charge is different from the original charge;

(B) in the case of a superseding charging instrument, the extent to which the superseding instrument alleges offenses or material facts that were known to the prosecution at the time the original charge was filed;

(C) the period of time that has elapsed between the defendant's appearance on the first charge and the defendant's appearance on the second charge;

(D) the reason for the dismissal or the filing of the superseding instrument; provided, however, that if the court finds that the charge was dismissed to avoid the effect of the speedy trial time limit, the new charge should ordinarily be dismissed with prejudice;

(E) any other factor which, in the interests of justice, affects the time in which the defendant should be tried on the new charge;

(b) If the defendant is to be tried again following a mistrial, then a new reasonable speedy trial time limit should be set. The new speedy trial time limit period generally should be shorter than that applicable to the original charge and should commence from the date of the mistrial.

(c) If the defendant is to be tried again following a successful appeal or collateral attack on the conviction, then the speedy trial time limit should be that set forth in Standard 12-2.1 and should commence running from the date the order occasioning the retrial becomes final.

PART III.

STANDARDS FOR TIMELY RESOLUTION OF CRIMINAL CASES

Standard 12-3.1 The public's interest in timely case resolution

The interest of the public, including victims and witnesses, in timely resolution of criminal cases is different from the defendant's right to a speedy trial. This interest should be recognized through formal adoption of policies and standards that are designed to achieve timely disposition of criminal cases regardless of whether the defendant demands a speedy trial. Reasons for developing effective policies and standards aimed at timely resolution of criminal cases include:

- (a) preserving the means of proving the charge(s) against the defendant;
- (b) maximizing the deterrent effects of prosecution and conviction;
- (c) increasing the likelihood that rehabilitative purposes of a sentence imposed if the defendant is convicted will be achieved;
- (d) minimizing the length of the periods of anxiety for victims, witnesses and defendants, and their families;
- (e) avoiding extended periods of pretrial freedom for defendants who pose risks of public safety or risks of flight;
- (f) reducing repetitious handling and review of files by police officers, prosecutors, defense counsel, judges, court

staff, and others involved in cases;

(g) reducing costs for jail operation (and avoiding or minimizing the costs of new jail construction) as the length of pretrial detention is minimized for defendants held in custody;

(h) reducing the caseload pressures on pretrial services agencies, as the length of time on supervised release is minimized for released defendants;

(i) better utilizing limited resources, and enhancing the opportunity for all of the institutions, agencies, and practitioners involved in criminal case processing to address high priority cases and issues; and

(j) increasing public trust and confidence in the justice system.

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Standard 12-3.2 Goals for timely case resolution

(a) Each jurisdiction should develop and adopt goals and policies that provide a framework for assuring that all criminal cases are resolved within a time period that is appropriate for the seriousness and complexity of the case.

(b) Each jurisdiction should establish goals for timely resolution of cases that address (i) the period from the commencement of the case (by arrest, issuance of citation, or direct filing of indictment or information) to disposition; and (ii) the time periods between major case events. In establishing these goals, jurisdictions should take account of the seriousness and complexity of cases of different types.

(c) Goals for timely resolution of criminal cases should be

developed collaboratively, with involvement of all of the institutions and agencies that have roles in criminal case processing in the jurisdiction, and with the participation of members of the public. Leaders of all of the institutions and agencies involved should participate in the process, should support the standards that are developed, and should seek to establish policies and procedures within their own organizations that will help achieve the standards. The jurisdiction's goals for timely resolution should address at least the following time periods:

- (i) arrest to first appearance;
- (ii) citation to first appearance;
- (iii) first appearance to filing of an indictment, information or other formal charging document in the court in which the charge is to be adjudicated;
- (iv) first appearance or filing of the formal charging document to completion of pretrial processes (i.e., completion of all discovery, motions, pretrial conferences, and plea, dismissal, or other disposition in cases that will not go to trial);
- (v) completion of pretrial processes to commencement of trial or to non-trial disposition of the case;
- (vi) verdict or plea of guilty to imposition of sentence; and
- (vii) arrest or issuance of citation to disposition, defined for this purpose as plea of guilty, entry into a diversion program, dismissal, or commencement of trial.

