



2 – 2014

State of South Carolina  
The Circuit Court of the Thirteenth Judicial Circuit

Letitia H. Verdin  
Judge

Greenville County Courthouse  
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MEMORANDUM

To: Bondsmen  
From: Letitia H. Verdin, Chief Administrative Judge  
Subject: Compliance Requirements for Relief from Bond  
Date: September 5, 2012

2014 SEP 12 AM 10:47  
FILED CLERK OF COURT  
PAUL B. BRIDGEMAN  
GREENVILLE CO. SC

Attached please find a summary outlining statutory law concerning relief from bond. Please particularly note the reasons that do not constitute "good cause" for relief from bond and the requirements in Greenville County for filing a Motion to be Relieved from Bond. Failure of the Bondsman to include the required items may result in summary dismissal of the motion without hearing, a finding of contempt and the imposition of sanctions.

Statutory law permits a bondsman or surety to be relieved from a bond if "good cause" is shown. "Good cause" is defined by the statute as a "violation of a specific term of the bail bond."

The standard bail bond form used by the courts of this state requires that a Defendant released on bail (1) will personally appear for any court hearing or trial, (2) do what shall be ordered by the court, (3) not depart the state without the permission of the court, and (4) be of good behavior. S.C. Code Ann. § 17-15-20.

The affidavit filed by a bondsman pursuant to § 38-53-50 must state a factual basis for grounds that the Defendant has violated one of these specific terms. Violations of other terms that may be in the contract between the Defendant and the bondsman cannot constitute "good cause."

Unless the bail bond signed by the Defendant and the Judge contained such terms, the following are not valid reasons for seeking to be relieved on a bond for "good cause":

- Failure of Defendant to visit, telephone, or otherwise contact the bondsman's office.
- Any other failure on behalf of the Defendant to abide by the terms of the contract or Agreement between the bondsman and the Defendant.
- Reports not based on the bondsman's personal knowledge that a Defendant is "about to" depart the state or otherwise violate the bond.
- Arrests of Defendant on charges where the alleged criminal conduct occurred before the date the Defendant was released on bond in the case.
- Failure of a Defendant to appear at a trial or hearing in an unrelated matter.
- Arrest of a Defendant on an unrelated criminal charge that does not demonstrate a danger to the community.

Your motion will not be considered by the court unless it contains attachments indicating that you have complied with the following requirements:

1. Proof of service of the motion on the Defendant, his attorney, and the Solicitor's Office. S.C. Code Ann. § 38-53-50(a).
2. A filing fee of \$20.00. S.C. Code Ann. § 38-53-50(a).
3. An affidavit stating specific facts to support the surrender of the Defendant. S.C. Code Ann. § 38-53-50(b).
4. Proof that the affidavit was filed with the detention center and clocked in with the Clerk of Court within three (3) business days following the Defendant's recommitment. S.C. Code Ann. § 38-53-50(b).
5. If the grounds for the motion to be relieved is the re-arrest of the Defendant, you must attach a certified copy of the warrant, indictment, or other charging document detailing the re-arrest.

\*\*\*Failure of the Bondsman to include the above items may result in summary dismissal of the motion without hearing, a finding of contempt and the imposition of sanctions. \*\*\*