



HENRY McMASTER
GOVERNOR

October 19, 2023

Dear Solicitors:

I write to address a matter of significant public importance and a source of continued concern: motions to reduce, and orders reducing, criminal sentences pursuant to section 17-25-65 of the South Carolina Code of Laws. For the reasons outlined below, and to ensure that recent history does not repeat itself, I am directing the State's Solicitors to notify the Attorney General in advance of filing any such early release motions and respectfully requesting the Attorney General's assistance in reviewing the same.

Protecting the people of South Carolina is government's most important function. That is why, for example, I have repeatedly and consistently called on the General Assembly to pass common-sense measures to strengthen and improve our State's criminal laws. Although I recently signed legislation into law that will help address certain issues related to bond, pretrial release, and electronic monitoring, the General Assembly still must take additional action to support law enforcement's top priority: enhancing existing penalties for illegal gun possession and closing the "revolving door" for repeat offenders and career criminals. While I will continue to advocate for tougher criminal laws and penalties and urge the General Assembly to take prompt action, unfortunately, recent events have revealed that it is not sufficient simply to arrest, convict, and incarcerate criminals, but we must also ensure that they stay in prison.

Earlier this year, nearly all South Carolinians were surprised to learn that a since-retired circuit court judge had issued a sealed order reducing the sentence of (and directing the release of) a violent criminal and known gang member, Jeroid J. Price, who had been convicted of murder and sentenced to a 35-year term of incarceration less than 20 years ago. The early and unsupervised release of this inmate under the circumstances—particularly without the awareness of the South Carolina Department of Corrections ("SCDC") and the constitutionally required notice to, and input from, the victims—defied the law and logic. I appreciate the Attorney General's prompt assistance in successfully petitioning the South Carolina Supreme Court to invalidate Price's early release order, as well as the diligent efforts of state and federal law enforcement authorities in locating and apprehending Price and returning him to SCDC custody.

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Shortly after Jeroid Price's early release first came to light, I noted the need to determine whether that matter represented an isolated incident or whether other inmates had received court-approved sentence reductions without the public's knowledge and without the constitutionally required notice to victims. Accordingly, I requested that Director Stirling review SCDC's records and attempt to identify, based on the information provided to SCDC, any similar (or potentially similar) early release scenarios since January 1, 2022. Director Stirling thereafter prepared a list of 26 other cases and produced the same, along with the corresponding court orders available to SCDC, to me, the Attorney General, and the Chief of the South Carolina Law Enforcement Division. As I am sure you are aware, the South Carolina Supreme Court has since released its reasoned opinion in *State v. Price*, ___ S.C. ___, ___ S.E.2d ___, No. 2023-000629, 2023 WL 5734348 (S.C. Sept. 6, 2023), which outlines the procedural and other legal requirements associated with motions under section 17-25-65.

In light of our recent experience with the Jeroid Price matter, it is imperative that the State review any previous (and potentially similar) early release orders to confirm compliance with the applicable law, and I appreciate Attorney General Wilson's ongoing assistance in doing so. However, after-the-fact awareness of these incidents alone is not sufficient. Not only to protect public safety but also to restore the public's confidence in the judicial system and the Rule of Law, the State must do more to ensure that, if any inmates are to have their sentences reduced, only those who are legitimately worthy (and legally eligible) should receive this benefit—and only after following the statutorily prescribed process and complying with the Victims' Rights Act. Accordingly, to ensure consistency in the approach to motions under section 17-25-65 and to provide an additional layer of prosecutorial review, I am hereby directing Solicitors to provide at least ten days' notice to the Attorney General before filing any motion to reduce a criminal sentence pursuant to section 17-25-65 of the South Carolina Code of Laws. Indeed, the Supreme Court recently indicated that this notice is necessary to ensure that the Attorney General is able "to comply with his obligations under subsection 16-3-1560(D) of the Victims' Rights Act." *Price*, 2023 WL 5734348, at *5.

As you know, the Attorney General serves as "the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record." S.C. Const. art. V, § 24. Thus, while Solicitors exercise primary prosecutorial authority in the vast majority of criminal cases, *see* S.C. Code Ann. § 1-7-320; *State ex rel. McLeod v. Snipes*, 266 S.C. 415, 420, 223 S.E.2d 853, 855 (1976), that in no way limits the Attorney General's ultimate supervisory authority, *see State v. Long*, 406 S.C. 511, 515, 753 S.E.2d 425, 427 (2014). Moreover, as part of the Executive Branch of government, Solicitors may be required to provide special reports, information, and advice both to me and to the Attorney General. *See* S.C. Const. IV, § 17; S.C. Code Ann. §§ 1-1-110, 1-1-840, 1-3-10, 1-7-320; *see also State v. Langford*, 400 S.C. 421, 434, 735 S.E.2d 471, 478 (2012) ("we conclude solicitors are members of the executive branch"). By copy of this letter, I am simultaneously advising the Attorney General of the foregoing directive and respectfully requesting his assistance in connection with the same. I trust that the Attorney General will carefully review any proposed motions under section 17-25-65 and proceed as he deems appropriate in each instance. I am also notifying the South Carolina Commission on Prosecution Coordination of this initiative and requesting that its Executive Director and staff

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assist with facilitating cooperation and compliance with the aforementioned directive. *See* S.C. Code Ann. §§ 1-7-910, 1-7-940.

Thank you in advance for your attention to this important matter. I appreciate the significant and often unrecognized work that Solicitors do every day to keep South Carolinians safe, and I look forward to continued collaboration and cooperation as we individually and collectively seek to advance our shared goals of preserving public safety and upholding the Rule of Law. As always, should you have any questions regarding this matter or otherwise, or if I can be of service or assistance in any way, please do not hesitate to call.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster", is centered below the closing text.

Henry McMaster

HM/tl

cc: The Honorable Alan Wilson
Attorney General of South Carolina

Lisa H. Catalanotto, Esquire
Executive Director
Commission on Prosecution Coordination