(d) Goals for timely resolution of criminal cases are intended to provide guidance for judges, counsel, court staff, officials in criminal justice agencies, defendants, witnesses, general government, and the public concerning the scheduling of criminal cases and management of criminal caseloads. The establishment of such goals should not create any rights for defendants or others.

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Standard 12-3.3. Monitoring and accountability

(a) Each jurisdiction should establish procedures to monitor the performance of the system (and of each of the organizational entities that have responsibility for particular aspects of case processing) in relation to the goals for timely case resolution. Feedback should be provided to the leaders of the courts, the prosecutor's office, the defense bar, law enforcement agencies, other criminal justice agencies, and general government.

(b) Information about the performance of the system in relation to the goals for timely case resolution should be made available to the public on a regular basis.

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Standard 12-3.4. Consistency of timely resolution standards with other justice system policy objectives

In adopting and implementing standards for timely resolution of criminal cases, jurisdictions should ensure that the standards and the policies used to implement them are consistent with the public's interests in the fair and effective prosecution and defense of criminal cases.
The system should be structured to enable expeditious resolution of minor cases and of cases that are not complex, while allowing sufficient time for those that will

involve relatively complex pretrial processes or extensive trial preparation.

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PART IV.

ORGANIZING JUSTICE SYSTEM RESOURCES TO ACHIEVE TIMELY RESOLUTION OF CRIMINAL CASES

Standard 12-4.1 Operational goals to guide criminal caseflow

Each jurisdiction should develop and adopt operational goals, for the system as a whole and for the organizational entities involved in the processing of criminal cases, to guide overall caseflow management and case scheduling and to help assure fairness and due process of law. Goals should be established in at least the following areas:

(a) timely resolution of cases, as described in Standard 12-3.2;

(b) firmness/reliability of case scheduling, focused on establishing an expectation that court events will take place when scheduled; and

(c) timeliness, accuracy, and completeness of the information entered into court records and into automated management information systems that support case scheduling and caseflow management.

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Standard 12-4.2 Caseflow management practices and procedures

Each jurisdiction should develop caseflow management practices and procedures that will enable it to meet case processing time standards and speedy trial requirements. The policies and procedures should be set forth in an overall plan for the jurisdiction. Portions of the plan that are directly relevant to the operations of a court or other organizational entity involved in criminal case processing should be incorporated into operations manuals or similar guides for use by practitioners.

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Standard 12-4.3 Jurisdictional plans for effective criminal caseflow management: essential elements

Elements of a plan for effective overall criminal caseflow management in a local jurisdiction should include:

- (a) rapid preparation and transmission, to the prosecutor, of good quality police incident/arrest reports;
- (b) rapid retrieval of prior record information about the arrested person, using speedy and reliable identification and record retrieval technology;
- (c) rapid preparation of pretrial investigation reports on arrested defendants by a pretrial services agency, and utilization of these reports by judicial officers in promptly

setting release conditions for arrested persons;

(d) rapid turnaround of forensic laboratory test results,
especially for the testing of suspected drugs seized
pursuant to an arrest;

(e) effective early case screening and realistic charging by
prosecutors;

(f) early appointment of defense counsel for eligible
defendants; for other cases, court procedures that ensure
prompt participation by counsel for the defendant;

(g) early provision of discovery, consistent with the
provisions governing discovery set forth in the ABA
Criminal Justice Standards on Discovery;

(h) early discussions between the prosecutor and the
defense counsel concerning possible non-trial disposition
of the case;

(i) early case scheduling conference conducted by the
assigned judicial officer to:

(1) review the status of discovery and negotiations
concerning possible non-trial disposition;

(2) schedule motions; and

(3) make any orders needed;

