

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
IN RE: )  
 )  
BOND MODIFICATIONS )

IN THE COURT OF GENERAL SESSIONS

ADMINISTRATIVE ORDER

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER  
2014 AUG 7 PM 1 33

It has come to the attention of this Court that, prior to the filing of and hearing on motions to reconsider bond pursuant to South Carolina Code section 17-15-55 (Supp. 2012), it is necessary and appropriate to afford all parties the opportunity to review a defendant's criminal record and the incident report filed in each case. Therefore, the following procedures are hereby adopted as the Order of this Court for all General Sessions cases in Greenville County:

1. Defense counsel must request, receive, and review initial discovery prior to filing a motion for bond reduction. For purposes of this order, initial discovery is defined as the incident report prepared by law enforcement and a copy of the NCIC report on the defendant. All motions for bond reduction must certify to this Court that defense counsel has in fact requested, received, and reviewed initial discovery.
2. The State must provide initial discovery within 30 days of receipt of the request for discovery; failure to do so, or to make a good faith, reasonable effort to do so, will result in sanctions.
3. The State may continue to consent to a reduction in bond prior to the filing of a formal motion by defense counsel.
4. In the event the State intends to ask this Court to revoke or modify a bond prior to disclosure of initial discovery, it must provide a copy of the incident report and a summary of the defendant's criminal history (similar to the NCIC report) to defense counsel 14 days prior to filing its motion.
5. This Order does not apply to persons held in jail without bond for the initial bond request.
6. In the event of exceptional circumstances requiring a bond modification prior to the receipt or disclosure of initial discovery, the requesting party must file with the Chief Judge for Administrative Purposes for General Sessions a formal motion outlining in detail the specific, exceptional circumstances necessitating the preemption of this order.
7. If defense counsel chooses to file a motion for bond reduction pursuant to this order prior to receipt of any forensic evidence, it should be noted that, pursuant to South Carolina Code subsection 17-15-55(A)(2) (Supp. 2012), "[i]nformation regarding the defendant's guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond


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absent the solicitor's consent."

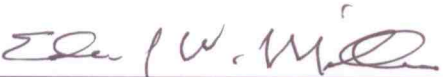
A copy of South Carolina Code section 17-15-55 (Supp. 2012) is attached.

Adopted and incorporated into this order are all existing administrative orders not inconsistent herewith.

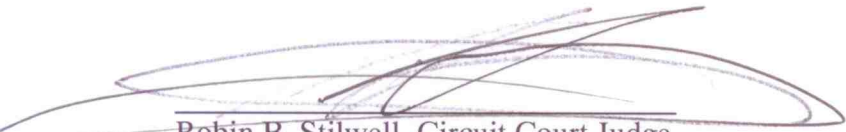
**IT IS SO ORDERED.**



D. Garrison Hill, Circuit Court Judge



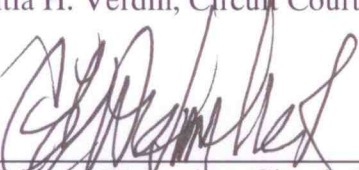
Edward W. Miller, Circuit Court Judge



Robin B. Stilwell, Circuit Court Judge



Letitia H. Verdin, Circuit Court Judge



G. Edward Welmaker, Circuit Court Judge

Dated: December 2, 2013

**§ 17-15-55. Reconsideration by circuit court of bond set by summary court.**

(A)(1) The circuit courts, at their discretion, may review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts may consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant's motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant's prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial after six months. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. Information regarding the defendant's guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond absent the solicitor's consent.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any.

(2) After a circuit court judge has heard and ruled upon the state's motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state's prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances.

(3) If the state's motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within forty-eight hours of receiving service of the state's motion or as soon as practical. The chief judge shall order the solicitor to notify the defense counsel of record and bond surety of the time and date of the hearing, and the solicitor shall provide proof reasonable efforts were made to affect the notice. Upon notice by the State, the defense counsel of record and bond surety shall make reasonable efforts to notify the defendant of the emergency hearing. The court may proceed with the hearing despite the absence of the defendant or bond surety. The court may not proceed with the hearing if the defense counsel of record is not present. If an emergency bond hearing is held without the presence of the defendant and bond is revoked, the judge having heard the matter may conduct the hearing on the defendant's motion to reconsider the revocation. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.

HISTORY: 2012 Act No. 286, § 2, eff June 29, 2012.