

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

Perry H. Gravely, Circuit Court Judge

CHRISTOPHER L. VICTORIA

APPELLANT

v.

GREENVILLE COUNTY DETENTION CENTER JAIL ADMINISTRATOR

RESPONDENT

APPEAL OF  
~~RECORD RECONSTRUCTION~~ A PRECONVICTION WRIT OF HABEAS CORPUS DECISION

CHRISTOPHER L. VICTORIA, PRO SE

20 MCGEE STREET

GREENVILLE, SC 29601

APPELLANT

BRANN FOWLER, SOLICITOR

305 EAST NORTH STREET, SUITE 325

GREENVILLE, SC 29601

ATTORNEY FOR RESPONDENT

THE APPELLANT comes before this court requesting a order granted habeas relief.

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S.C. SUPREME COURT

IN SUPPORT of this motion comes the following brief:

On February 4, 2022, the Appellant appeared before the Honorable Perry Gravely for several motions hearing. One of those motions being a Preconviction Writ of Habeas Corpus. During the hearing Appellant presented facts to the court that he was being deprived of his right to the due process of law. The motion was denied without grounds. The Court did not even entertain the motion for argument further than the Appellant stating a few facts and the Court moving on to the next motion. ~~Appellant~~

Appellant contends that he is still being deprived of his liberty without the due process of law.

### Factual Background

On January 22<sup>nd</sup>, 2020, Appellant was arrested on Burglary 1st degree; Possession of Weapon During a Violent Crime; Grand Larceny, value more than \$2000 but less than \$10,000, Enhanced; and Possession of a Stolen Vehicle; Value \$10,000 or more. He was released on a \$35,000 surety bond with a condition of monitoring through the Home Incarceration Program (HIP) on May 9<sup>th</sup>, 2020. Subsequently, Petitioner was arrested on December 8<sup>th</sup>, 2020 for Petit Larceny, Enhanced (5 counts); Breaking into a Motor Vehicle (7 counts); Grand Larceny, \$10,000 or more (2 counts); Burglary 2nd Degree non violent; Burglary 1st degree (4 counts); FTC Fraud (3 counts); & Fugitive from Justice. No Bond was set on these charges.

Pursuant to Section 17-15-55(E) of the SC Code of Laws, "If a person commits a violent crime, as defined in Section 16-1-60, which was committed when the person was already out on bond for a previous violent crime and the subsequent violent crime ~~is~~ did not arise out of the same series of events as the previous violent crime, then the bond hearing for the subsequent violent crime must be held in the circuit court within thirty days. If the court finds

that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. IF the court finds no conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds..." Appellant contends that the statute is a liberty interest that he was entitled to. Detention absent the finding of whether Appellant is a danger to the community or whether any conditions existed to assure his presence at trial was arbitrary without the required hearing. He has been incarcerated for approximately 400 days to date. The fact that ~~the statute~~ Section 17-15-55(c) contains "unmistakably mandatory" language "must be held within 30 days" and that if the court finds Appellant isn't a danger to the community and he will appear at trial then bond is considered in accordance with ~~the provisions~~ the provisions of that chapter, ~~the statute~~ establishes that this statute is a liberty interest created by the state and since he has not had this hearing he is being held in violation of the federal and state's ~~Constitution's~~ Constitution's Due Process Clause and Equal Protection ~~Clause~~ Clause.

Appellant further contends that he is entitled to a bond for any non-capital, non-bailable offense pursuant to section 17-15-10 of the SC Code of Laws.

Appellant also asserts that he was charged with fugitive from justice in which he has refused extradition. He has been incarcerated 400 days awaiting an ~~extradition~~ extradition hearing. He contends this delay is unnecessary. ~~and~~

~~Appellant requests the court to set aside the order~~  
~~of the court and~~  
~~to set aside the order~~

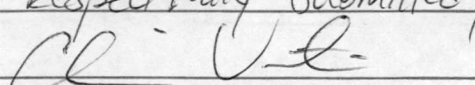
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Appellant further contends that the circuit judge abused his discretion by ~~den~~ denying his motion without stating for the record what ~~grounds~~ were the grounds or reason why he denied the motion or the reason why he didn't request the respondent to show cause as to why habeas relief should not be granted.

Appellant ~~also~~ prays this Court for an order granting habeas relief in that;

- 1) His revoked bond be reinstated;
- 2) He be discharge, pending trial, without the requirement of bond or bond set in the amount suitable to the court's discretion;
- 3) Bond be set for fugitive from justice warrant pending his appearance at a ~~regular hearing~~ extradition hearing before the Attorney General's office;
- 4) and any other such relief the Court deems just and proper.

Dated: February 5, 2022

Respectfully Submitted,  
  
Christopher L. Victoria  
Pro Se  
20 McGee Street  
Greenville, SC 29601

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