(j) case scheduling practices that use techniques of
differentiated case management to facilitate expeditious
disposition of simple cases, enable rapid identification of
cases likely to require more attorney time and judge
attention, and make good use of limited courtroom and
lawyer preparation time;

(k) case timetables addressing the time periods allowed
for completion of discovery, filing of motions, and other
case events that are set at an early stage of the case by
the judge in consultation with the prosecutor and defense
counsel;

(l) early filing and disposition of motions, including
motions requiring evidentiary hearings;

↳

(m) close monitoring of the size and age of pending caseloads; by the court and the prosecutor's office, to ensure that case processing times in individual cases do not exceed the requirements of the speedy trial rule and that case processing time standards are being met for the overall caseload;

(o) a policy of granting continuances of trials and other court events only upon a showing of good cause and only for so long as is necessary, taking into account not only the request of the prosecution or defense, but also the public interest in prompt disposition of the cases;

(p) procedures enabling resolution of all charges pending against a defendant, whether in the same case or in different cases and whether in the same court or a different court of the state, provided that defense counsel and the prosecutor(s) who filed the charges agree to the consolidation of the cases; and

(q) elimination of existing case backlogs (i.e., cases pending longer than the established case processing time standards), following a backlog reduction plan developed collaboratively by the court, the prosecutor's office, the defense bar, and law enforcement and other criminal justice agencies involved in and affected by criminal case processing.

[Return to this Standard's Table of Contents](#) [Return to listing of Criminal Justice Standards](#)

Standard 12-4.4 Acquisition and use of information for case processing

Jurisdictions should seek to use modern information technology to enable the courts and all of the other

organizations involved in the criminal caseflow process to rapidly gather, store, disseminate, and retrieve information about cases, and should structure the flow of information to:

- (a) enable the prosecution and defense to obtain reliable information about the charge, the evidence, and the defendant as rapidly as possible for purposes of case preparation, negotiation, and trial; and
- (b) enable the court to have reliable information upon which to make decisions concerning the pretrial custody or release status of the defendant at the time of initial appearance and, thereafter, to make informed decisions concerning possible diversion, sentence, or other disposition.

[Return to this Standard's Table of Contents](#) [Return to listing of Criminal Justice Standards](#)

Standard 12-4.5 Court responsibility for management of calendars and caseloads

(a) Control over the trial calendar, and over all other calendars on which a case may be placed, should be vested in the court. The court should exercise responsibility for case scheduling and for the expeditious resolution of all cases beginning at the time of first appearance, taking account of information relevant to case scheduling that may be provided by both the prosecutor and defense counsel. Continuances should be granted only by a judicial officer, on the record. The court should grant a continuance only upon a showing of good cause and only for so long as is necessary. In ruling on requests for continuances, the court should take into account not only

the request or consent of the prosecution or defense, but also the public interest in timely resolution of cases. If a ruling on the request for a continuance will have the effect of extending the time within which the defendant must be brought to trial, the judge should state on the record the new speedy trial time limit date and should seek confirmation of this date by the prosecution and the defense.

(b) The court should establish mechanisms and procedures to promote the resolution of all cases within the time periods established by applicable management goals and without exceeding the time limits of the speedy trial rule or statute. Reports on the age and status of pending cases should be prepared regularly for the chief judge of the court and made available to leaders of other organizational entities involved in criminal case processing.

Return to this Standard's Table of Contents **Return to listing of
Criminal Justice Standards**

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WITNESSES
 Jeffery Cauble Horry County Police Department

ARREST WARRANT NUMBER
 2014A2810200463
 CDR: DT16-16-03-0010, 0620
 DOA: 2/24/2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
 Date: 3/20/2014 *[Signature]*

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2014-GS-26-0004

The State of South Carolina
 County of Horry

Donna E. Blair 14400208

COURT OF GENERAL SESSIONS

March, 2014 TERM

THE STATE

vs.

