

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Edward W. Miller, Circuit Court Judge

Appellate Case No. 2016-000472

RECEIVED

MAR 31 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

SAMSON R. GROVES,

APPELLANT.

**MOTION TO DISMISS APPEAL AS INTERLOCUTORY**

The State moves this Court to dismiss the above captioned appeal as interlocutory, and not immediately appealable. The grounds for this Motion are as follows:

1. The appeal is from an order denying Appellant's motion to dismiss a still pending criminal charge for Escape (City of Greenville Arrest Warrant No. 2015A2320601351) (copy attached). Upon information and belief, the underlying criminal case has not been called for trial; however, Appellant is currently being housed by the Department of Juvenile Justice on a 2013 adjudication for one count of criminal conspiracy.

2. In South Carolina, the right to appeal is conferred by S.C. Code Ann. § 14-3-330. State v. Miller, 289 S.C. 426, 426, 346 S.E.2d 705, 705 (1986). Ordinarily, an appeal may only be pursued after a party has obtained a final judgment or has otherwise satisfied the terms of Section 14-3-330. State v. Wilson, 387 S.C. 597, 599, 693 S.E.2d 923, 924 (2010); see Miller,

289 S.C. at 426, 346 S.E.2d at 705 (“In order to exercise his statutory right to appeal, a defendant must come within the terms of the applicable statute.”). In criminal cases, judgment for a criminal defendant is not final until a sentence is imposed. State v. Robinson, 287 S.C. 173, 174, 337 S.E.2d 204, 204 (1985); see Berman v. United States, 302 U.S. 211, 212 (1937) (“Final judgment in a criminal case means sentence. The sentence is the judgment.”). Thus, a criminal defendant may not appeal until after a sentence has been imposed and this appeal is improper. Parsons v. State, 289 S.C. 542, 542, 347 S.E.2d 504, 504 (1986); See also State v. Isaac, 405 S.C. 177, 747 S.E.2d 677 (2013) (denial of immunity under Protection of Persons and Property Act is interlocutory and not immediately appealable) (citing Miller).

3. Appellant’s case has not been called for trial in the circuit court, he has not been convicted, and no sentence has been imposed. Accordingly, the order at issue in this appeal is not a final order, and not immediately appealable.

Based on the foregoing, the State respectfully asks this Court to dismiss this appeal as interlocutory and not immediately appealable.

Respectfully submitted,

ALAN WILSON  
Attorney General

J. BENJAMIN APLIN  
Senior Assistant Deputy Attorney General

W. WALTER WILKINS, III  
Solicitor, Thirteenth Judicial Circuit

BY: 

J. Benjamin Aplin  
S.C. Bar No. 8729

Office of the Attorney General

Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

March 31, 2016

System Files

ARREST WARRANT

2015A2320601351

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

6360  
6-26-15

THE STATE 15-41780

against

Samson Rashard Groves

Address Transient

Greenville, SC -

Phone SSN 655-03-8363

Sex: M Race: B Height: 5 6 Weight: 133

DL State: DL #

DOB: 1/27/1998 Agency ORI #: SC0230200

Prosecuting Agency Greenville Police Department

Prosecuting Officer MA Lawson - 0164

Offense: Escape / Escape, attempted escape or possess tools to escape from prison, recaptured

Offense Code: 2527

Code/Ordinance Sec 24-13-0410

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

Greenville The accused is to be arrested and brought before me to be dealt with according to the law.

Signature of Judge (L.S.)

Date 6-10-15

RETURN

A copy of this arrest warrant was delivered to

defendant on 6/12/15 15:40

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville  
426 North Main Street  
P O Box 488  
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

Personally appeared before me the affiant MA Lawson who

being duly sworn deposes and says that defendant Samson Rashard Groves

did within this county and state on or about 3/4/2015 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Greenville) in the following particulars

DESCRIPTION OF OFFENSE: Escape / Escape, attempted escape or possess tools to escape from prison, recaptured

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The Affiant states on March 4, 2015, the accused, Samson Rashard Groves, was transported to Greenville Mental Health located at 124 Mallard Street from The Avalonia Group Home for a court ordered mental evaluation. The accused and the caseworker had entered the facility when the accused apologized to the caseworker then ran out of the building. At the time of this incident date, the accused was under a 12 month sentence through Family Court for Assault & Battery by a Mob resulting in death and was not allowed to leave the group home or make any appointments of his own free will. This offense did occur within the city limits of Greenville, S.C.

COMPUTER GENERATED  
STATE OF SOUTH CAROLINA  
County/ Municipality of  
Greenville  
JUN 10 2015  
GREENVILLE COUNTY SHERIFF'S OFFICE

Signature of Affiant

Affiant's Address 4 MCGEE ST

GREENVILLE, SC 29601-

Affiant's Telephone (864)271-5333 x 0000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/4/2015

defendant Samson Rashard Groves

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Greenville) as set forth below

DESCRIPTION OF OFFENSE: Escape / Escape, attempted escape or possess tools to escape from prison, recaptured

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 6/8/2015

Signature of Issuing Judge (L.S.) Judge's Address P. O. Box 488 Greenville, SC 29602-

Judge's Telephone (864)-46-7-66 x 50

Judge Code: 8104

Issuing Court Magistrate Municipal Circuit

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STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**


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I, Angela Bennett, certify I served the Motion to Dismiss Appeal as Interlocutory on Appellant by depositing two copies in the United States mail, postage prepaid, addressed to:

Parker A. Baxley, Esquire  
Office of the Public Defender  
Greenville County Courthouse  
305 East North Street (Rm. 123)  
Greenville, South Carolina 29601

I further certify that all parties required by Rule to be served have been served.

This 31<sup>st</sup> day of March, 2016.

  
ANGELA BENNETT  
Legal Assistant

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

March 31, 2016

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MAR 31 2016

SC Court of Appeals

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: The State v. Samson R. Groves  
Appellate Case No: 2016-000472

Dear Ms. Kitchings:

Enclosed for filing are the original and six copies of the Motion to Dismiss Appeal as Interlocutory, with proof of service, in the above-referenced case.

Sincerely,

J. Benjamin Aplin  
Senior Assistant Deputy Attorney General  
S.C. Bar No. 8729

JBA/ab  
Enclosures

cc: Parker A. Baxley, Assistant Public Defender  
Mark Moyer, Assistant Solicitor  
Victim Services