

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Colleton County  
Honorable Larry B. Hyman, Jr., Circuit Court Judge  
Appellate Case No. 2015-002073

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**RECEIVED**

APR 10 2017

SC Court of Appeals

THE STATE,

Appellant,

vs.

ROXANNE HUGHES,

Respondent.

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**MOTION TO EXPEDITE APPEAL**

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Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

In February of 2014, the Colleton County Grand Jury indicted Respondent Roxanne Hughes for three counts of evasion of a tax or property assessment or payment in violation of S.C. Code Ann. § 12-54-44(B)(1). Prior to trial, Hughes filed a motion entitled “Defendant’s Motion and Memorandum in Support of Motion to Proceed Under More Specific Offense Statute.” On September 28, 2015, a hearing was conducted on Hughes’s motion in the Colleton County Court of General Sessions before the Honorable Larry B. Hyman, Jr., circuit court judge. At the conclusion of the hearing, the circuit court judge granted Hughes’s motion and dismissed each of the felony tax evasion indictments that had been issued by the grand jury in Hughes’s case.

## II.

Subsequently, the State timely filed and perfected an appeal of the circuit court judge's ruling. Specifically, the Record on Appeal and the Final Brief of Appellant were filed on June 17, 2016, and the Final Brief of Respondent was filed on July 8, 2016. At present, the State's appeal in this matter is pending before this Court and is ready for consideration.

## III.

Pursuant to both the South Carolina Appellate Court Rules and appellate decisions issued in our state, this Court has the discretion to expedite the resolution of appeals pending before it. See George v. Mun. Election Comm'n of City of Charleston, 335 S.C. 182, 184, n. 1, 516 S.E.2d 206, 207 (1999) (expediting an appeal due to the fact resolution of the appeal was significant to an upcoming election); see also Rule 267(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."). In the case sub judice, there is a need for this appeal to be expedited and resolved because numerous felony tax evasion cases like Hughes's case are being held in abeyance at the circuit court level pending the resolution of this appeal.<sup>1</sup> See Barker v. Wingo, 407 U.S. 514, 519 (1972) ("[T]here is a societal interest in providing a speedy trial which exists separate from, and at times in opposition to, the interests of the accused."); see also Strunk v. United States, 412 U.S. 434, 439, n. 2 (1973) ("The public interest in a broad sense, as well as the constitutional guarantee, commands prompt disposition of criminal charges."). In light of that fact, the State respectfully asks this Court to exercise its discretion and expedite the appeal in Hughes's case to best and most efficiently

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<sup>1</sup> Notably, a circuit court order holding the prosecution of multiple felony tax evasion cases in abeyance pending resolution of this appeal has been included with this motion as Attachment "A."

accommodate the public's interest in a speedy resolution of this matter along with other felony tax evasion cases pending before courts in South Carolina.

IV.

Undersigned counsel for the State has spoken with Hughes's appellate counsel in this matter, and counsel for Hughes agrees with and consents to the State's request for this appeal to be expedited.


**WHEREFORE**, Appellant prays this Court will expedite this appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:

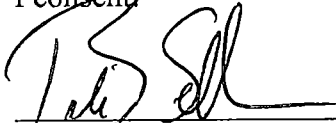
  
Mark R. Farthing

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

COUNSEL FOR APPELLANT

April 10, 2017

I consent:

  
Joseph Preston Strom, Jr., Esquire  
John R. Alphin, Esquire  
Alexandra M. Benevento, Esquire  
Bakari T. Sellers, Esquire

COUNSEL FOR RESPONDENT

**ATTACHMENT "A"**

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
 ) COURT OF GENERAL SESSIONS  
COUNTY OF CHARLESTON )

STATE OF SOUTH CAROLINA )  
 )  
 V. )  
 )  
SPECIFIC DEFENDANTS BEING )  
PROSECUTED BY THE S.C. DEPARTMENT )  
OF REVENUE AND ATTORNEY GENERAL )  
IN CHARLESTON COUNTY )  
(AS LISTED IN ATTACHMENT A )  
\_\_\_\_\_ )

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In 2016, an investigation by Agents of the S.C. Department of Revenue (SCDOR) in Charleston County resulted in approximately 30 defendants, all of whom worked for the Boeing Corporation, being charged criminally for conduct which was substantially similar. Since the initial arrest, some of these cases have been resolved via guilty pleas. A list of the remaining Defendants, all former employees of Boeing in Charleston, is included in Attachment A to this Order. All of the Defendant(s) referenced in Attachment A have been charged by the S.C. Department of Revenue in conjunction with the S.C. Attorney General for multiple counts of tax evasion in violation of S.C. Code Ann. Section 12-54-44(B)(1) and indicted by the Charleston County Grand Jury. All of these cases are being prosecuted by the Attorney General and the SCDOR.