Sidney Stclair Moorer
 W/M
 8798 Highway 814
 Myrtle Beach, SC 29588-106
 DOB: [REDACTED]
 SSN: [REDACTED]

ATTORNEY: Truslow, T. Kirk

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

G. County

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Probable Cause

The foundation of a true bill of indictment is probable cause. When the prosecutor presents evidence to the grand jury, it must be of enough weight that a common person would think a crime was probably committed

Procedure



Courtroom

Grand jurors hear evidence presented by a prosecutor. Afterward, if probable cause is found by a majority, they vote to return the indictment. The indictment is then valid and a criminal case is initiated in the courts.

Considerations

If a majority of the grand jury does not find probable cause, a bill of ignoramous is returned. The indictment is no longer valid and a criminal case does not result.

The prosecutor may still pursue criminal charges against the suspect. Prosecutors can recall the grand jury with more evidence, call a second grand jury, or file a criminal complaint and proceed without the grand jury in states that do not require one.

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South Carolina Law > Code of Laws > Title 17

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Title 17 - Criminal Procedures

CHAPTER 19.

INDICTMENTS

~~SECTION 17-19-10. Offense shall be prosecuted upon grand jury indictment; exceptions.~~

No person shall be held to answer in any court for an alleged crime or offense, unless upon indictment by a grand jury, except

- (1) when a prosecution by information is expressly authorized by statute;
- (2) in proceedings before a police court or magistrate; and
- (3) in proceedings before courts martial.

HISTORY: 1962 Code Section 17-401; 1952 Code Section 17-401; 1942 Code Section 995; 1932 Code Section 995; Cr. P. Section 48; G. S. 2448; R. S. 47.

~~SECTION 17-19-20. Allegations sufficient for indictment.~~

Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense be a statutory offense, that the offense be alleged to be contrary to the statute in such case made and provided.

HISTORY: 1962 Code Section 17-402; 1952 Code Section 17-402; 1942 Code Section 1003; 1932 Code Section 1003; Cr. P. Section 56; R. S. 55; 1887 (19) 829.

~~SECTION 17-19-30. Allegations sufficient for indictment for murder.~~

Every indictment for murder shall be deemed and adjudged sufficient and good in law which, in addition to setting forth the time and place, is divested of all useless phraseology, of the manner in which the death of the deceased was caused, charges that the defendant did unlawfully kill and murder the deceased.

HISTORY: 1962 Code Section 17-403; 1952 Code Section 17-403; 1942 Code Section 1007; 1932 Code Section 1007; Cr. P. Section 57; R. S. 56; 1887 (19) 830.

'02 Section 60; R. S. 59; 1887 (19) 829.

SECTION 17-19-40. Special count for carrying concealed weapons in case of murder and certain other crimes; jurisdiction.

In every indictment for murder, manslaughter, assault and assault and battery of a high and aggravated nature and assault in every case when the crime is charged to have been committed with a deadly weapon of the character specified in Section 17-19-40, an indictment for carrying concealed weapons and the jury shall be required to find a verdict on such special count. All cases of the weapons, shall be in the exclusive jurisdiction of the court of general sessions, except in cases where other courts have

HISTORY: 1962 Code Section 17-404; 1952 Code Section 17-404; 1942 Code Section 1008; 1932 Code Section 1008; Cr. '02 Section 131; 1897 (22) 427; 1972 (57) 2235.

SECTION 17-19-50. Averments of instrument of writing, print or figures in indictment.

In all cases whatsoever in which it shall be necessary to make any averment in any indictment as to any instrument, whether writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which it may be usually known in the manner as to sufficiently identify such instrument without setting out any copy or facsimile of the whole or any part thereof.

HISTORY: 1962 Code Section 17-405; 1952 Code Section 17-405; 1942 Code Section 1009; 1932 Code Section 1009; Cr. '02 Sections 61, 62; R. S. 60, 61; 1887 (19) 829.

SECTION 17-19-60. Indictments for perjury.

In any indictment for perjury it shall not be necessary to set forth more than the substance of the oath and the fact concerning which the perjury was committed.

