ISAAC McDUFFIE STONE III, CHAIRMAN
SOLICITOR, FOURTEENTH JUDICIAL CIRCUIT

KEVIN S. BRACKETT
SOLICITOR, SIXTEENTH JUDICIAL CIRCUIT

BARRY J. BARNETTE
SOLICITOR, SEVENTH JUDICIAL CIRCUIT

THOMAS E. POPE
REPRESENTATIVE, DISTRICT NO. 47

MARK A. KEEL
CHIEF, STATE LAW ENFORCEMENT DIVISION

ROBERT G. WOODS IV
DIRECTOR, SC DEPARTMENT OF PUBLIC SAFETY

SCCPC
South Carolina Commission on Prosecution Coordination

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SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT

GREG HEMBREE
SENATOR, DISTRICT NO. 28

BROOKE L. VELAZQUEZ
DIRECTOR OF DIVERSION PROGRAMS
ELEVENTH JUDICIAL CIRCUIT

MERRI PARKER
VICTIM/WITNESS ASSISTANCE ADVOCATE
TENTH JUDICIAL CIRCUIT

July 14, 2023

To all interested parties:

This letter, the attached spreadsheet reports, and the attached letters from each of South Carolina's sixteen elected Circuit Solicitors is being provided pursuant to Proviso 117.170 of the 2023-2024 South Carolina Appropriations Act, Part 1B. Proviso 117.170 provides:

> "***117.170.*** ***(GP: Employee Retention and Recruitment)*** *For Fiscal Year 2023-24, funds will be appropriated to the Commission on Prosecution Coordination and to the Commission on Indigent Defense for "Assistant Solicitor Personnel and Retention" and "Assistant Public Defender Personnel and Retention."*
>
> *Prior to funds being disbursed to the judicial circuits, the Circuit Solicitor and Circuit Public Defender for each judicial circuit shall provide to the Commission on Prosecution Coordination Director and the Commission on Indigent Defense Director, respectively, a report of current warrants pending. The report shall provide the total number of warrants pending in Circuit Court on July 1st of the preceding and current fiscal year, and the total number of warrants disposed of in the previous fiscal year. In addition, the report shall provide the aging categories for pending warrants as follows: (1) those pending 365 days or less; (2) those pending 366 days to 544 days; and (3) the number of warrants pending more than 545 days. Each circuit shall also submit on a semiannual basis an updated report on the current number of warrants pending.*
>
> *By July 15, 2023, the Commission on Prosecution Coordination and the Commission on Indigent Defense shall report to the Chief Administrative Judge of each respective circuit handling the General Sessions docket, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor's Office the manner in which the funds will be distributed among the circuits, steps taken to retain current employees, the number of new FTEs that will be hired, and information obtained from circuits on how these measures will go towards reducing both the number and aging warrants pending.*
>
> *After the initial report is submitted, the Commission on Prosecution Coordination and the Commission on Indigent Defense shall provide semiannual progress updates.*"

In total, the Circuit Solicitors report that with the new funding appropriated by the General Assembly for FY 24, they will recruit and advertise to hire 73-76 new attorneys statewide. Regarding the distribution of the funding among the circuits, the S.C. Commission on Prosecution Coordination (SCCPC) will distribute the new funding in accordance with Proviso 60.11 of the 2023-2024 South Carolina Appropriations Act, Part 1B, which states:

> "***60.11. (PCC: Caseload Equalization Funding)*** *The amount appropriated in this act and authorized for Caseload Equalization will have the first $10,350,000 distributed at an amount of $225,000 per county. The remaining $12,006,872 shall be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.*"

Of the total funding described in Proviso 60.11, $14,530,000 is the new recurring funding appropriated for FY 24 that is the subject of Proviso 117.170. $6,900,000 of this new funding will be distributed among the circuits with each circuit receiving $150,000 for each county in the circuit, and the remaining $7,630,000 being distributed on a weighted basis based on the three-year average of incoming annual warrants as reported by the Judicial Branch. The amount of the new funding each circuit will receive can be found in the documentation included with this letter.

Also included in the attached documentation is a report of pending warrants in the statewide Offices of Circuit Solicitor as directed by Proviso 117.170. Finally, a letter from each of the Circuit Solictors is included with the attached documentation that describes their plan for retaining current employees, the number of new attorneys they plan to recruit and advertise to hire, and how these measures will assist with reducing the current backlog of criminal cases.

Very Truly Yours,



Lisa H. Catalanotto

SCCPC
South Carolina Commission on Prosecution Coordination

**Statewide Pending General Sessions Warrants**
**as of July 1, 2023**
**Circuit Solicitor Data**
**(Pursuant to Proviso 117.170, 2023-2024 SC Appropriations Act, Part 1B)**

**** "ALL WARRANTS PENDING":*** *The total number of warrants that, as of July 1, is reported to the clerk of court as pending in a county/circuit. This includes warrants that remain on and are reported as pending on the docket but are associated with defendants actively participating in a diversion or drug/treatment court program, or have been transferred to another circuit or the Attorney General's Office.*

| CIRCUIT/ COUNTY | FY 23 NEW WARRANTS ADDED (7/1/2022 - 7/1/2023) | | FY 22 PENDING WARRANTS | FY 23 PENDING WARRANTS | | | | |
|---|---|---|---|---|---|---|---|---|
| | CIRCUIT SOLICITOR DATA | JUDICIAL BRANCH DATA (as published 7/10/2023) | ALL WARRANTS PENDING ON 7/1/2022* | ALL WARRANTS PENDING ON 7/1/2023* | # OF WARRANTS PENDING ON 7/1/2023 AGED 365 DAYS OR LESS | # OF WARRANTS PENDING ON 7/1/2023 AGED 366-544 DAYS | # OF WARRANTS PENDING ON 7/1/2023 AGED 545 DAYS OR MORE | # TOTAL WARRANTS DISPOSED DURING FY 23 |
| 1st CIRCUIT | | | | | | | | |
| Calhoun | 420 | 471 | 589 | 578 | 267 | 69 | 242 | 169 |
| Dorchester | 2,597 | 2,430 | 2,989 | 2,899 | 1,906 | 610 | 383 | 3,153 |
| Orangeburg | 2,430 | 2,427 | 2,818 | 2,623 | 1,573 | 421 | 629 | 1,215 |
| **Circuit Totals** | **5,447** | **5,328** | **6,396** | **6,100** | **3,746** | **1,100** | **1,254** | **4,537** |
| 2nd CIRCUIT | | | | | | | | |
| Aiken | 3,416 | 3,378 | 6,153 | 5,917 | 2,452 | 942 | 2,523 | 3,697 |
| Bamberg | 474 | 474 | 619 | 761 | 414 | 145 | 202 | 330 |
| Barnwell | 893 | 890 | 1,077 | 1,394 | 775 | 204 | 415 | 576 |
| **Circuit Totals** | **4,783** | **4,742** | **7,849** | **8,072** | **3,641** | **1,291** | **3,140** | **4,603** |
| 3rd CIRCUIT | | | | | | | | |
| Clarendon | 668 | 678 | 1,045 | 1,067 | 464 | 274 | 329 | 779 |
| Lee | 308 | 311 | 619 | 584 | 223 | 152 | 209 | 489 |
| Sumter | 3,019 | 3,021 | 5,183 | 6,676 | 2,621 | 1,459 | 2,596 | 2,570 |
| Williamsburg | 721 | 727 | 596 | 1,051 | 503 | 327 | 221 | 526 |
| **Circuit Totals** | **4,716** | **4,737** | **7,443** | **9,378** | **3,811** | **2,212** | **3,355** | **4,364** |
| 4th CIRCUIT | | | | | | | | |
| Chesterfield | 1,809 | 1,795 | 3,179 | 2,998 | 1,197 | 370 | 1,431 | 2,041 |
| Darlington | 2,121 | 2,095 | 3,595 | 3,695 | 1,474 | 557 | 1,664 | 2,201 |
| Dillon | 1,337 | 1,352 | 1,339 | 1,303 | 570 | 254 | 479 | 1,384 |
| Marlboro | 813 | 801 | 1,048 | 1,244 | 596 | 153 | 495 | 651 |
| **Circuit Totals** | **6,080** | **6,043** | **9,161** | **9,240** | **3,837** | **1,334** | **4,069** | **6,277** |
| 5th CIRCUIT | | | | | | | | |
| Kershaw | 1,623 | 1,570 | 4,438 | 4,270 | 1,213 | 552 | 2,505 | 2,092 |
| Richland | 10,941 | 10,981 | 17,309 | 16,635 | 7,669 | 2,758 | 6,208 | 11,233 |
| **Circuit Totals** | **12,564** | **12,551** | **21,747** | **20,905** | **8,882** | **3,310** | **8,713** | **13,325** |
| 6th CIRCUIT | | | | | | | | |
| Chester | 1,059 | 1,037 | 1,347 | 1,459 | 788 | 169 | 502 | 1,139 |
| Fairfield | 859 | 815 | 550 | 905 | 606 | 91 | 208 | 743 |
| Lancaster | 2,934 | 2,917 | 5,127 | 6,135 | 2,341 | 822 | 2,972 | 2,966 |
| **Circuit Totals** | **4,852** | **4,769** | **7,024** | **8,499** | **3,735** | **1,082** | **3,682** | **4,848** |
| 7th CIRCUIT | | | | | | | | |
| Cherokee | 2,195 | 2,195 | 2,939 | 2,697 | 1,614 | 499 | 584 | 2,407 |
| Spartanburg | 7,967 | 7,967 | 9,479 | 9,711 | 6,014 | 1,678 | 2,019 | 7,694 |
| **Circuit Totals** | **10,162** | **10,162** | **12,418** | **12,408** | **7,628** | **2,177** | **2,603** | **10,101** |
| 8th CIRCUIT | | | | | | | | |
| Abbeville | 726 | 777 | 964 | 847 | 477 | 191 | 179 | 439 |
| Greenwood | 3,704 | 3,826 | 4,912 | 4,308 | 2,312 | 672 | 1,324 | 1,524 |
| Laurens | 2,494 | 2,768 | 4,644 | 4,141 | 1,675 | 606 | 1,860 | 1,852 |
| Newberry | 1,129 | 1,161 | 1,618 | 1,693 | 667 | 342 | 684 | 673 |
| **Circuit Totals** | **8,053** | **8,532** | **12,138** | **10,989** | **5,131** | **1,811** | **4,047** | **4,488** |

