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JUL 31 2020

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

STATE OF SOUTH CAROLINA

VS

LAMONT ANTONIO SAMUEL

DEPENDANT

IN THE COURT OF GENERAL SESSIONS

FIRST JUDICIAL CIRCUIT

2010-GS-38-912

NOTICE OF MOTION APPEALING

BOND DENIED BY JUDGE DICKSON

Facts: 1) Abuse of Discretion

2) Violation of Rule 501

COMES NOW the above named defendant and Files this motion for Appeal due to the above matter and would state the following facts:

1. That in 2013, the defendant was tried and convicted in the Court of General Sessions on the charge of murder and committed to the Department of Corrections for a period of 50 years on June 14, 2013.

2. That the case was appealed and as a result of the appeal the case was reversed and remanded back to the First Judicial Circuit. The solicitor for the circuit has decided to again prosecute the defendant for the crime of murder.

3. The defendant Lamont Samuel has been incarcerated for approximately eight years and 5 months while in the Department of Corrections for a period of six years has demonstrated that he is not a threat. While incarcerated the defendant was a mentoring in Scripture application; and was asked to join David S. Hance in beside ministry to the 20 Hospice inmates (See letter from Attorney Thomas R. Sims)

4. The defendant was into the Chaplaincy Services with SCDC with Chaplain Leonard L. Cain and has excelled in his understanding of God's Word. Correctly. Prior to the defendant being transferred to the Orangeburg Detention Center the defendant was approved to assist delivering God's Word to the hospice unit inmates (See letter)

5. That the defendant has demonstrated that he has made a significant change in his life and based upon his record while incarcerated, should be granted bond however was denied.

6. This motion was filed Respectfully this the 5th day of December 2019. It had to come down to my lawyer Thomas R. Sims Bar # 51266 having to write Judge Dickson on January 10, 2020. Further, this matter was scheduled to be tried in February. This bond hearing was suppose to be done on January 6, 2020. Also in that letter the following was stated. As a result of our previous status conference on the above case, I left with the understanding that we were to have a hearing on my motion for bond and for the Solicitor's office to explore whether Mr. Samuel had any conflict issues as to my representing him.

7. However, on that day the solicitor's office had a trial scheduled and therefore the matter was not held. Subsequent to that event Mr. Sorenson and I agreed to Thursday at 3:30 to have this matter before you. On that day you were not available. I then suggested the week of January 13, 2020 and was informed that Mr. Sorenson would not be available for that week. In discussing this matter with your office, I believe that you would be in Calhoun County the week of January 20, 2020. Therefore, I am requesting that my Motion is held during that week and for the States issues to also be heard. Also because of the above issues I want to discuss whether the date scheduled for the trial is appropriate. (See letter from Attorney or have him email it, written January 10, 2020.)

8. Finally the hearing was set to be heard on January 29, 2020, in which the Judge Mr. Dickson said he was withholding his Ruling in which he never respond. However Another motion was filed and came before the Court on February 12, 2020 by and through the Defendant's attorney Thomas Sims. Mr. Dickson withheld his ruling again but did file an ORDER DENYING BOND on February 20, 2020.

9. In his ORDER DENYING BOND "After carefully considering this evidence with the letters from Chaplain Leonard L. Cain, the Court respectfully denies bond. He went on to state that The Court finds that Mr. Samuel is a significant flight risk and danger to the community due to his previous conviction of murder and 50 year sentence. Given the new trial is set to proceed in two weeks, the court finds

no reason to grant a bond in this matter given the risk of flight. Further Mr. Samuel is a danger to the community since he has been convicted of a violent and most serious offense. Additionally, Article I § 15 of the South Carolina states that "bail may be denied to persons charged with capital offenses punishable by life imprisonment, or with violent crimes defined by the General Assembly." S.C. Const. Art I § 15. After giving due weight to the evidence, arguments of counsel, and present circumstances, the Court Denies bond in this matter, IT IS SO ORDERED!

10. The State was represented by First Assistant Solicitor Don Sorenson and Assistant Solicitor Chelsea Glover. However on both hearings the Solicitor Don Sorenson along with Judge Dickson agreed that they would consider bond if something happen on the state behalf. This case was set for trial in March the week of the 3rd where an incident did happen with one of the members of the Jury discussing this case and saying how she would find the defendant guilty and give him life if the defendant chase her. After testimony was given the judge declared a Mistrial and the case was set for trial April 20, 2020. Following that, the World was hit by Covid 19, and things was push back for a period of time. The defendant has been without a bond for 2 1/2 years.