HISTORY: 1962 Code Section 17-406; 1952 Code Section 17-406; 1942 Code Section 1009; 1932 Code Section 1009; Cr. '02 Sections 61, 62; R. S. 60, 61; 1887 (19) 829.

SECTION 17-19-70. Indictments against corporations.

Whenever any corporation doing business in this State, whether incorporated under the laws of this State or not, shall be charged with a crime of general sessions the solicitor shall hand out a bill of indictment to the grand jury of the county in which such offense, or so much of it as the grand jury shall return a true bill the solicitor shall cause a copy of such indictment to be served on such corporation offender and upon service of such indictment and the notice required by such section the court of general sessions shall obtain and file

HISTORY: 1962 Code Section 17-407; 1952 Code Section 17-407; 1942 Code Section 991; 1932 Code Section 991; Civ. C. 1911 (27) 41.

SECTION 17-19-80. Person indicted for capital offense shall have copy of indictment.

Whoever shall be accused and indicted for any capital offense whatsoever shall have a true copy of the whole indictment, by him, three days at least before he shall be tried for such offense, whereby to enable him to advise with counsel thereupon, his copy, paying the officer his usual fees for the copy of every such indictment.

HISTORY: 1962 Code Section 17-408; 1952 Code Section 17-408; 1942 Code Section 978; 1932 Code Section 978; Cr. P. Section 40; G. S. 2552; R. S. 40; 1731 (3) 286.

SECTION 17-19-90. Objections to defects in indictments.

Every objection to any indictment for any defect apparent on the face thereof shall be taken by demurrer or on motion to quash the indictment and not afterwards.

HISTORY: 1962 Code Section 17-409; 1952 Code Section 17-409; 1942 Code Section 1004; 1932 Code Section 1004; Cr. '02 Section 57; R. S. 56; 1887 (19) 829.

SECTION 17-19-100. Amendments of indictments; proceedings after amendment.

If (a) there be any defect in form in any indictments or (b) on the trial of any case there shall appear to be any variance between the evidence offered in proof thereof, the court before which the trial shall be had may amend the indictment (according to the nature of the variance) if such amendment does not change the nature of the offense charged. After such amendment the trial shall proceed with the same consequences as if the indictment had originally been returned as so amended, unless such amendment shall operate as a continuance of the cause. A defendant shall be entitled, upon demand, to a continuance of the cause.

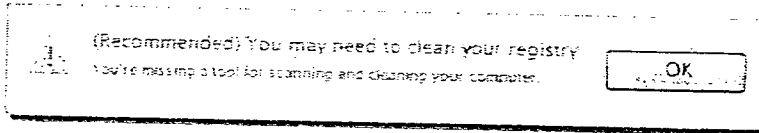
HISTORY: 1962 Code Section 17-410; 1952 Code Section 17-410; 1942 Code Section 1005; 1932 Code Section 1005; Cr. '02 Section 58; R. S. 57; 1887 (19) 829.

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What is BILL OF INDICTMENT?

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A formal written document accusing a person or persons named of having committed a felony or misdemeanor, lawfully laid before a grand jury for their action upon it. If the grand jury decide that a trial ought to be had, they indorse on it "a true bill;" if otherwise, "not a true bill" or "not found."

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BILL OF INDICTMENT, TRUE BILL, TRAVERSE OF INDICTMENT, NO BILL, BILL, BILL IN NATURE OF A BILL OF REVERSAL, BILL SINGLE, BILL FOR A NEW TRIAL, BILL OF EXCEPTIONS, NO BILL

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What Are Criminal Indictments?

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Criminal indictments are the formal papers that are filed with the courts to charge persons with committing crimes. Those accused of are called "defendants" at trial. Think of them as starting points in that they're how criminal prosecutions often begin. This is especially true when persons are accused of committing federal crimes. There are times, however, when indictments aren't used in federal courts, and times when they're used in state courts, too.