SCCPC South Carolina Commission on Prosecution Coordination

**Statewide Pending General Sessions Warrants**
**as of July 1, 2023**
**Circuit Solicitor Data**
**(Pursuant to Proviso 117.170, 2023-2024 SC Appropriations Act, Part 1B)**

| CIRCUIT/ COUNTY | FY 23 NEW WARRANTS ADDED (7/1/2022 - 7/1/2023) | | FY 22 PENDING WARRANTS | FY 23 PENDING WARRANTS | | | | # TOTAL WARRANTS DISPOSED DURING FY 23 |
|---|---|---|---|---|---|---|---|---|
| | CIRCUIT SOLICITOR DATA | JUDICIAL BRANCH DATA (as published 7/10/2023) | ALL WARRANTS PENDING ON 7/1/2022* | ALL WARRANTS PENDING ON 7/1/2023* | # OF WARRANTS PENDING ON 7/1/2023 AGED 365 DAYS OR LESS | # OF WARRANTS PENDING ON 7/1/2023 AGED 366-544 DAYS | # OF WARRANTS PENDING ON 7/1/2023 AGED 545 DAYS OR MORE | |
| 9th CIRCUIT | | | | | | | | |
| Berkeley | 3,959 | 4,143 | 8,164 | 6,632 | 2,922 | 943 | 2,767 | 5,601 |
| Charleston | 7,463 | 7,451 | 14,000 | 13,716 | 6,150 | 2,273 | 5,293 | 8,244 |
| **Circuit Totals** | **11,422** | **11,594** | **22,164** | **20,348** | **9,072** | **3,216** | **8,060** | **13,845** |
| 10th CIRCUIT | | | | | | | | |
| Anderson | 4,350 | 4,620 | 4,127 | 3,094 | 2,208 | 306 | 580 | 5,771 |
| Oconee | 2,887 | 2,986 | 2,667 | 2,442 | 1,820 | 211 | 411 | 3,525 |
| **Circuit Totals** | **7,237** | **7,606** | **6,794** | **5,536** | **4,028** | **517** | **991** | **9,296** |
| 11th CIRCUIT | | | | | | | | |
| Edgefield | 827 | 782 | 574 | 694 | 499 | 93 | 102 | 773 |
| Lexington | 6,940 | 6,188 | 7,897 | 6,534 | 4,431 | 868 | 1,235 | 9,463 |
| McCormick | 358 | 348 | 353 | 251 | 197 | 26 | 28 | 493 |
| Saluda | 417 | 392 | 386 | 404 | 253 | 55 | 96 | 439 |
| **Circuit Totals** | **8,542** | **7,710** | **9,210** | **7,883** | **5,380** | **1,042** | **1,461** | **11,168** |
| 12th CIRCUIT | | | | | | | | |
| Florence | 4,237 | 4,250 | 7,096 | 6,895 | 3,214 | 1,050 | 2,631 | 4,854 |
| Marion | 779 | 779 | 1,308 | 1,358 | 679 | 137 | 542 | 1,077 |
| **Circuit Totals** | **5,016** | **5,029** | **8,404** | **8,253** | **3,893** | **1,187** | **3,173** | **5,931** |
| 13th CIRCUIT | | | | | | | | |
| Greenville | 14,730 | 16,022 | 19,600 | 18,115 | 11,865 | 2,577 | 3,673 | 6,240 |
| Pickens | 3,354 | 4,021 | 5,533 | 4,776 | 2,991 | 753 | 1,032 | 1,674 |
| **Circuit Totals** | **18,084** | **20,043** | **25,133** | **22,891** | **14,856** | **3,330** | **4,705** | **7,914** |
| 14th CIRCUIT | | | | | | | | |
| Allendale | 191 | 199 | 353 | 415 | 173 | 123 | 119 | 136 |
| Beaufort | 1,876 | 2,082 | 4,953 | 5,060 | 1,593 | 757 | 2,710 | 1,980 |
| Colleton | 750 | 813 | 2,208 | 1,831 | 584 | 300 | 947 | 1,299 |
| Hampton | 511 | 538 | 1,007 | 1,184 | 437 | 220 | 527 | 340 |
| Jasper | 867 | 926 | 1,589 | 1,824 | 777 | 381 | 666 | 625 |
| **Circuit Totals** | **4,195** | **4,558** | **10,110** | **10,314** | **3,564** | **1,781** | **4,969** | **4,380** |
| 15th CIRCUIT | | | | | | | | |
| Georgetown | 1,207 | 1,226 | 1,267 | 1,387 | 887 | 214 | 286 | 1,315 |
| Horry | 9,136 | 9,149 | 8,266 | 9,587 | 6,207 | 1,401 | 1,979 | 9,912 |
| **Circuit Totals** | **10,343** | **10,375** | **9,533** | **10,974** | **7,094** | **1,615** | **2,265** | **11,227** |
| 16th CIRCUIT | | | | | | | | |
| Union | 1,217 | 1,217 | 1,663 | 1,389 | 729 | 194 | 466 | 1,537 |
| York | 7,553 | 7,584 | 6,895 | 5,923 | 3,921 | 657 | 1,345 | 9,268 |
| **Circuit Totals** | **8,770** | **8,801** | **8,558** | **7,312** | **4,650** | **851** | **1,811** | **10,805** |
| **STATEWIDE TOTALS** | **130,266** | **132,580** | **184,082** | **179,102** | **92,948** | **27,856** | **58,298** | **127,109** |

# Distribution of
# FY 24 Assistant Solicitor Personnel and Retention Funding - $14,530,000

| Circuit | County | Incoming Cases (Judicial Branch Data) | | | | Distribution Using Caseload Equalization Method (Proviso 60.11) | | |
|---|---|---|---|---|---|---|---|---|
| | | FY 21 | FY 22 | FY 23 | 3-Year Average (FY 21 - FY 23) | $150,000 Per County ($6,900,000÷46) | ($7,630,000 ÷ 3-yr Statewide Avg. Incoming Cases) x County Avg. Incoming Cases | TOTAL (Per County Allocation + Incoming Caseload Funding) |
| 1 | Calhoun | 447 | 468 | 471 | 462 | $150,000.00 | $26,641.02 | $176,641.02 |
| 1 | Dorchester | 2,392 | 2,298 | 2,430 | 2,373 | $150,000.00 | $136,857.19 | $286,857.19 |
| 1 | Orangeburg | 2,154 | 2,005 | 2,427 | 2,195 | $150,000.00 | $126,592.90 | $276,592.90 |
| **1** | **Circuit Totals** | **4,993** | **4,771** | **5,328** | **5,031** | **$450,000.00** | **$290,091.12** | **$740,091.12** |
| 2 | Aiken | 3,802 | 3,741 | 3,378 | 3,640 | $150,000.00 | $209,918.18 | $359,918.18 |
| 2 | Bamberg | 333 | 430 | 474 | 412 | $150,000.00 | $23,777.02 | $173,777.02 |
| 2 | Barnwell | 642 | 677 | 890 | 736 | $150,000.00 | $42,460.33 | $192,460.33 |
| **2** | **Circuit Totals** | **4,777** | **4,848** | **4,742** | **4,789** | **$450,000.00** | **$276,155.52** | **$726,155.52** |
| 3 | Clarendon | 1,038 | 875 | 678 | 864 | $150,000.00 | $49,802.95 | $199,802.95 |
| 3 | Lee | 337 | 464 | 311 | 371 | $150,000.00 | $21,374.33 | $171,374.33 |
| 3 | Sumter | 2,781 | 2,693 | 3,021 | 2,832 | $150,000.00 | $163,286.78 | $313,286.78 |
| 3 | Williamsburg | 547 | 547 | 727 | 607 | $150,000.00 | $35,002.38 | $185,002.38 |
| **3** | **Circuit Totals** | **4,703** | **4,579** | **4,737** | **4,673** | **$600,000.00** | **$269,466.43** | **$869,466.43** |
| 4 | Chesterfield | 1,752 | 1,818 | 1,795 | 1,788 | $150,000.00 | $103,123.43 | $253,123.43 |
| 4 | Darlington | 2,528 | 2,137 | 2,095 | 2,253 | $150,000.00 | $129,937.45 | $279,937.45 |
| 4 | Dillon | 1,387 | 1,502 | 1,352 | 1,414 | $150,000.00 | $81,518.45 | $231,518.45 |
| 4 | Marlboro | 815 | 715 | 801 | 777 | $150,000.00 | $44,805.35 | $194,805.35 |
| **4** | **Circuit Totals** | **6,482** | **6,172** | **6,043** | **6,232** | **$600,000.00** | **$359,384.68** | **$959,384.68** |
| 5 | Kershaw | 1,840 | 1,710 | 1,570 | 1,707 | $150,000.00 | $98,414.16 | $248,414.16 |
| 5 | Richland | 9,263 | 9,073 | 10,981 | 9,772 | $150,000.00 | $563,517.18 | $713,517.18 |
| **5** | **Circuit Totals** | **11,103** | **10,783** | **12,551** | **11,479** | **$300,000.00** | **$661,931.35** | **$961,931.35** |
| 6 | Chester | 1,042 | 852 | 1,037 | 977 | $150,000.00 | $56,338.26 | $206,338.26 |
| 6 | Fairfield | 590 | 694 | 815 | 700 | $150,000.00 | $40,345.96 | $190,345.96 |
| 6 | Lancaster | 3,019 | 2,823 | 2,917 | 2,920 | $150,000.00 | $168,361.26 | $318,361.26 |
| **6** | **Circuit Totals** | **4,651** | **4,369** | **4,769** | **4,596** | **$450,000.00** | **$265,045.48** | **$715,045.48** |
| 7 | Cherokee | 2,155 | 2,200 | 2,195 | 2,183 | $150,000.00 | $125,900.93 | $275,900.93 |
| 7 | Spartanburg | 8,414 | 7,671 | 7,967 | 8,017 | $150,000.00 | $462,315.90 | $612,315.90 |
| **7** | **Circuit Totals** | **10,569** | **9,871** | **10,162** | **10,201** | **$300,000.00** | **$588,216.83** | **$888,216.83** |
| 8 | Abbeville | 1,025 | 1,024 | 777 | 942 | $150,000.00 | $54,320.00 | $204,320.00 |
| 8 | Greenwood | 4,411 | 3,864 | 3,826 | 4,034 | $150,000.00 | $232,599.57 | $382,599.57 |
| 8 | Laurens | 2,868 | 2,606 | 2,768 | 2,747 | $150,000.00 | $158,423.73 | $308,423.73 |
| 8 | Newberry | 1,494 | 1,384 | 1,161 | 1,346 | $150,000.00 | $77,635.70 | $227,635.70 |
| **8** | **Circuit Totals** | **9,798** | **8,878** | **8,532** | **9,069** | **$600,000.00** | **$522,979.01** | **$1,122,979.01** |
| 9 | Berkeley | 4,405 | 3,865 | 4,143 | 4,138 | $150,000.00 | $238,596.68 | $388,596.68 |
| 9 | Charleston | 7,392 | 7,526 | 7,451 | 7,456 | $150,000.00 | $429,966.09 | $579,966.09 |
| **9** | **Circuit Totals** | **11,797** | **11,391** | **11,594** | **11,594** | **$300,000.00** | **$668,562.77** | **$968,562.77** |
| 10 | Anderson | 4,768 | 4,484 | 4,620 | 4,624 | $150,000.00 | $266,640.87 | $416,640.87 |
| 10 | Oconee | 2,568 | 2,589 | 2,986 | 2,714 | $150,000.00 | $156,520.80 | $306,520.80 |
| **10** | **Circuit Totals** | **7,336** | **7,073** | **7,606** | **7,338** | **$300,000.00** | **$423,161.67** | **$723,161.67** |

# Distribution of
# FY 24 Assistant Solicitor Personnel and Retention Funding - $14,530,000

| Circuit | County | Incoming Cases (Judicial Branch Data) | | | | Distribution Using Caseload Equalization Method (Proviso 60.11) | | |
|---|---|---|---|---|---|---|---|---|
| | | FY 21 | FY 22 | FY 23 | 3-Year Average (FY 21 - FY 23) | $150,000 Per County ($6,900,000÷46) | ($7,630,000 ÷ 3-yr Statewide Avg. Incoming Cases) x County Avg. Incoming Cases | TOTAL (Per County Allocation + Incoming Caseload Funding) |
| **11** | Edgefield | 547 | 816 | 782 | 715 | $150,000.00 | $41,230.15 | $191,230.15 |
| **11** | Lexington | 6,603 | 6,583 | 6,188 | 6,458 | $150,000.00 | $372,397.65 | $522,397.65 |
| **11** | McCormick | 364 | 482 | 348 | 398 | $150,000.00 | $22,950.49 | $172,950.49 |
| **11** | Saluda | 393 | 501 | 392 | 429 | $150,000.00 | $24,718.87 | $174,718.87 |
| **11** | **Circuit Totals** | **7,907** | **8,382** | **7,710** | **8,000** | **$600,000.00** | **$461,297.16** | **$1,061,297.16** |
| **12** | Florence | 4,429 | 4,140 | 4,250 | 4,273 | $150,000.00 | $246,400.61 | $396,400.61 |
| **12** | Marion | 912 | 764 | 779 | 818 | $150,000.00 | $47,188.82 | $197,188.82 |
| **12** | **Circuit Total** | **5,341** | **4,904** | **5,029** | **5,091** | **$300,000.00** | **$293,589.44** | **$593,589.44** |
| **13** | Greenville | 17,080 | 15,868 | 16,022 | 16,323 | $150,000.00 | $941,277.64 | $1,091,277.64 |
| **13** | Pickens | 4,333 | 4,339 | 4,021 | 4,231 | $150,000.00 | $243,978.70 | $393,978.70 |
| **13** | **Circuit Totals** | **21,413** | **20,207** | **20,043** | **20,554** | **$300,000.00** | **$1,185,256.34** | **$1,485,256.34** |
| **14** | Allendale | 208 | 210 | 199 | 206 | $150,000.00 | $11,859.68 | $161,859.68 |
| **14** | Beaufort | 2,275 | 1,912 | 2,082 | 2,090 | $150,000.00 | $120,499.68 | $270,499.68 |
| **14** | Colleton | 1,028 | 1,075 | 813 | 972 | $150,000.00 | $56,049.94 | $206,049.94 |
| **14** | Hampton | 460 | 579 | 538 | 526 | $150,000.00 | $30,312.33 | $180,312.33 |
| **14** | Jasper | 641 | 898 | 926 | 822 | $150,000.00 | $47,381.04 | $197,381.04 |
| **14** | **Circuit Totals** | **4,612** | **4,674** | **4,558** | **4,615** | **$750,000.00** | **$266,102.67** | **$1,016,102.67** |
| **15** | Georgetown | 1,329 | 1,159 | 1,226 | 1,238 | $150,000.00 | $71,388.71 | $221,388.71 |
| **15** | Horry | 9,153 | 8,699 | 9,149 | 9,000 | $150,000.00 | $519,000.15 | $669,000.15 |
| **15** | **Circuit Totals** | **10,482** | **9,858** | **10,375** | **10,238** | **$300,000.00** | **$590,388.86** | **$890,388.86** |
| **16** | Union | 1,334 | 1,234 | 1,217 | 1,262 | $150,000.00 | $72,753.44 | $222,753.44 |
| **16** | York | 7,621 | 7,458 | 7,584 | 7,554 | $150,000.00 | $435,617.22 | $585,617.22 |
| **16** | **Circuit Totals** | **8,955** | **8,692** | **8,801** | **8,816** | **$300,000.00** | **$508,370.66** | **$808,370.66** |
| **Statewide Totals** | | **134,919** | **129,452** | **132,580** | **132,317** | **$6,900,000.00** | **$7,630,000.00** | **$14,530,000.00** |