At a Motions Hearing on March 28, 2017, this Court heard arguments regarding a motion to dismiss the pending charges. Pursuant to State v. Needs and other authority, this Court declined to grant the relief sought. However, it is the Court's understanding that a substantially similar case, State v. Roxanne Hughes, with nearly identical facts, is now before the S.C. Court of Appeals. Given the pendency of this action, which should address

*Handwritten signature*

the issues currently being raised in the Circuit Court of Charleston County, this Court Orders that those cases listed in Attachment A, as appended to this Order and the prior Scheduling Order, be held in abeyance until such time as a decision is reached by the S.C. Court of Appeals.

Following a decision in State v. Hughes, this Court will conduct status conferences for all of the named defendants, amend the present Scheduling Order to reflect a new timeline, and consider all motions in light of the Court of Appeals ruling, whatever that might be.

IT IS SO ORDERED.

  
R. MARKLEY DENNIS, JR.  
CIRCUIT COURT JUDGE  
NINTH JUDICIAL CIRCUIT

Charleston, South Carolina  
March 31, 2017

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ATTACHMENT A

The below cases are subject to the attached Scheduling Order of Judge Markley Dennis, Chief Administrative Judge, Charleston County Court of General Sessions, signed on

February 17, 2017.

State v. Paul Adams, 2017-GS-10-01380, 01383, 01385, and 01386

State v. Miranda Rights, 2016-GS-10-06050 through 06052

State v. George Hearn, 2016-GS-10-06043 through 06045

State v. David Griffin, 2016-GS-10-06067 through 06069

State v. Kitt Johnson, 2016-GS-10-06070 through 06073

State v. Joseph Canady, 2016-GS-10-06060 through 06062

State v. Priscilla Burbage, 2016-GS-10-06033, 06035, 06037, and 06038

State v. Allen Byrd, 2016-GS-10-06053 through 06056

State v. Rodney Smalls, 2016-GS-10-06040 through 06042

State v. Wylie Runey, 2016-GS-10-06057 through 06059

State v. Bernadette Francis, 2016-GS-10-06063 through 06066

State v. Diana Shekere Jones, 2016-GS-10-06028 through 06030

State v. Charles Allen, 2017-GS-10-01134 through 01136

State v. Samuel Boccella, 2017-GS-10-01137 through 01139

State v. Jason Brittain, 2017-GS-10-01202 through 01204

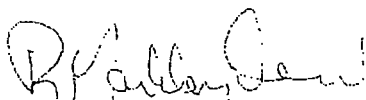
State v. Benjamin Campbell, 2017-GS-10-01194 through 01197

State v. Karlos Isom, 2017-GS-10-01142; 01144; and 01145

State v. Ernest Jones, 2017-GS-10-01191 through 01193

State v. Jason Jones, 2017-GS-10-01198 through 01201

State v. Christopher Jordan, 2017-GS-10-01146 through 01148  
State v. Ramone Lambright, 2017-GS-10-01151 through 01153  
State v. Travis Mazyck, 2017-GS-10-01154 through 01156  
State v. Joedenna Mitchell, 2017-GS-10-01176 through 01179  
State v. Joshua Nichols, 2017-GS-10-01157 through 01159  
State v. Lucius Porter, 2017-GS-10-01165, 01166 and 01168  
State v. Nyentue Seekie, 2017-GS-10-01172, 01173 and 01175  
State v. Randall Simpkins, 2017-GS-10-01169 through 01171  
State v. Michael Van Alstine, 2017-GS-10-01188 through 01190  
State v. Waring, Brandon, 2017-GS-10-01161, 01162 and 01164  
State v. Earica Moton, 2017-GS-10-01387 and 01389  
State v. Angel Molina-Benabe, 2017-GS-10-01523 through 01525  
State v. Julius Bradley, 2017-GS-10-01205 through 01207  
State v. Gary Perez, 2017-GS-10-01520 through 01522  
State v. Jaqua Wright, 2017-GS-10-01180; 01182 and 01187



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R. MARKLEY DENNIS, JR.  
CIRCUIT COURT JUDGE  
NINTH JUDICIAL CIRCUIT

Charleston, South Carolina  
Feb 17, 2017

STATE OF SOUTH CAROLINA  
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Appeal from Colleton County  
Honorable Larry B. Hyman, Jr., Circuit Court Judge  
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THE STATE,

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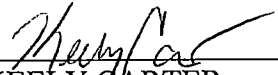
Respondent.

**PROOF OF SERVICE**

I, Keely Carter, certify that I have served the within Motion to Certify the Case to the South Carolina Supreme Court on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Joseph Preston Strom, Jr., Alexandra M. Benevento,  
John R. Alphin, and Bakari T. Sellers, Esquires  
Strom Law Firm, LLC  
2110 N. Beltline Blvd.  
Columbia, SC 29204

I further certify that all parties required by Rule to be served have been served.  
This 16th day of August, 2016.

  
\_\_\_\_\_  
KEELY CARTER  
Assistant Attorney General

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



**RECEIVED**  
APR 10 2017  
SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

April 10, 2017

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

RE: State v. Roxanne Hughes – Appellate Case No. 2012-211546

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to Expedite Appeal, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: Joseph Preston Strom, Jr., Esquire  
Alexandra M. Benevento, Esquire  
John R. Alphin, Esquire  
Bakari T. Sellers, Esquire  
Victim Services