When They're Used

Under the Fifth Amendment to the US Constitution, a criminal prosecution in a federal court **must** begin by indictment unless:

- The crime you're charged with is a misdemeanor, petty offense or criminal contempt
- You waive or give up the right to prosecution by indictment

A **misdemeanor** is any crime that's punishable by one year in prison or less, the payment of a fine, or both. For example, if you work at a federally insured bank and steal less than \$1,000, you may be charged with misdemeanor theft. A federal **petty offense** is a misdemeanor that's punishable by no more than six months in jail, a fine of up to \$5,000, or both. Getting a speeding ticket in a national park is a good example. **Criminal contempt** is when you disrupt a legal proceeding or disrespect the court in some serious way.

Waiver is when you give up your right to being indicted. You may want to do this to avoid being held in jail while waiting for the government to get an indictment. Waiver is often used by a defendant when he makes a plea bargain, or when he knows for certain that he's going to go to trial to defend himself.

Under the Fourteenth Amendment, the states aren't required to use indictments to start criminal prosecutions. Nonetheless, some states use the indictment process all or some of the time (usually for felonies), while other states don't use them at all. If your state doesn't use indictments, your criminal case will likely begin when the prosecution files a "criminal complaint" against you.

Grand Juries

Whether the case is in federal or state court, an indictment is handed down by a grand jury. This is a panel of citizens who are called by the government to decide if formal criminal charges should be filed

against persons accused of crimes. Federal grand juries are made up of 23 individuals and they "sit" or serve for 18 months. State grand juries are usually smaller, typically 15 individuals, and they may serve for 6 to 18 months.

During that time, a grand jury may listen to and look at the evidence in dozens of cases. It's their job to figure out if there's probable cause to believe that an accused committed the crime charged.

"Probable cause" simply means that it's more likely than not that you did commit the crime.

In both the state and federal systems, grand jury proceedings are secret. Generally, they can't discuss a case with anyone but each other. Usually, neither you nor your attorney is present. The prosecutor gives the jurors a "bill," which is a list of the charges against you, and shows them the evidence against you. The government normally brings in witnesses to testify against you. Once the jurors start deliberating the case, no one can be in the room except for them.

If a majority of the jurors (12 in a federal grand jury; in state grand juries the number depends on how many jurors there are) think there's probable cause, they'll return a "true bill." This means that they believe there's enough evidence that you committed the crime charged. If this happens, you've been "indicted." If you've been arrested already, the trial process then begins. If you haven't been arrested, a warrant will be issued for your arrest. If the grand jury doesn't think there's probable cause, they'll return a "no bill." Here, you'll be released from custody if you've been arrested already. If you haven't been arrested, the government may continue its investigation of you and try to get an indictment later.

Pages: 1 | 2

Tagged as: Criminal Law, criminal indictments, criminal lawyer

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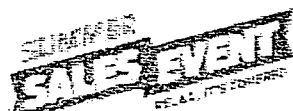
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ARREST WARRANT NUMBER
 2014A2810200463
 CDR: 0116-16-03-0010, 0020
 DOA: 2/24/2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
 Date: 2/26/14

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2014-GS-26-00004

The State of South Carolina
 County of Horry

Donna E. Elder 14H00200

COURT OF GENERAL SESSIONS

March, 2014 TERM

THE STATE

vs.

Sidney Stclair Moorer
 W/M
 6796 Highway 814
 Myrtle Beach, SC 29589-106
 DOB: [REDACTED]
 SSN: [REDACTED]

ATTORNEY: Truslow, T. Kirk

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

G. Causey

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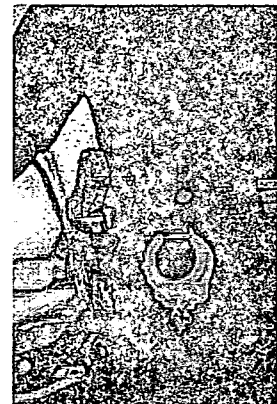
eHowLegalCriminal LawCriminal Law BasicsWhat Rights Do You Have When Being Served an Indictment?