# The State of South Carolina


OFFICE OF SOLICITOR
First Judicial Circuit

5200 East Jim Bilton Boulevard
Dorchester County Courthouse
St. George, SC 29477
(843) 832-0150
FAX (843) 832-0155

101 Ridge Street
2nd Floor
St. George, SC 29477
(843) 871-2640
FAX (843) 871-2643

**DAVID M. PASCOE**
**Solicitor**

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

102 Courthouse Drive
Suite 111
St. Matthews, SC 29135
(803) 874-1978
FAX (803) 874-1242


To whom it may concern:

I am writing to inform the South Carolina Prosecution Commission and the South Carolina Legislature of the First Judicial Circuit's plan regarding Proviso 117.170.

In accordance with this Proviso, it is my intention to do the following:

- I will hire an additional five Assistant Solicitors to serve the counties of the First Judicial Circuit and their communities.
- After making those hires, any additional funds will be used to increase the salaries of current First Circuit lawyers which will assist in retention and decrease turn over. These additional funds will allow my office to compete with private law firms as well as the well-funded judicial circuits which surround the communities I serve. Significantly, my office has not received an increase in funding in nearly five years from the counties they serve which has limited my ability to provide salary increases to cover the increase in cost of living and inflation for my employees. At just $5.47 per capita rate, my office is currently funded at 30% the rate of nearby Counties, which I believe is to the detriment of both my employees and the citizens I serve. The funds the State intends to provide to our offices are vital for retention of qualified and experienced lawyers to serve these communities.
- By adding an additional five positions in the First Judicial Circuit, this will afford my prosecutors additional time to prepare and review their caseloads prior to court weeks. Additionally, an increase in prosecuting attorneys will correspond to more criminal matters being disposed during those court weeks, and thus more South Carolina citizens and members of our communities will be served.

Respectfully,

David M. Pascoe
Solicitor for the First Judicial Circuit

# The State of South Carolina
## Office of the Solicitor
## Second Judicial Circuit

Bill Weeks
Solicitor
Serving Aiken, Bamberg,
& Barnwell Counties

Aiken County Judicial Center
109 Park Avenue, S.E.
P.O. Drawer 3368
Aiken, S.C. 29802
(803) 642-1557
Fax (803) 642-7530

July 12, 2023

Lisa H. Catalanotto
Executive Director
South Carolina Commission on Prosecution Coordination
P.O. Box 11561
Columbia, SC 29211-1561

Dear Lisa,

Pursuant to Proviso 117.170 as outlined in the Fiscal Year 2024 budget, my office will utilize the proposed funding to establish and maintain a retention and recruitment policy within the 2nd Circuit Solicitor's Office with the following parameters:

- We will immediately recruit and advertise to hire a total of six (6) additional prosecutors for our circuit using our county human resources and law schools operating in or around our state as the primary means of posting vacancies online. We will attend recruitment fairs held in state and at NDAA if feasible to engage with qualified applicants both in and out of state.

- We will utilize funding provided in the proviso to increase salaries among our experienced attorneys so that our pay rate is commensurate with like positions in similar offices in the state. Bonuses will be offered to qualified employees to recognize their expertise and efforts to successfully prosecute a caseload and reduce our pending warrants in a timely manner.

- We will seek to stabilize currently high turnover by hiring assistant solicitors who want to stay in our office. While that is not always possible, I understand prosecutors must be paid a competitive wage if they are to be career prosecutors. This includes providing pay increases at set increments, so that employees know what to expect and will be motivated to stay.

- We will work to retain our current employees by providing ongoing training as outlined below to ensure efficient disposition of cases, which will help to reduce individual caseloads, so that current attorneys are not overwhelmed.

- Training will be provided to current employees and new hires so that the cases that go to trial are spread throughout the office. This will help ensure that one or two prosecutors are not

always on the trial list while others are, and will help to avoid burnout associated with multiple back to back trials for the same assistant solicitor(s).

- New attorneys will be assigned to a more experienced assistant solicitor for specific training. They will first learn about case development and management of caseloads to ensure efficient disposition of cases. Once they are familiar with their caseloads and how to review cases in preparation for plea or trial, they will begin focusing more on how to prepare for trial. The new attorney will assist their supervisor/senior attorney with trial preparation, sit second chair, and be assigned witnesses when their supervisor believes they are ready.

- Training provided will focus on case preparation and management, in line with the new Case Management Order. Assistant solicitors will be required to thoroughly review a case prior to indictment, with the mindset that every case could be a trial. This early preparation will allow cases that plea to be fully prepared and will assist the assistant solicitor in early preparation for trial. It will also identify cases that should be dismissed early in the process.

  Each assistant solicitor will be required to:

  - Review the case within the first 30 days and write a brief summary;
  - Release discovery to the Defense within 30 days;
  - Determine (if possible at this early stage) if the case is eligible for an intervention program;
  - Fully review the case within 90 days;
  - At 90 days, determine if the case should be indicted/how it should be indicted/what can be proven, if the case should be dismissed, or recommend the case for an intervention program;
  - If additional evidence is required, the assistant solicitor will follow up with law enforcement or their investigator to determine if that evidence can be procured;
  - Cases that cannot be proven will not be indicted, they will be dismissed early in the process (at or around 90 days);
  - Indictments will be submitted to supervisors for approval. Supervisors will also review the assistant solicitor's case summary to determine if they agree with the determination made by the assistant solicitor;
  - 2nd appearance dates will be scheduled as outlined in the Case Management Order;
  - Guilty pleas and trials will be scheduled as quickly as possible following indictment/2nd appearances.

Thank you for your consideration, and please don't hesitate to contact me if you have any questions. With kind regards, I remain

Sincerely,

Bill Weeks

Bill Weeks,
Solicitor, Second Judicial Circuit

State of South Carolina
Solicitor of the Third Judicial Circuit

**Ernest A. Finney, III**
Solicitor

Sumter County Courthouse
215 North Harvin Street
Sumter, South Carolina 29150

Phone (803)436-2185
Fax (803)436-2236

July 13, 2023

Ms. Lisa Catalanotto
Executive Director
Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Columbia, South Carolina 29201

Dear Director:

Re: Retention and Recruitment Funding

The Third Circuit Solicitor's office is grateful for your efforts to persuade the Legislature to appropriate recurring funding to assist us with hiring and retaining lawyers for our four counties.

Our office plans to retain existing prosecutors by increasing their salaries by a minimum of seven per cent. In some cases, based on experience and years of service, a ten per cent increase may be considered.

Our office plans to hire seven (7) new prosecutors in the circuit. We will add four lawyers in the Sumter office, and one lawyer in each of the three smaller counties. We have taken steps to post notices of openings on the South Carolina's Bar website. We have opened an office account with Linkedin to search for candidates in our neighboring counties and states. Our circuit needs lawyers with two years' experience in courtroom practice and procedure but given the dire need for help in our circuit less experienced applicants may be recruited and trained.

It is our sincere desire to use the new hires and our veteran staff members to follow the directives recently enacted by the South Carolina Supreme Court's Docket Management Order.

Our mission will be directed at reducing the number of old cases on our roster and moving newer cases in an efficient and effective manner.

Sincerely,

Ernest A. Finney, III

# State of South Carolina
# Office of the Solicitor
# Fourth Judicial Circuit

**William B. Rogers, Jr.**

**Solicitor**

TO: South Carolina Commission on Prosecution Coordination

FROM: William B. Rogers, Jr., Solicitor
Fourth Judicial Circuit

DATE: July 5, 2023

RE: Plan for Funding per Proviso 117.170

The Fourth Judicial Circuit Solicitor's Office will disburse the funds and implement the requirements of the Proviso as follows:

A. **Retention of Employees**

All funds appropriated for employee retention will be used as such with an emphasis placed on performance, specifically related to the reduction of backlog cases pending on the General Sessions docket in each county in the Fourth Judicial Circuit. In anticipation of fund disbursement, this office has already begun salary increases for attorneys to comply with the Proviso. The goal is to retain as many attorneys currently employed by this office.

B. **Backlog Reduction**

The additional funding will also be used to hire new attorneys to help implement a "triage" system in our Circuit The new system should allow us to review and evaluate all new cases, with the goal of disposing of them more efficiently. In coordination with the Chief Administrative Judge and the Public Defender for the Fourth Judicial Circuit, the increased resources will allow a more concentrated effort focused on reducing the total number of cases as well as the age of the cases. I plan on hiring at least four (4) new attorneys to implement the "triage" system.

*The State of South Carolina*

Byron E. Gipson
Solicitor

April Sampson
Deputy Solicitor

Curtis Pauling
Deputy Solicitor

Dan Goldberg
Deputy Solicitor

SOLICITOR'S OFFICE
Fifth Judicial Circuit

July 12, 2023

Lisa H. Catalanotto
Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201
(803) 343-0765
lisacatalanotto@cpc.sc.gov

RE: Proviso 117.170
Employee Retention and Recruitment

Dear Ms. Catalanotto,

Thank you for continuing to provide me with up to date information regarding Proviso 117.170 (GP: Employee Retention and Recruitment) and the Solicitor requirements prior to the disbursement of funding. Below you will find an outline of how the Fifth Circuit Solicitor's Office plans to satisfy said requirements.

**Steps Planned to Retain Current Employees**

As you are keenly aware, the retention of quality, experienced Assistant Solicitors has been a significant challenge in the field of prosecution for quite some time. This office in particular has been hit hard over the last several years and has experienced turnover at an unprecedented rate. Two of the biggest factors during this time have been insufficient salary levels and an ever rising caseload. With the acquisition of this money, I plan to address these two factors head on by 1) increasing salaries for every Assistant Solicitor and 2) reducing the size of the average caseload in the Fifth Circuit. Specifically, every Assistant Solicitor will be the beneficiary of a raise of at least five (5) percent of their current salary. Additionally, I anticipate that the hiring of

additional personnel will allow the average caseload to be reduced by approximately fifteen (15) percent.

**The Number of New Prosecutors**

The last several years have been indicative of the struggle to recruit bright, young minds to the field of prosecution. The addition of new prosecutors to the current staff is vital to the long term quality and efficiency of not only this Office, but the Criminal Justice system as a whole. As such, I will be actively seeking to hire no less than four (4) and as many as seven (7) new prosecutors in the Fifth Circuit depending upon the quality and availability of suitable candidates.