11. Another Motion was filed for bond which was heard on July 15, 2020 in which the Judge did abuse his discretion by ruling that he was not going to hear from the state, but instead hear from the defendant lawyer on why bond should be set. In this above matter the Judge and Don Sorenson both agreed that if something came up on the state behalf, that they would consider setting bond. Which something did come up with the Jury Member at Trial. At this bond hearing the Judge stated that Bond will be DENIED and it will continue to be denied, due to conviction and he cited Article I § 15 again.

12. However in this case the Judge has been setting bonds for others for the same charge "Murder," but however when it comes down to the defendant Ismont Samuel he will not.

13. The Judge in this case violated rule (501) A Judge shall perform judicial duties without "bias or prejudice." However in this case the judge is doing just that. The Judge have already sided with the state in declaring that if the state found him guilty one time, they could do it again, which is a abuse of discretion by him ruling personally and not being fair to the Const Rights which states that everyone is entitled to a bond. Yes bond can be denied but the Judge is denying defendant bond with prejudice, which he is not suppose to do.

14. See all Court / Bond hearings on above case January 29, 2020, February 12, 2020 March 3, 2020 and July 15, 2020. You will see why the defendant in this case has decided to appeal this decision. Also the defendant in this case is not sure whether this Judge should be Ruling at his trial due to his current behavior. The defendant has been in Orangeburg County Detention Center for 2 years and 6 months with no bond.

15. Once defendant came back the Solicitor in this case tried to take the defendant up for bond in front of Ms. Diane Goodstein in which defendant withdrew his Motion because of the same Judge sentenced him to 50 years. The Judge was ask to recusal herself due to the Supreme Court Did find that she did abuse her discretion in denying his request to represent himself. The defendant was being counsel by Tyler L. Gardner when he came before the court on June 14, 2019 where the defendant told Judge Dickson about this matter. Tyler L Gardner decided to relieved himself off the case because the solicitor Don Sorenson would not reply or have his motion for bond to be heard, also for some other issues.

16. In this case the Judge has OVERLOOKED SOME IMPORTANT Facts and thereby showed that he will not be fair and impartial to the state as well as defendant. This matter needs to be looked into on another level which is why the defendant has raised his argument on his notice for Appeal bond. Please look into this matter and set bond, defendant has served a copy and he has a copy of his own.
Respectfully this 21 day of July 2020.

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P.O. Box 9000
Orangeburg SC 29105

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Proof of Service

S.C. SUPREME COURT

The undersigned, here by certifies that a true copy of the attached matter has been served upon the parties listed below, by mailing (1) copy in an envelopes properly addressed to each party, with the property postage affixed, this 21 day of July 2020.

Such matter being: Notice of Motion Appealing Bond Denied, By Judge Dickson

1. The following facts will be shown, Abuse of his discretion by ruling that he was not going to here from the state, but instead here from the defendant lawyer on why bond should be granted. In this above matter the Judge and Don Sorenson both agreed that if something came up on the state behalf, that they would consider setting bond.


2. The defendant never had a chance at freedom or bond after his case was reversed and returned back to Orangeburg County. The defendant has been incarcerated for approximately eight years and 5 months, and have never had a bond. The defendant has been in Orangeburg County Detention Center for 2 years and 5 months and constantly been denied. In this case the Judge has overlooked some important facts and thereby showed that he will not be fair and impartial to the state as well as defendant. This matter needs to be looked into on another level, which is why the defendant has raised his argument on his notice for Appeal bond. The Judge in this case violated Rule 501) A Judge shall perform judicial duties without "bias or prejudice". However in this case the judge is doing just that.

Supreme Court of SC
1231 Gervais St
Columbia SC, 29201

SC. Court of Appeals
Jenny Kitchin
P.O. Box 11629
Columbia SC, 29221

← Please forward to whichever Court deals with Appeals on bond hearings.

SWORN TO AND subscribed before me this

S/Y 

21 day of July 2020.

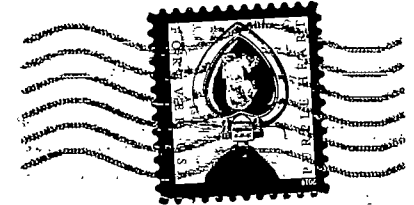
Nancy C M. Merchant
Notary Public

My Commission Expires: 1-23-2023

Kament Samuel
P.O. Box 9000
Orangeburg SC, 29115

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S.C. SUPREME COURT

Supreme Court of SC
1231 Crenais St.
Columbia SC, 29201

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