

RECEIVED

APR 20 2023

IN THE ORIGINAL JURISDICTION OF THE
SOUTH CAROLINA SUPREME COURT

Docket No. _____

SC SUPREME COURT

STATE OF SOUTH CAROLINA)

)

WRIT OF PROHIBITION OR ANY OTHER
EXTRAORDINARY WRIT THE COURT DEEMS
APPLICABLE

vs.)

JEROID J. PRICE)

INDICTMENT: 2003-GS-40-2295

)

DEFENDANT.)

)

)

)

To: Defendant and Todd Rutherford, Attorney for Defendant

YOU WILL PLEASE TAKE NOTICE that on or about April 20, 2023, at 11:00 A.M., or as soon thereafter as this motion may be considered, the State of South Carolina, through its undersigned attorney, will move before the South Carolina Supreme Court for an order to pick up and arrest Jeroid J. Price to return him to the custody of the South Carolina Department of Corrections.

The State of South Carolina hereby moves this Court for an order from the bench to return Jeroid J. Price to the custody of the South Carolina Department of Corrections immediately for the following reasons:

1. Defendant was convicted of Murder and sentenced to 35 years by Judge Reginald Lloyd in 2003.
2. Under South Carolina Code Section 16-3-20(A) a person must serve 30 years to life for murder and is not eligible for any credit that would reduce the sentence below the mandatory minimum of 30 years.

3. Defendant was released on or about March 15, 2023, well before the 30-year minimum would have expired.
4. The victims were not notified of any hearing that would have affected the sentence in the murder case.
5. The triggering mechanism of South Carolina Code Section 17-25-65 giving jurisdiction to a circuit court judge to change a valid sentence did not occur.¹
6. No motion was filed by the circuit solicitor seeking a hearing for a reduction in sentence and therefore, no motion was ever sent to the chief judge of the circuit and no hearing was ever scheduled. *See Solicitor Byron Gipson's press release dated April 19, 2023.*
7. Without the triggering elements of the statute, there is no jurisdiction to alter a valid sentence by a circuit court judge and any such order would be void.
8. In addition to the order being void under South Carolina Code Section 17-25-65, the State would argue that the order reducing the sentence to nineteen years is void because no person charged and convicted of murder under South Carolina Code Section 16-3-20 may have a sentence reduced below the mandatory minimum of 30 years. See State v. Taub, 336 S.C. 310, 314-318, 519 S.E.2nd 797, 800-802 (Ct. App. 1999).

¹ § 17-25-65 (C) A motion made pursuant to this provision shall be filed by that circuit solicitor in the county where the defendant's case arose. The State shall send a copy to the chief judge of the circuit within five days of filing. The chief judge or a circuit court judge currently assigned to that county shall have jurisdiction to hear and resolve the motion. Jurisdiction to resolve the motion is not limited to the original sentencing judge. (Emphasis added)

The State respectfully requests the following relief:

1. That the Court find the order reducing Jeroid J. Price's sentence void.
2. That the Court sign a bench warrant ordering the immediate pick-up and arrest of Jeroid J. Price.
3. That Jeroid J. Price be returned to the South Carolina Department of Corrections to finish serving his 35-year sentence.

I SO MOVE:



Alan Wilson
Attorney General

Jeff Young
Chief Deputy Attorney General

Robert D. Cook
Solicitor General

Don Zelenka
Deputy Attorney General

Heather S. Weiss
Senior Assistant Deputy Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-3693

April 20, 2023



FOR IMMEDIATE RELEASE

APRIL 19, 2023

RE: STATE V. JEROID PRICE

Pursuant to Section 17-25-65 of the South Carolina Code of Laws, the State can ask a Circuit Court Judge to consider reducing the sentence of an inmate who has provided substantial assistance to Law Enforcement. In December of 2022, my office participated in discussions with Defense Counsel and the Court about the applicability of this to an inmate named Jeroid Price. Upon evaluating the nature of Mr. Price's assistance, my office decided that it would be appropriate to file the motion so that a formal hearing could be held in order determine how much, if any, of Mr. Price's sentence merited a reduction.

An official Motion to Reduce the Sentence, pursuant to 17-25-65, was never filed by this office because an Order was issued before the motion could be filed. Therefore, no formal hearing took place where victims would have been afforded their statutory right to be present and voice their position. For those reasons, I am requesting that this matter be reopened by the Court in order to ensure that all statutory rights and procedures are followed correctly. An open hearing will ensure that all parties have their statutorily guaranteed right to be heard and that all information related to this matter can be placed on the record before the Court.

—Solicitor Byron E. Gipson

#####

ORDER FOR BENCH WARRANT
RELEASED PRIOR TO FULL SERVICE OF SENTENCE

STATE OF SOUTH CAROLINA)	IN THE SOUTH CAROLINA SUPREME COURT
)	
THE STATE)	<i>April</i> TERM, 2023
)	
-vs-)	
)	INDICTED AND CONVICTED FOR: Murder
JEROID J. PRICE,)	
)	
)	INDICTMENT #(S): 2003-GS-40-2295
)	
DEFENDANT.)	
)	
)	

It appears to the Court that **Jeroid J. Price** was released from the South Carolina Department of Corrections on or about **March 15, 2023** pursuant to a void order signed by Circuit Court Judge Casey Manning in December, 2022. The Defendant was sentenced to 35 years in prison by the Honorable Reginald Lloyd after a jury trial in 2003. The case has concluded direct appeals and is currently in a Post Conviction Relief appeal status with the Attorney General's Office. No court has changed the 35-year sentence in any of these hearings. Pursuant to South Carolina Code Section 17-25-65, a motion must be "filed by that circuit solicitor in the county where the defendant's case arose" to bring a hearing before the court to reduce the sentence of a defendant who is found to have provided substantial assistance to the State as defined by the statute. Solicitor Byron Gipson, the circuit solicitor in Richland County where Jeroid Price's case arose and was tried, never filed a motion to have a hearing regarding the alleged substantial assistance. Therefore, that motion was never served on the chief judge of the circuit and no hearing was scheduled (see 4/19/23 press release of Byron Gipson). Without the triggering elements of this statute, there is no jurisdiction for a circuit court judge to alter a valid sentence imposed by another circuit court judge with proper jurisdiction. Any order changing the sentence of Jeroid J. Price from the 35-year sentence is void and the 35-year sentence shall be reinstated as the active sentence and Jeroid J. Price returned to the South Carolina Department of Corrections to serve the remainder of the 35 years. Furthermore, pursuant to South

Carolina Code Section 16-3-20(A), a sentence for murder cannot be reduced below the mandatory minimum of 30 years. After notice to Defendant's attorney of record, Todd Rutherford, on motion of Attorney General Alan Wilson, it is ordered that a Bench Warrant be forthwith issued and executed to arrest and detain ***Jeroid J. Price***. It is further ordered that this defendant shall be arrested immediately and placed in confinement in the South Carolina Department of Corrections and shall not be released therefrom under the terms of his original 35-year sentence. This Court shall be notified immediately upon arrest.

IT IS SO ORDERED.

FOR THE COURT

This ____ day of ***April 2023***

CERTIFICATE OF SERVICE

I hereby certify that I have, this 20th day of April 2023, served a copy of a Writ of Prohibition or Any Other Extraordinary Writ the Court Deems Applicable on the following, by email:

James Todd Rutherford (Attorney for Defendant)
The Rutherford Law Firm, LLC
PO Box 1452
Columbia, SC 29202-2139
todd@rutherford.law



Whitney R. Malloy
Paralegal
Special Prosecution
Office of the South Carolina Attorney General