**Plan to Reduce Number and Aging of Warrants**

In an effort to take full advantage of the opportunity that has been afforded to us by the General Assembly, it is incumbent upon each elected Solicitor to use the additional funds and personnel to reduce the backlog of cases that has accumulated over recent years. As described above, I plan to focus on both increasing current salaries and hiring new personnel. In the Fifth Circuit, these two things should directly result in significant reductions in both the size and age of the average caseload as I believe that each of these factors are directly related to one another.

The continued, repeated loss of experienced Assistant Solicitors regularly leaves gaps in the work flow. Time and energy must be spent to find a new hire to replace the departed employee, or, in what is easily a much more devastating scenario, rather than devoting their efforts to cases they were already working on, the remaining prosecutors in the office are collectively forced to "cover" or "inherit" a constant stream of unmanaged cases left in the wake of the previous Assistant Solicitor's departure.

Increasing salaries across the board, in many instances by a significant amount, will enable quality, effective prosecutors to stay on the job for much longer than they would otherwise consider. By doing so, less cases will need to be reassigned, thus allowing everyone else to spend their valuable time on reviewing the cases they have been working from day one and preparing them for court. This will also positively impact the mental health of those that remain employed as they will no longer have to wait for the next person's imminent departure that leaves them with more cases than they are equipped to handle.

This retention of talent, coupled with the addition of new surplus hires, will inherently drive down the number of pending cases in the Fifth Circuit. I anticipate that should this office be able to hire six (6) additional prosecutors, the average Assistant Solicitor caseload will instantly decrease by approximately fifteen (15) percent. Once the numbers have gone down, that frees everyone to work smarter and more efficiently which in turn will cause the number of pending cases to continue to decrease even further.

As caseloads reduce in size, Assistant Solicitors are able to spend more time attacking the age of cases both on the front and back ends. While they will inherently have more time to review the older cases in an effort to get them resolved, prosecutors will also be able to examine new cases,

in depth, earlier in the process than they are able to do now. This will allow staff to resolve more cases prior to them aging. In essence, new cases can be "triaged" earlier on so that the likelihood of a timely resolution increases and the case gets handled before it ever becomes "old."

In conclusion, I am grateful to the General Assembly for providing this funding as it could fundamentally impact the future of the Criminal Justice system for many years to come. I look forward to the progress that will inevitably be made and to seeing how fast South Carolina can become a model nationwide for demonstrating how a systematic problem can in fact be dealt with in a way that benefits all those involved.

With kind regards,



Byron Gipson
Solicitor
Fifth Judicial Circuit

Post Office Box 192 • 1701 Main Street • Columbia, South Carolina 29202 • Phone: (803) 576-1800 • Fax: (803) 576-1718
**5th Circuit Solicitor's Office**

# State of South Carolina
# Solicitor, Sixth Judicial Circuit

CHESTER/FAIRFIELD
LANCASTER
RANDY E. NEWMAN, JR., SOLICITOR

July 13, 2023

Lisa Catalanotto, Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201

**Re: Proviso 117.170**
**Sixth Circuit Employee Retention and Recruiting**

In an effort to retain current talent, On July 1, 2023, every attorney on staff received a significant salary increase to be in line with a new starting salary and career ladder. Just over 1/3 of the new funding for this circuit is being used to raise attorney salaries to match the current career ladder.

We plan to add 4 new attorney positions with the remaining additional funding and are actively recruiting.

I believe retaining current talent is a must in reducing the number of active cases. All too often attorneys leave for higher paying jobs and their cases sit stagnant until their positions can be filled, and new attorneys are trained. In addition, the 4 new prosecutors will substantially reduce the caseload per prosecutor, making each attorney's caseload more manageable and thus making the office more efficient at moving more cases faster.

If you have any questions or comments, do not hesitate to contact me.

Thank you,

Randy Newman, Jr.

**6th Circuit Solicitor's Office**
P.O. BOX 607, 104 N. MAIN STREET, LANCASTER, S.C. 29721 • 803-416-9367 • FAX 855-971-3168

# State of South Carolina

Spartanburg County Court House
180 Magnolia Street
Spartanburg, S.C. 29306
Phone (864) 596-2575
Fax (864) 596-2386

Cherokee County Court House
Floyd Baker Blvd.
Gaffney, S.C. 29340
Phone (864) 487-2576
Fax (864) 487-2753

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit

July 12, 2023

Lisa H. Catalanotto
Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, South Carolina 29201

Dear Lisa,

The Seventh Judicial Circuit Solicitor's Office will utilize the proposed funding pursuant to Proviso 117.170 for the retention and recruitment of assistant solicitors within the Seventh Judicial Circuit in the following ways:

1. Using new and present attorneys to help screen General Sessions cases coming into the office to help facilitate the movement of these cases in a quicker fashion.

2. Hire new experienced attorneys, if possible, to help force the older cases pending in our office to trial in a faster and more effective manner.

3. Supplement the salaries of present attorneys to keep them in our office. When attorneys leave our office the redistribution of their cases to other attorneys in the office leads to delays in the prosecution of these cases because of the time needed to learn the cases, reinterview witnesses, and basically start from the beginning on the cases. When applicable, we may offer bonuses to attorneys when needed to keep them as members of the office or to reward them for their work in the office.

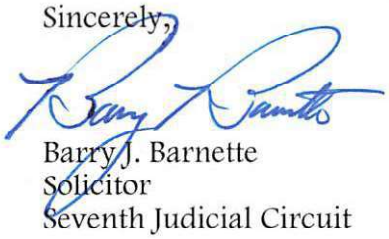
4. A new attorney position to help start Transfer Court in Cherokee County to help facilitate the movement of cases in Cherokee County.

5. Using these new resources to hire at least 4 additional prosecutors and as well as keep our present prosecutors to help move the docket in both counties in our circuit; this should also help move individuals in the county jails in our circuit in more effective manner.

6. We will immediately recruit and advertise to hire at least 4 additional prosecutors for our circuit using the county Human Resources Department and "Indeed" as the primary means of posting vacancies.

If you have any questions or need any additional information, please feel free to contact me at 864-809-8039.

Sincerely,



Barry J. Barnette
Solicitor
Seventh Judicial Circuit

**Greenwood County**
600 Monument Street Suite 203
PO Box 516
Greenwood SC 29648

**Newberry County**
1226 College Street
PO Drawer 10
Newberry SC 29108

**Laurens County**
100 Hillcrest Square. Laurens, SC
PO Box 516
Greenwood SC 29648

**Abbeville County**
102 Court Square. Abbeville, SC
PO Box 516
Greenwood SC 29648

**David M. Stumbo**
Solicitor

July 7, 2023

Lisa H. Catalanotto
Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201

**RE: Proviso Proviso 117.170**
**Response of the Eighth Circuit Solicitor**

Dear Executive Director Catalanotto:

I am writing to respond to your request for information for Proviso 117.170.

As to 2.i., steps planned to retain current employees, our plan is to give all of our prosecutors substantial pay raises.

As to 2.ii., the number of new prosecutors that will be hired (or that will be actively sought), our plan is to hire 2 prosecutors for fiscal year 23-24, and 2 more prosecutors for fiscal year 24-25.

As to 2.iii., an explanation of how these steps will reduce the number of cases and the average age of pending cases, the additional personnel will allow us to efficiently distribute cases among prosecutors, reducing the number of warrants per prosecutor. To reduce the average age of pending cases, prosecutors have been instructed to focus on their oldest cases, particularly during the non-jury terms of General Sessions. Because the current General Sessions Docket Management Order requires Circuit Judges to be present for the second appearance, prosecutors will be able to ensure that cases are resolved efficiently. We are very fortunate to have experienced prosecutors, and these retention funds will help ensure that these attorneys stay in our office. These experienced attorneys have more than just trial skills – they also are also able to see issues and evaluate cases quickly, reducing the time between intake and disposition.

If you have additional questions or concerns, please feel free to call me at (864) 942-8823. Thank you for your attention to this matter.

Sincerely,

David M. Stumbo
Solicitor

State of South Carolina

Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

TO: South Carolina Commission on Prosecution Coordination

FROM: Solicitor Scarlett Wilson

RE: Recruitment and Retention Funding (Proviso 117.170)

DATE: July 10, 2023

The legislature's recognition that both prosecutors and public defenders must have a competent and stable workforce to address bloated dockets and incoming cases is most appreciated. Employers across the nation and in every conceivable sector of the market are facing an unusual, if not unprecedented, job market. With the funding provided pursuant to Proviso 117.170, we intend to add line prosecutors and offer retention raises so that we do not lose experienced prosecutors who can most efficiently attack the backlog.

Keeping in mind that we must budget for fringe benefits and annual merit and cost of living salary increases given by each county, our goal is to hire two additional line prosecutors for Berkeley County and three additional line prosecutors for Charleston County. As for retention measures across the Circuit, we estimate raises to equate to roughly $160,000 amongst approximately 30 Assistant Solicitors. The final decision on raises has not been made due to an anticipated salary study by Berkeley County's Administration. The funding amount required for retention raises may affect the number of Assistant Solicitors we will be able to hire in Berkeley County. Beyond this, we intend to fund at least two part-time screening attorneys who will review lower-level cases for early diversion or dismissal.

Case screening is a tool that should help us make just decisions while reducing case disposition times, allowing more resources to be focused on cases with the greatest impact to public safety. Faster removal of cases with insufficient evidence from the system reduces the burdens that all parties have during the pendency of a case. The two part-time screening prosecutors review lower-level cases to ensure we have a prosecutable case and to evaluate the best path forward for all involved whether that be further prosecution, diversion or dismissal.

Continuous analysis of case data to identify elements commonly associated with dismissals can help screeners decrease case disposition times and reduce prosecutor workload. It also allows prosecutors to provide feedback to the police on better, more effective policing practices. For these reasons, we are collecting and studying data from the screeners that will help us perform a cost-benefit analysis of our triage system. Helping law enforcement improve upon the quality of casework is an important goal for screening and triaging.

ANDERSON COUNTY COURTHOUSE
P.O. BOX 8002
ANDERSON, SC 29622
TELEPHONE 864-260-4046
FAX 864-260-4187

Office of Solicitor
TENTH JUDICIAL CIRCUIT
ANDERSON & OCONEE COUNTIES

OCONEE COUNTY COURTHOUSE
415 SOUTH PINE STREET
WALHALLA, SC 29691
TELEPHONE 864-638-4294
FAX 864-638-4295

SOLICITOR
**DAVID R. WAGNER**

July 13, 2023

Lisa H. Catalanotto, Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201

Re: Funding for Assistant Solicitor Personnel and Retention
Proviso 117.170

Dear Lisa:

Additional state funding will be applied to recruit new personnel with the goal of expanding our pool of assistant solicitor hours by 20%. This should allow us to better attend to General Sessions Court terms as follows:

1. We will be able to assign attorneys specifically to other courts other than General Sessions such that no General Sessions attorney will be expected to attend court elsewhere during a General Sessions term. This will enhance the consistency of our General Sessions team and eliminate much of the scramble of making sure enough attorneys are prepared and available for General Sessions.
2. We can also expand the number of hours dedicated to dealing with new cases quickly. Currently, we have only been able to deploy part of one lawyer's time to the 'triage' of new cases. With more attorney time available, we can expand early inquiry into more complex and serious cases early on in our largest county and bring some of these methods to our smaller county.
3. Additional funding would also be helpful for our efforts to retain experienced and efficient personnel. We hope to reduce turnover. Not only is it necessary to increase our pay scale to compete with private practice options, our circuit is located beside another, better funded circuit. Recently, we have not only lost assistant solicitors to private practice, but also other government jobs. By way of illustration, our most senior Deputy Solicitor's current salary has been $106,965.50 with about 24 years experience whereas our information is that our neighboring Deputy Solicitor was making $127,389 in 2021 with 24 years experience.