What Rights Do You Have When Being Served an Indictment?

By Loise Kinyanjui, eHow Contributor

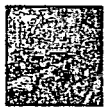
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An Indictment is a formal written statement from a prosecuting authority that must be confirmed by a jury to charge a person for an offense. An indictment is not an assertion of guilt; the person served with an indictment deserves rights as stipulated in the Constitution. Have a question? Get an answer from a lawyer now!

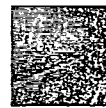


An indicted person has a right to a lawyer.

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How to See If Someone Has Been Indicted or Has an Upcoming Court Date



What Happens After a Person Has Been Indicted?

Notice

The person being indicted should be informed in writing why he is being indicted. A written statement from a prosecutor or a grand jury is the appropriate way of delivering indictment. The notice of the indictment should clearly inform the accused person of the reason for the indictment. Ambiguity should be eliminated to enable the accused to properly prepare for his defense.



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grand jury has indicted, the crimes they believe he committed and his current location. If the defendant discovers that the grand jury has indicted him, his attorney may be able to arrange for him to surrender at the police station depending on the nature of the crime. Once arrested, he will be booked and taken to jail until he sees a judge at an arraignment hearing.

Arraignment Hearing

During an arraignment, the defendant is brought before a judge, where the charges will be officially read and recorded by the court. If the defendant has not retained an attorney, the court gives the defendant the opportunity to have one provided by the state. The defendant may choose to enter or not enter a plea during this proceeding. A judge may also choose to set bail during the arraignment or simply release the defendant on his own recognizance depending on the nature of the crime. If bail is set, the defendant must post bail or stay in jail until the case the resolution of the case.

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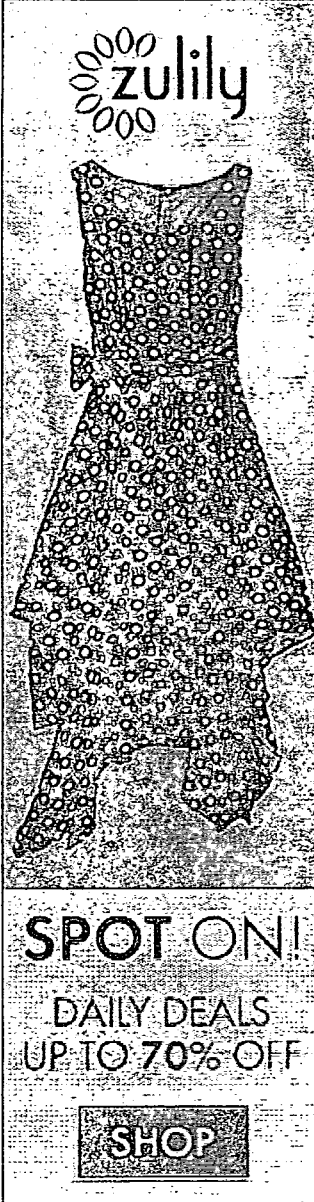
Trial

If the defendant chooses to plead not guilty, a trial date is scheduled when either a court or jury trial will take place. Judges decide court trials, while a jury of the defendant's peers decide jury trials. In each type of trial, the prosecution presents its case and the defense rebukes the prosecution's claims.

Ultimately, after both sides have presented their case, the judge or jury finds the defendant guilty or innocent. If the defendant is found not guilty, he is free to leave the court and resume his life.

Sentencing

If the defendant pleads guilty or is found guilty at trial, he must receive punishment for the crimes he has committed. The punishment is usually determined at a sentencing hearing on a later date after the jury hands down a guilty verdict or a guilty plea is entered. At the sentencing hearing, the prosecution makes a recommendation for a punishment that it believes fits the crime. The defense will argue for a lighter sentence. Depending on state law and the crime committed, there may be mandatory sentencing guidelines the judge must abide by. The judge then levies the sentence against the defendant.



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