4. The 10th Circuit has been successful in reducing the number of warrants pending since the pandemic. However, we continue to struggle to maintain a reasonable amount of warrants assigned monthly to assistant solicitors, relative to the complexity of the cases. Improving the volume flowing in to each assistant solicitor can improve the quality of work per case and the speed at which a satisfactory result is achieved. Adding additional attorneys to lower the average is important to this goal, but so is retaining attorneys so as to avoid the sudden influx of cases from a newly departed assistant solicitor onto the others who are available. That is particularly difficult where the cases of the departing lawyer have been scheduled for court.

As such, increased funding as described would be helpful to the 10th Judicial Circuit and easily applied to our situation to improve the overall operations of our General Sessions court.

Sincerely,

David R. Wagner
Solicitor

DRW/bj

# STATE OF SOUTH CAROLINA

**S.R. HUBBARD III**
SOLICITOR, ELEVENTH JUDICIAL CIRCUIT

July 10, 2023

Lisa H. Catalanotto
Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201

Dear Lisa Catalanotto:

The Eleventh Judicial Circuit Solicitor's Office will utilize the South Carolina State appropriations under Provision 117.170 for the retention and recruitment of assistant solicitors within the Eleventh Judicial Circuit. The retention of assistant solicitors will be accomplished by:

- Using the South Carolina Commission on Prosecution Coordination's Fiscal Year 2021-22 Assistant Solicitor Personnel and Retention report and the statewide Circuit Solicitors' average attorney salaries based on years of experience report released in July 2022, we will determine the fair market compensation of government attorneys as of June 30, 2022.
- We will adjust the June 30, 2022 fair market compensation of government attorneys for cost of living increases provided by government entities in July 1, 2022 and July 1, 2023. We will also adjust for inflation to create an Eleventh Circuit salary pay band system that accounts for years of experience and merit.
- We will adjust assistant solicitors' compensation in accordance with the Eleventh Circuit's salary pay band system.
- Semi-annually, we will evaluate each assistant solicitor's work performance and job responsibilities to determine if any adjustments to compensation is warranted.

In addition to actively working to retain career-minded assistant solicitors, the Eleventh Circuit plans to hire a minimum of four additional assistant solicitors.

The Eleventh Circuit has been successful in reducing the number of overall pending warrants and aging warrants; however, the amount of consistent stress in producing these reductions

has resulted in assistant solicitors resigning their positions for higher paying and less stressful government and private sector jobs. The retention aspect of this plan will allow the Eleventh Circuit to be competitive with the pay of other government entities, which will allow us to retain our core group of career prosecutors. The hiring of additional attorneys will reduce the overall attorney caseloads, which will increase productivity by decreasing work fatigue and eventual burnout. The ability to retain our core group of career prosecutors by paying them competitive wages, combined with hiring more attorneys to decrease solicitor case load will help ensure that the success the Eleventh Circuit has experienced is sustainable.

Sincerely,

S. R. Hubbard III

# The State of South Carolina

## OFFICE OF SOLICITOR

E.L. Clements, III
Solicitor

Twelfth Judicial Circuit
County Complex, Room 404
180 North Irby Street, MSC-Q
Florence, South Carolina 29501

Telephone (843) 665-3091
Fax (843) 669-3947

July 13, 2023

Lisa Catalanotto
Executive Director
SC Commission on Prosecution Coordination
1200 Senate St., Suite B-03
Wade Hampton Building
Columbia, SC 29201

Dear Lisa,

Thank you for your hard work and advocacy on the behalf of the circuits with respect to the recent appropriations bill. It is our intention in the Twelfth Circuit to use funding made available to us to hire at least six new assistant solicitors. We have already begun actively recruiting potential hires, and have found good candidates for several of the positions.

In addition to hiring new attorneys, we plan to adjust the salaries of our current attorneys in order to retain an experienced group of prosecutors. We will consider factors including performance, duties, tenure, and experience in order to fairly distribute retention funding.

The combination of new hires and the experienced prosecutors we will retain due to this funding will allow us to reduce burnout among staff, create more realistic caseloads for each prosecutor, cover terms of court more efficiently, reduce backlog by being able to prepare more trials for each term, allow for better preparation for future terms, dedicate resources to triage new cases in an effort to prepare and move them quickly, and eventually result in being able to operate both counties within this circuit largely independently, which has long been a goal. Accomplishing that goal will provide prosecutors more time between terms to prepare for the next, which will improve the use of court time and allow additional time to adequately prepare trials.

We have lost several excellent attorneys to higher paying government or private jobs due to the overwhelming caseloads we have and the inability to pay attorneys what they are worth. We are grateful for the opportunity to prevent future talent losses and reduce the stress on our current employees while simultaneously being able to better serve the citizens of our circuit.

Sincerely,



E.L. Clements, III
Twelfth Circuit Solicitor

ELCIII:lpj

# State of South Carolina
# Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610

Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins


July 12, 2023

Lisa H. Catalanotto
Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201

Re: Plan for Compliance with Proviso 117.170

Dear Mrs. Catalanotto,

Please allow this letter to serve as a response to your request for specific information regarding how my office plans to utilize the Proviso 117.170 Employee Retention and Recruitment (ERR) funding to both hire and retain prosecutors in the 13th Judicial Circuit.

I currently employ 50 prosecuting attorneys within the Greenville and Pickens offices. A portion of the ERR funding (approximately 40%) will be used to supplement the current salaries of my prosecutors. My staff is currently developing a plan on how to equitably allocate this portion of the funding to maximize the retention of our most talented prosecutors and reduce the gap between public and private sector legal salaries. Also, we plan to hire five new prosecutors during the next fiscal year using another 40% of the funding. These five lawyers will likely have from 0-3 years of experience and be hired within an entry-level salary range. Finally, we plan to use the remaining funding to assist in our ongoing recruitment effort to attract two mid-level attorneys (10 or more years of experience) to expand our capabilities in personnel management and trial advocacy experience.

The increase in the number of newly hired and seasoned attorneys on staff, coupled with targeted efforts to retain talented and experienced prosecutors, will allow us to evaluate cases earlier and reduce prosecutor caseloads to facilitate the disposition of more pending warrants during each court term. I am grateful for the work of the Legislature and your office to make this ERR funding a reality, and my office looks forward to putting it to work for the citizens of Greenville and Pickens County.

With warm regards,

W. Walter Wilkins, III
13th Circuit Solicitor

State of South Carolina
OFFICE OF THE SOLICITOR
FOURTEENTH JUDICIAL CIRCUIT

ALLENDALE, BEAUFORT
COLLETON, HAMPTON AND
JASPER COUNTIES

POST OFFICE BOX 1880
BLUFFTON, SOUTH CAROLINA 29910
TELEPHONE: (843) 779-8477
FACSIMILE: (843) 705-7479

Isaac McDuffie Stone, III
SOLICITOR

June 30, 2023

Lisa H. Catalanotto
Executive Director
South Carolina Commission on Prosecution Coordination
P.O. Box 11561
Columbia, SC 29211-1561

Dear Lisa,

I have attached my circuit plan moving forward pursuant to the instructions by the South Carolina General Assembly and in accordance with the latest South Carolina Supreme Court Order on case management. At this time, I am hiring seven new prosecutors to help facilitate this plan. These seven lawyers will create the three-tier rotation plan I describe in Beaufort County and begin the process in the other counties. I will need additional attorneys in the other four counties to fully put in the system. I will notify you when I do so.

If you any questions concerning this, please contact me.

Yours sincerely,

Duffie Stone

# Three-Tier Criminal Justice Plan

## I. Plan Summary

For a three-year period starting in 2009, the Fourteenth Circuit Solicitor's Office reduced the Beaufort county criminal backlog by 44%. According to South Carolina Court Administration, on July 1, 2008, there were 3,267 pending warrants in Beaufort County. By 2011 the backlog was down to 1,822. At the same time the Solicitor's Office cut the population of pretrial detainees in the Beaufort County Detention center in half.

The Solicitor's Office was able to accomplish this by obtaining federal grant money that placed 12 prosecutors in Beaufort County. These 12 attorneys were divided into 3 teams that rotated among triage, preparation and court. Each month one team was in charge of running court while one team was preparing for the next month's court terms. The third team was working on cases as they came into the system. The prosecutors stayed focused on their assigned areas for the month and were not allowed to work in other areas.

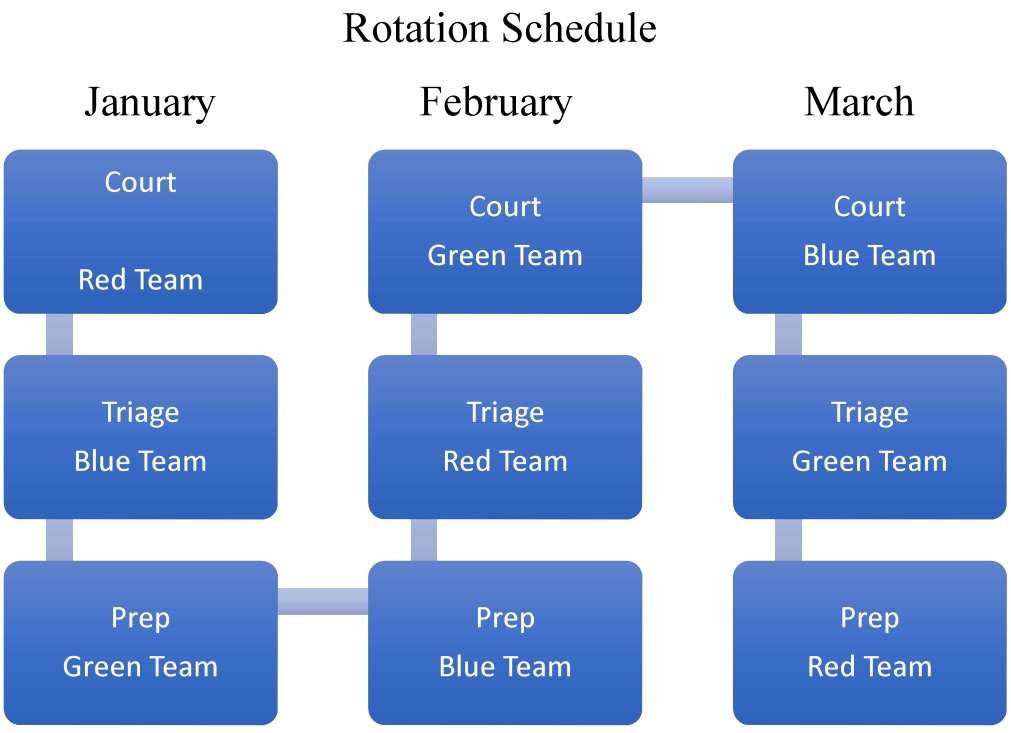
Criminal cases should come to fruition within months instead of years regardless if the defendant goes to trial, pleads guilty, enters into a diversion program or has their case dismissed. The only way for this to happen is if we clear out the backlog. The three-tier rotation system of triage, prep and court accomplishes this goal if there are the right number of prosecutors.

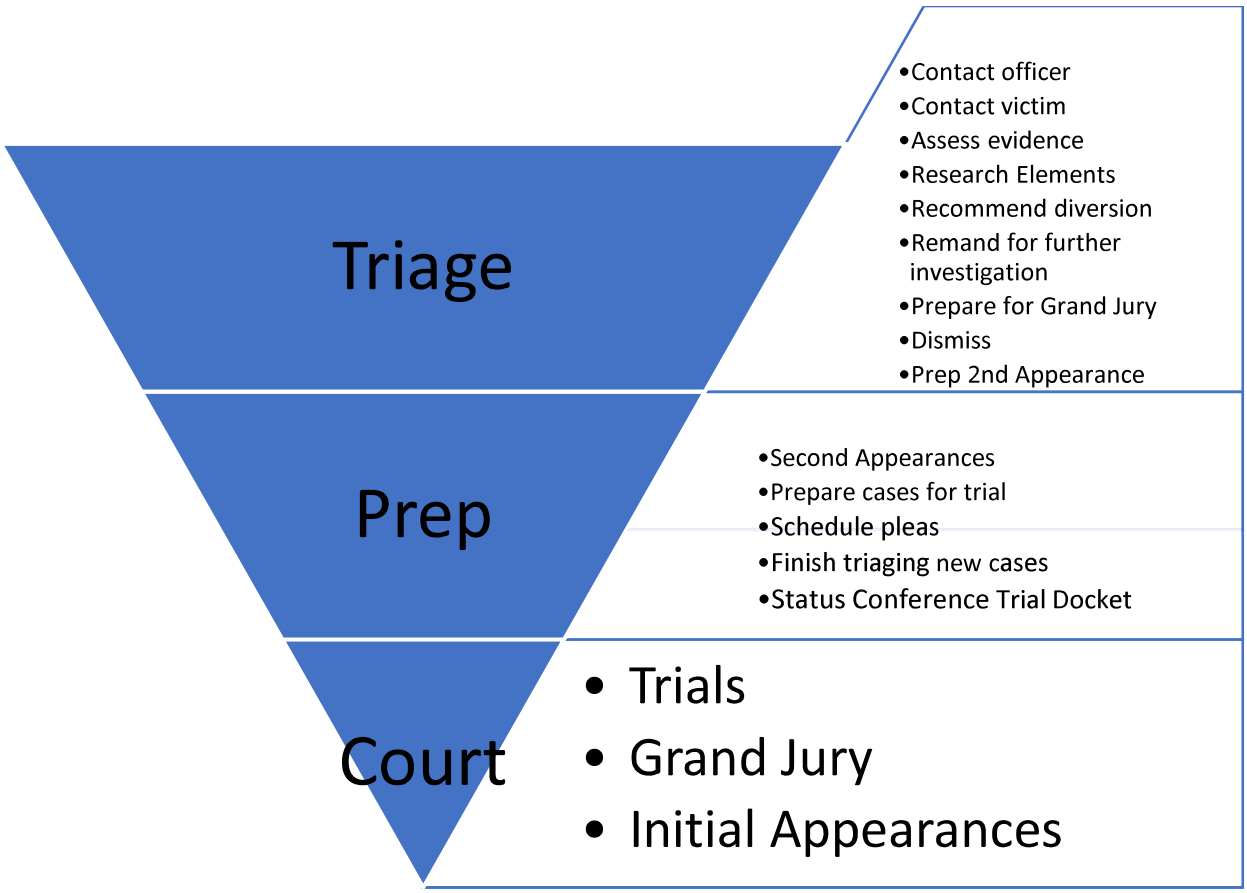
Data supports this. Court is a crucial stage of the criminal justice system and accordingly it receives the most attention. However, most cases are not moved in court. In fact, in a five-year period South Carolina Court Administration reported that only thirty nine percent (39%) of all incoming warrants were disposed in court. Fifty seven percent (57%) of these warrants were processed outside of court by either dismissals or diversion. A proper triage system ensures that these cases are disposed of quickly and not left on dockets for months or even years.

This plan emphasizes preparation and efficiency and requires a rotating team of prosecutors preparing to run court. This team should equal the number of attorneys it takes to run court

so that they can smoothly transition into court when their time comes. Preparation entails meeting with witnesses, assessing evidence and analyzing the law. In the nine months following court reopening after the COVID lockdown the Fourteenth Circuit Solicitor's office tried thirty cases. In doing so they called 337 witnesses. Some of these witnesses were doctors, scientists and out of state residents. Some of the scientists and officers worked for SLED and were needed in other counties throughout the state. It is challenging and cumbersome to organize and coordinate these schedules. It cannot be done while the lawyers are in court. It is therefore crucial that prosecutors have the time to prepare for court. It must be done beforehand if the court term is to be productive.

Finally, there has to be a team of prosecutors in court trying cases.






## II. Three-Tier Plan Principals:

a. This plan emphasizes work outside of the trial court so that both the State and the Defense have adequate time to professionally resolve cases.

b. The trial docket is a list of trials. It is not the sole mode for moving cases nor is it the most efficient.

c. A prosecutor assesses every case within days of arrest.

d. The Chief Judge for Administrative Purposes (CJAP) schedules all non-trial docket matters.

e. The Solicitor schedules the trial dockets.

f. The Clerk of Court notifies all parties of all hearings.

g. 2nd Appearances are formalized communication conferences held on all cases. These should take the place of status conferences.

h. New cases are pled through the proper use of Second Appearances

i. Court Administration is able to schedule county appropriate court terms based on need.

# III. Data

## a. 14th Circuit Data: Warrants to Cases Conversion

| 2017 | | | |
|---|---|---|---|
| County | Ct. Admin | Matrix | Ratio |
| Allendale | 135 | 77 | 1.75 |
| Beaufort | 2081 | 1252 | 1.66 |
| Colleton | 1101 | 695 | 1.58 |
| Hampton | 675 | 356 | 1.90 |
| Jasper | 884 | 525 | 1.68 |
| Total | 4876 | 2905 | 1.68 |

| 2018 | | | |
|---|---|---|---|
| County | Ct. Admin | Matrix | Ratio |
| Allendale | 174 | 106 | 1.64 |
| Beaufort | 2132 | 1313 | 1.62 |
| Colleton | 1137 | 664 | 1.71 |
| Hampton | 487 | 296 | 1.65 |
| Jasper | 939 | 484 | 1.94 |
| Total | 4869 | 2863 | 1.70 |

| 2019 | | | |
|---|---|---|---|
| County | Ct. Admin | Matrix | Ratio |
| Allendale | 132 | 80 | 1.65 |
| Beaufort | 2468 | 1309 | 1.89 |
| Colleton | 1229 | 740 | 1.66 |
| Hampton | 567 | 311 | 1.82 |
| Jasper | 894 | 530 | 1.69 |
| Total | 5290 | 2970 | 1.78 |

| 2020 | | | |
|---|---|---|---|
| County | Ct. Admin | Matrix | Ratio |
| Allendale | 148 | 106 | 1.40 |
| Beaufort | 2325 | 1328 | 1.75 |
| Colleton | 917 | 634 | 1.45 |
| Hampton | 421 | 271 | 1.55 |
| Jasper | 750 | 454 | 1.65 |
| Total | 4561 | 2793 | 1.63 |

| 2021 | | | |
|---|---|---|---|
| County | Ct. Admin | Matrix | Ratio |
| Allendale | 208 | 117 | 1.78 |
| Beaufort | 1918 | 1123 | 1.71 |
| Colleton | 1114 | 712 | 1.56 |
| Hampton | 519 | 351 | 1.48 |
| Jasper | 721 | 408 | 1.77 |
| Total | 4480 | 2711 | 1.65 |

Five-year average warrants to cases conversion

| 5 Yr. Avg. (2017-2021) | | | |
|---|---|---|---|
| County | Warrants | Cases | Ratio |
| Allendale | 159.4 | 97.2 | 1.64 |
| Beaufort | 2184.8 | 1265 | 1.73 |
| Colleton | 1099.6 | 689 | 1.60 |
| Hampton | 533.8 | 317 | 1.68 |
| Jasper | 837.6 | 480.2 | 1.74 |
| Total | 4815.2 | 2848.4 | 1.69 |

***Case*** disposal necessary to match intake

| | | **Out of Court** | **In Court** |
|---|---|---|---|
| Allendale: | | | |
| | Annually | 54 | 44 |
| | Monthly | 5 | 4 |
| Beaufort: | | | |
| | Annually | 695 | 569 |
| | Monthly | 58 | 47 |
| Colleton: | | | |
| | Annually | 379 | 310 |
| | Monthly | 32 | 26 |
| Hampton: | | | |
| | Annually | 174 | 143 |
| | Monthly | 15 | 12 |
| Jasper: | | | |
| | Annually | 264 | 216 |
| | Monthly | 22 | 18 |

Court Schedule: Court Administration schedules court every six months. The number of cases that must be pled or tried equals ½ of the annual In Court number divided by the number of months with court for that particular county.

# IV. Plan Specifics

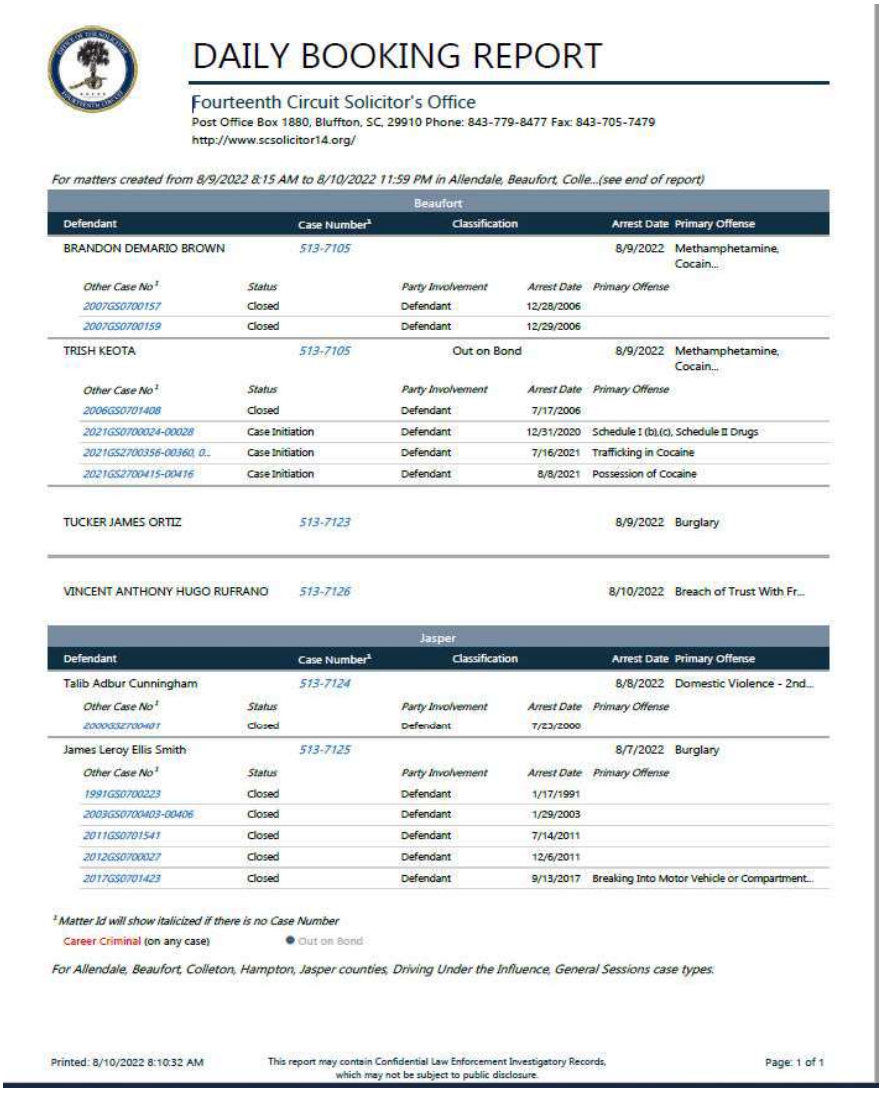
## A. Triage

Purpose

The primary purpose of Triage is for the prosecutor to assess the quality of all incoming cases, the necessity of further investigation and the preparation of cases for Grand Jury consideration at the earliest possible time. This is also when the prosecutor determines sentence and diversion program recommendations. The prosecutor is assigned cases by the intake division within 24 hours of the defendant's arrest. Prosecutors should meet with officers and victims and analyze their case and the offender. In many cases this can be done within days of arrest. Professional prosecutors and defense attorneys will often reach consistent conclusions and will be able to resolve these cases quickly.

1. Intake

Each morning, the intake team pulls information from the five detention centers in the circuit and populates the cases in the Matrix case management system. Matrix then produces a morning booking report that the intake team sends to law enforcement and prosecutors throughout the circuit. This booking report indicates if the newly arrested offender is out on bond, is a career criminal or has any cases pending on the docket. The intake team runs the offender's rap sheet, calculates the risk assessment score, checks on their eligibility for Pre-Trial Intervention (PTI), Multi-Disciplinary Court (MDC) or veteran's court and assigns the cases according to a preset prosecutor assignment schedule.



# DAILY BOOKING REPORT

Fourteenth Circuit Solicitor's Office
Post Office Box 1880, Bluffton, SC, 29910 Phone: 843-779-8477 Fax: 843-705-7479
http://www.scsolicitor14.org/

*For matters created from 8/9/2022 8:15 AM to 8/10/2022 11:59 PM in Allendale, Beaufort, Colle...(see end of report)*

**Beaufort**

| Defendant | Case Number[1] | Classification | Arrest Date | Primary Offense |
|---|---|---|---|---|
| BRANDON DEMARIO BROWN | 513-7105 | | 8/9/2022 | Methamphetamine, Cocain... |
| *Other Case No[1]* | *Status* | *Party Involvement* | *Arrest Date* | *Primary Offense* |
| 2007GS0700157 | Closed | Defendant | 12/28/2006 | |
| 2007GS0700159 | Closed | Defendant | 12/29/2006 | |
| TRISH KEOTA | 513-7105 | Out on Bond | 8/9/2022 | Methamphetamine, Cocain... |
| *Other Case No[1]* | *Status* | *Party Involvement* | *Arrest Date* | *Primary Offense* |
| 2006GS0701408 | Closed | Defendant | 7/17/2006 | |
| 2021GS0700024-00028 | Case Initiation | Defendant | 12/31/2020 | Schedule I (b),(c), Schedule II Drugs |
| 2021GS2700356-00360, 0... | Case Initiation | Defendant | 7/16/2021 | Trafficking in Cocaine |
| 2021GS2700415-00416 | Case Initiation | Defendant | 8/8/2021 | Possession of Cocaine |
| TUCKER JAMES ORTIZ | 513-7123 | | 8/9/2022 | Burglary |
| VINCENT ANTHONY HUGO RUFRANO | 513-7126 | | 8/10/2022 | Breach of Trust With Fr... |

**Jasper**

| Defendant | Case Number[1] | Classification | Arrest Date | Primary Offense |
|---|---|---|---|---|
| Talib Adbur Cunningham | 513-7124 | | 8/8/2022 | Domestic Violence - 2nd... |
| *Other Case No[1]* | *Status* | *Party Involvement* | *Arrest Date* | *Primary Offense* |
| 2000GS2700481 | Closed | Defendant | 7/23/2000 | |
| James Leroy Ellis Smith | 513-7125 | | 8/7/2022 | Burglary |
| *Other Case No[1]* | *Status* | *Party Involvement* | *Arrest Date* | *Primary Offense* |
| 1991GS0700223 | Closed | Defendant | 1/17/1991 | |
| 2003GS0700403-00406 | Closed | Defendant | 1/29/2003 | |
| 2011GS0701541 | Closed | Defendant | 7/14/2011 | |
| 2012GS0700027 | Closed | Defendant | 12/6/2011 | |
| 2017GS0701423 | Closed | Defendant | 9/13/2017 | Breaking Into Motor Vehicle or Compartment... |

*[1] Matter Id will show italicized if there is no Case Number*
Career Criminal (on any case) ● Out on Bond

*For Allendale, Beaufort, Colleton, Hampton, Jasper counties, Driving Under the Influence, General Sessions case types.*

Printed: 8/10/2022 8:10:32 AM This report may contain Confidential Law Enforcement Investigatory Records, which may not be subject to public disclosure. Page: 1 of 1

2. Prosecutor Case analysis

a. Officer contact

The prosecutor should make the initial contact with the arresting officer as soon after arrest as possible. This initial conversation should provide important insight concerning the defendant and the case. The officer will tell the prosecutor things on the phone or in person that they will not put in an incident report. Officers write incident reports primarily to show that they complied with office procedure, not necessarily to inform the prosecutor of the details of the case. Rarely, will the officer put in an incident report their opinion of the witness's' credibility. More often they will tell a prosecutor when asked.

This begins the communication process between the prosecutor and the officer that should last through the case's disposition. The officer can assist the prosecutor in pulling the case together and answering any lingering questions. The prosecutor and the case officer will inevitably share their opinion of the case and the defendant. They will learn from each other. The officer may want an offender to go through a diversion program. They will not, however, put that in their incident report. Finally, when the prosecutor makes a decision about the case outcome the officer will understand the prosecutor's position much better if the two have communicated early.

b. Meeting with victim

The victim advocate should set up an in-person meeting with themselves and the prosecutor as quickly as possible after arrest. Ideally, the prosecutor has spoken to the officer prior to this meeting and is prepared. The prosecutor should listen to the victim, assess their comfort level for testifying and whether they will be cooperative. The prosecutor should also assess their credibility. This is another area that makes the initial interview with the officer important. The officer will have an opinion of the victim's credibility. This will be a good time to see if you agree.

c. Evidence assessment

The prosecutor should review the evidence and make sure that everything that needs scientific testing has been sent to the appropriate agency. It is not uncommon for the arresting agency to seize shell casings, cell phones, etc. and forget to forward these items to SLED for testing. This happens even when the arresting agency takes DNA swabs. DNA should be sent either to SLED or a local lab.

d. Elements research

Before preparing a case for indictment the prosecutor should be certain that the Defendant is charged correctly. The warrant is a suggestion. The prosecutor

should research the elements of any charge they are going to bring, regardless of the charge on the warrant.

e. Return to Law Enforcement

The prosecutor should receive discovery from law enforcement within 30 days of the arrest. If the prosecutor does not and if they have not been able to gather enough information concerning the validity of the charge, the case should be returned to law enforcement for further investigation. If 30 days pass after the prosecutor returns the case to law enforcement and the prosecutor still has not received enough information to properly assess the case, it should be dismissed without prejudice. Prosecutors should use uniform letters as notice to law enforcement. There are no statutes of limitation on criminal offenses in South Carolina. A case can be brought at any time after the crime takes place. If law enforcement provides the necessary evidence the case may be presented for indictment at a later date.

f. Indictment Preparation

The prosecutor should only indict when there is sufficient evidence of the Defendant's guilt beyond a reasonable doubt. If the prosecutor has spoken to the officer, assessed the evidence, researched the appropriate charge, and has everything they need to make a valid sentence recommendation they should prepare the case to be presented to the Grand Jury for indictment. If the prosecutor has properly triaged the case they should be able to present the case for indictment or dismiss it within the 90 days prescribed by Criminal Rule 3.

g. Sentence Recommendation

The prosecutor should take the risk assessment and the highest charge against the defendant and determine the appropriate sentence range according to the sentencing guidelines. The range should not change regardless of whether the defendant pleads guilty or goes to trial. However, the general sentence range

has three sub parts depending on timing: Arrest through Second Appearance, Post Second Appearance through Trial Docketing and Post Trial Docketing.



| TIMELINE SENTENCING | | Tier II | | | | CCU | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Felony A to Felony C | 1 | 2 - 4 | 5 - 9 | 10 - 13 | 14 - 17 | 18 - 21 | 22 - 25 | 26+ |
| Felony A | Trial Roster to Trial | 10 - 11 Yrs | 11 - 13 Yrs | 14 - 16 Yrs | 17 - 19 Yrs | | | | |
| | After 2nd Appearance to Trial Roster | 8 - 9 Yrs | 9 - 11 Yrs | 12 - 14 Yrs | 16 - 17 Yrs | | | | |
| | Arrest to 2nd Appearance | 6 - 8 Yrs | 7 - 8 Yrs | 10 - 12 Yrs | 14 - 16 Yrs | | | | |
| Felony B | Trial Roster to Trial | 8 - 10 Yrs | 10 - 12 Yrs | 12 - 14 Yrs | 14 - 16 Yrs | | | | |
| | After 2nd Appearance to Trial Roster | 6.5 - 8 Yrs | 8 - 10 Yrs | 10 -12 Yrs | 13 - 14 Yrs | | | | |
| | Arrest to 2nd Appearance | 4 - 6.5 Yrs | 6 - 8 Yrs | 8 - 10 Yrs | 12 - 13 Yrs | | | | |
| Felony C | Trial Roster to Trial | 8 - 9 Yrs | 8 - 10 Yrs | 10 - 12 Yrs | 12 - 14 Yrs | | | | |
| | After 2nd Appearance to Trial Roster | 6 - 8 Yrs | 6 - 8 Yrs | 8 - 10 Yrs | 10 - 12 Yrs | | | | |
| | Arrest to 2nd Appearance | 3 - 6 Yrs | 4 - 6 Yrs | 6 - 8 Yrs | 8 - 10 Yrs | | | | |
| | Felony D to Felony F | Tier I | | | | | | | |
| Felony D | Trial Roster to Trial | 36 mo. - 60 mo. | 4 - 6. 8 Yrs | 7 - 10.2 Yrs | 10 - 13 Yrs | 12 - 15 Yrs | 14 - 15 Yrs | 15 Yrs | 15 Yrs |
| | After 2nd Appearance to Trial Roster | 18 mo. - 36 mo. | 2 - 4 Yrs | 4 - 7 Yrs | 7 - 10 Yrs | 10 - 12 Yrs | 11 - 13 Yrs | 13 - 14.9 Yrs | 14 Yrs |
| | Arrest to 2nd Appearance | MDC 2; Time Served | MCD 2; Time Served | 2 - 4 Yrs | 4 - 7 Yrs | 7 - 10 Yrs | 9 - 11 Yrs | 11 - 13 Yrs | 12 - 13.9 Yrs |
| Felony E | Trial Roster to Trial | 24 mo. - 40 mo. | | 5.1 - 7.7 Yrs | 8 - 10 Yrs | 8 . 5 - 10 Yrs | 9 - 10 Yrs | 10 Yrs | 10 Yrs |
| | After 2nd Appearance to Trial Roster | 12 mo. - 24 mo. | | 40 mo. - 60 mo. | 7 - 8 Yrs | 7 - 8. 5 Yrs | 8 - 9 Yrs | 9.5 - 9.8 Yrs | 9.8 Yrs |
| | Arrest to 2nd Appearance | MDC 1; PROB; Time Served | | MDC 2; Time Served | 5 - 7 Yrs | 6 - 7 Yrs | 7 - 8 Yrs | 8 - 9.5 Yrs | 9 - 9.5 Yrs |
| Felony F | Trial Roster to Trial | 14 mo. - 40 mo. | | 22 mo. - 40 mo. | | | 50 mo. - 60 mo. | | |
| | After 2nd Appearance to Trial Roster | 6 mo. - 14 mo. | | 12 mo. - 22 mo. | | | 40 mo. - 50 mo. | | |
| | Arrest to 2nd Appearance | PTI; MDC 1; PROB; Time Served | | MDC 1; PROB - 12 mo; Time Served | | | MDC 2 | | |
| | Misdmeanor A to C | | | | | | | | |
| Misdemeanor A | Trial Roster to Trial | 12 mo. - 36 mo. | | 12 mo. - 36 mo. | | | 24 mo. - 36 mo. | | |
| | After 2nd Appearance to Trial Roster | 3 mo. - 12 mo. | | 6 mo. - 12 mo. | | | 16 mo. 24 mo. | | |
| | Arrest to 2nd Appearance | PTI; MDC 1; PROB; Time Served | | MDC 1; PROB - 6 mo.; Time Served | | | MDC 2 | | |
| Misdemeanor B | Trial Roster to Trial | 8 mo. - 24 mo. | | 12 mo. - 24 mo. | | | 16 mo. - 24 mo. | | |
| | After 2nd Appearance to Trial Roster | 3 mo. - 8 mo. | | 3 mo - 12 mo. | | | 8 mo. - 16 mo. | | |
| | Arrest to 2nd Appearance | PTI; MDC 1; PROB; Time Served | | MDC 1; PROB - 3 mo.; Time Served | | | MDC 2 | | |
| Misdemeanor C | Trial Roster to Trial | 6 mo. - 9 mo. | | 6 mo. - 12 mo. | | | 8 mo. - 12 mo. | | |
| | After 2nd Appearance to Trial Roster | 3 mo. - 6 mo. | | 3 mo. - 6 mo. | | | 6 mo. - 8 mo. | | |
| | Arrest to 2nd Appearance | PTI; MDC 1; Prob.;Time Served | | MDC 1; PROB - 3 mo.; Time Served | | | MDC 2 | | |

This provides a benefit to the defendant for early acceptance of responsibility without punishing the defendant for going to trial. The stiffest sentence recommendation within the range is reserved for those defendants who are placed on the trial docket and demand a jury trial even if they subsequently plead guilty. The recommendation never exceeds the range even if the range does not reach the maximum sentence.

Secondary Purpose of Triage

The secondary purpose of Triage is to prepare for Second Appearance. By Second Appearance the prosecutor has indicted the case, sent discovery and has made a sentence recommendation to the defense attorney. The prosecutor should use Triage to call the Defense attorney and try to determine if the defendant is going to plead guilty or elect for a jury trial.

# B. Preparation

Purpose

During the Preparation Month, the prosecutor shall prepare new cases for presentment to the Grand Jury and to prepare for jury trials.

The Preparation team's cases will also go to a Second Appearance in this month. The team will work with First Assistant, Mary Jordan Lempesis, to ensure that the Second Appearance cases are properly prepared so that they can be scheduled for guilty pleas if the Defendant elects.

1. Grand Jury preparation

Use the Preparation Month to gather any outstanding information on cases that came in during Triage.

2. Preparation for Court Month

Use this month to prepare for the upcoming court month. First the prosecutor should determine which cases will really be trials and which ones are likely to be pleas. Communication with the defense attorney will be key in making this determination. Once the prosecutor has determined which cases are trials they should use this time to wrap up any loose ends and finish developing their witness order and trial strategy.

3. Status Conferences

The purposes of status conferences are to determine which cases on the trial docket will be pleas, which cases will go to trial and if there are any issues that preclude cases from going forward. It is better to know this information before the Monday of the court week. Therefore, status conferences are scheduled approximately one month prior to the first court week of the month. [1]

4. Second Appearance:

Mary Jordan Lempesis will conduct the Second Appearance for the state. The purposes of the Second Appearance are to determine whether the defendant will enter a diversion program, plead guilty or go to trial and to schedule accordingly. The CJAP or their designee presides with a court reporter.

The Second Appearance is scheduled during the fourth month after arrest. By the Second Appearance the Solicitor should have provided both discovery and a sentence

[1] Please refer to the Status Conference Scheduling Order.

recommendation to the defense counsel. The Clerk of Court will schedule and provide notice of the Second Appearance.

The CJAP or their designee will preside and conduct status conferences. The Solicitor should inform the Court that:

- the Grand Jury has indicted the defendant,
- the Solicitor has provided the defense attorney discovery at least 30 days prior to the Arraignment and,
- the Solicitor has provided notice to the defense attorney of any sentence recommendation that they plan to make.

The defense attorney should state to the court whether they have received and reviewed:

- the discovery,
- any sentence recommendation and,
- state that they have discussed this with their client.

The defendant, through their counsel, should inform the court of their intent to plead guilty or go to trial. The defense attorney should also notify the court if there are any pretrial issues, the resolution of which could assist the Defendant in their determination. The court will schedule any pleas or motions at this time.

# C. Court

Purpose

During the team's court month, the team is responsible for all jury court terms scheduled by Court Administration. Mary Jordan Lempesis will oversee First Appearances and Grand Jury.

1. Initial Appearances:

The purposes of the Initial Appearance are to ensure that the defendant has an attorney or understands the risk of going forward without one and that the Clerk of Court has the proper address for the defendant so that they can notify the defendant of upcoming court dates. This hearing is scheduled by the magistrate at

the bond setting pursuant to a pre-arranged schedule. Pro se defendants should be put before a circuit judge at the earliest possible point. [2]

2. Grand Jury

Prosecutors should arrange for all cases to be presented to the Grand Jury once they are convinced there is sufficient evidence to prove the case beyond a reasonable doubt. If the case is True Billed the prosecutor should get a copy of the True Billed indictment, all discovery, and any sentence recommendation to the defense within 24 hours of indictment.

3. Trial Docket

Career Criminal Prosecutor, Mary Jones, will determine the number of cases placed on the trial docket. All assistants are responsible for updating the Matrix status, ensuring that discovery and sentence recommendations have been sent to the defense counsel and placing cases on the Hearing Docket Planner when they are ready for trial.

1. Trial Docket Composition
    a. 70% of the trial docket will consist of the oldest indicted cases pending (over 30 months per Order) in that county. The Solicitor will identify cases from a list of the oldest general felonies and misdemeanors excluding cases involving defendants with outstanding bench warrants, those in failure to appear status, those participating in pretrial intervention, multidisciplinary court, a conditional discharge sentence or other diversion program, and those in which the prosecutors or defense attorneys are unavailable.
    b. The trial docket will be selected and ordered by Mary Jones.
    c. The trial docket will also consist of trials scheduled by the Chief Administrative Judge in which speedy trial motions have been granted.
2. Notice of the Trial Docket

[2] Please refer to the Initial Appearance Scheduling Order.

a. 90 days from the trial week Mary Jones will begin the process of assembling the trial docket. She will communicate with all assistants to make sure that the assistants have discussed the placement of the proposed cases on the trial docket for that term with the defense, that there are no substantial outstanding discovery or legal issues that would prevent the placement of the cases on the trial docket and that the cases will not likely be resolved without placement on the trial docket.

b. Jones shall assemble the proposed trial docket and electronically transmit it to the CJAP, Clerk of Court and the Public Defender no less than 60 days from the court term.

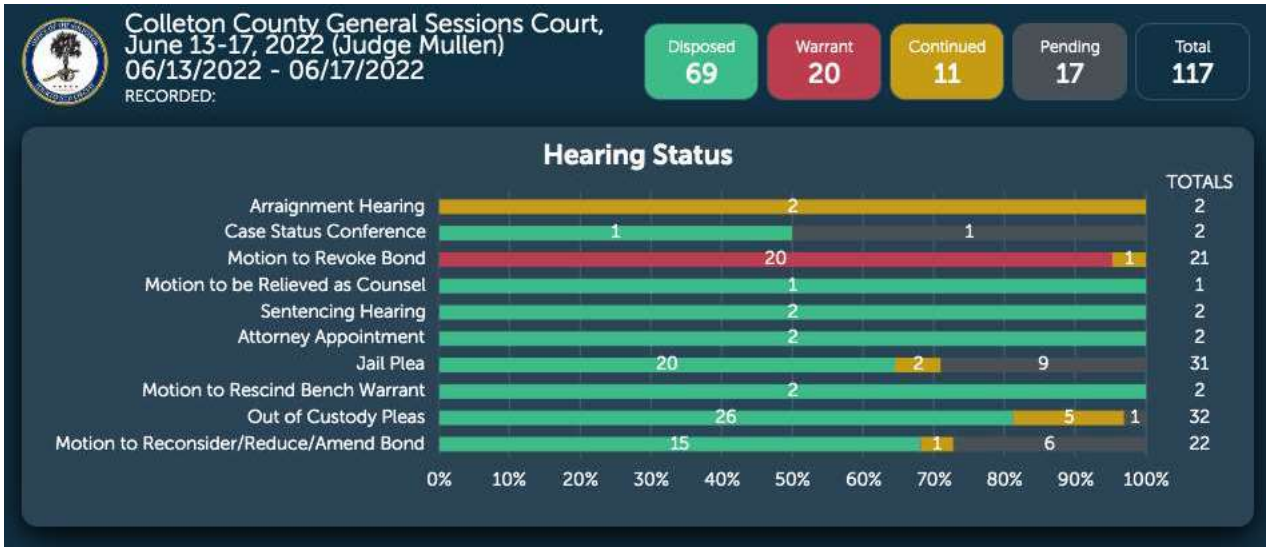
c. When the proposed trial docket is transmitted no other cases may be added without the consent of all parties.

d. The CJAP or their designee will hold status conferences on the cases on the Trial Docket at least 30 days prior to the first court week of the month.

e. The Clerk of Court provides notice to the Defendants and the defense attorneys of the trial docket.

3. List of Matters

The list of matters is a separate list apart from the trial docket of matters scheduled by the court. This may include guilty pleas, bond hearings, motions or any other non-trial matters. The list of matters shall be scheduled by the CJAP and the Clerk of Court. Mary Jordan Lempesis will load the list of matters and the trial docket into the Matrix case management system kiosk for tracking.




## 4. Docket Reconciliation

Mary Jordan Lempesis shall meet with a representative from the Clerk of Court's Office, a representative from the Public Defender's Office and a representative from Court administration at least once every six months to ensure that all cases disposed were properly recorded and that the respective dockets are consistent.

# D. Summary of schedule for new cases:

1. Month 1
   a. Triage
2. Month 2
   a. Preparation for Grand Jury on cases that have sufficient evidence
   b. Remand for further investigation on cases without evidence
   c. Dismiss cases that are unfounded
3. Month 3
   a. Initial Appearances
   b. Grand Jury
4. Month 4

5. Month 5
    a. Second Appearance
6. Month 6
    a. Court takes pleas from Second Appearance on non-jury weeks.

# E. Summary for schedule for older cases

1. Month 1
    a. Solicitor prepares proposed Trial Docket
        1. Excluding Triage attorneys
        2. Excluding Preparation Month attorneys
        3. Including date certain cases
    b. Internal meeting on docket with Mary Jones
    c. Proposed docket sent to Chief Administrative Judge and Clerk of Court
    d. Court Month Docket locks.
2. Month 3
    a. Roster meeting with CJAP on docket at least 30 days from Court week
3. Month 4
    a. Court- (execution of Trial Docket)

# State of South Carolina
# Office of the Solicitor
# Fifteenth Judicial Circuit

Scott R. Hixson
Chief Deputy Solicitor

REPLY TO ☒

P.O. BOX 1276
CONWAY, SC 29528
843-915-5460
FAX: 843-915-6461

Alicia A. Richardson
Deputy Solicitor

REPLY TO ☐

P.O. BOX 1688
GEORGETOWN, SC 29442
843-545-3169
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JIMMY A. RICHARDSON, II
Solicitor

July 10, 2023

Lisa H. Catalanotto, Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201

Lisa:

Pursuant to Proviso 117.170, the Fifteenth Circuit Solicitor's office will disburse the funds and implement the requirements of the Proviso as follows:

- We will immediately recruit and advertise to hire 4 additional prosecutors (2 prosecutors for fiscal year 23-24 and 2 prosecutors for fiscal year 24-25) for our circuit using our County Human Resources to post vacancies. All positions are advertised on Horry County's website, SC Bar and with law schools around the state. Hiring additional prosecutors will allow us to efficiently distribute cases among prosecutors and reduce the number of warrants for each prosecutor. Our Senior Solicitors will help train and mentor new attorneys.
- We have already begun salary increases for our experienced attorneys to comply with the Proviso in an effort to retain our experienced prosecutors. We will offer bonuses when applicable to recognize their expertise and assistance in reducing pending warrants in a timely manner.

If you have any questions or need clarification, please do not hesitate to let me know. I can be reached at 843-915-8608.

Sincerely,

Jimmy A. Richardson, II
Solicitor

KEVIN S. BRACKETT
SOLICITOR

July 7, 2023

Lisa H. Catalanotto
Executive Director
SC Commission on Prosecution Coordination
1200 Senate Street, Suite B-03
Wade Hampton Building
Columbia, SC 29201

Lisa:

Pursuant to Proviso 117.170 as outlined in the Fiscal Year 2024 budget, my office will utilize the proposed funding to establish and maintain a retention and recruitment policy within the 16th Circuit Solicitor's Office with the following parameters:

- We will immediately recruit and advertise to hire 4 additional prosecutors for our circuit using our county human resources as the primary means of posting vacancies. All positions are advertised on the county website, indeed, with the SC Bar and with law schools operating in or around our state. We will attend recruitment fairs held in state and at NDAA if feasible to engage with qualified applicants both in and out of state.
- I will work to retain our current employees utilizing funding provided in the proviso to increase salaries among our experienced attorneys so that our pay rate is commensurate with like positions in similar offices in the state. I will offer bonuses when applicable to qualified employees to recognize their expertise and effort to successfully prosecute a caseload and reduce our pending warrants in a timely manner.
- New attorneys will be trained under a senior solicitor who can mentor and advise on our office's procedures and case management process. Our Senior Solicitors will work to reduce any backlog of cases and decrease the number of inmates held in our jail.

Thank you for your consideration,

Kevin Brackett
16th Circuit Solicitor

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