



The Supreme Court of South Carolina

JEAN HOEFER TOAL
CHIEF JUSTICE

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1584
FAX: (803) 734-1167

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Mark Keels, Esquire
SC Department of Public Safety
P.O. Box 1993
Blythewood, SC 29016-1993

Dear Mr. Keels:

In response to our recent conversation concerning the backlog of DUI cases in the summary courts, my staff collected data from those courts. As suspected, there is a troubling backlog of DUI cases in those courts and I am writing to ask for your assistance in this matter. I am issuing Orders statewide requiring that all such cases pending in excess of sixty days, in the case of a non-jury trial, and one-hundred twenty days, in the case of a jury trial, be disposed or show substantial compliance with the Order within one-hundred twenty days of issuance. I am sending written requests to the circuit and family bench, the Bar, city and county prosecutors, and law enforcement asking for their assistance in this undertaking. Our data indicates that many of these aging cases were made by troopers. I would ask that you consider issuing a directive to your troopers addressing the following issues:

- Evaluate the status and merit of your cases on a case-by-case basis, starting with the oldest and moving forward.
- Prosecuting troopers should be given authority to negotiate cases, when appropriate.
- Ensure that your troopers promptly comply with discovery requests from defendants and their attorneys.
- Ensure that your troopers are available and appear on their court dates. I am directing affected summary court judges to scrutinize continuances in these cases. I have also asked the circuit and family bench to be lenient in releasing attorneys and officers when conflicts in hearing dates arise.

Finally, I have asked the other entities cited above to cooperate with this effort.

We can only eradicate this backlog of DUI cases with the cooperation of all of the parties referenced in this letter, including you and your troopers. Please let me know if there is anything that I or my staff can do to assist you in this matter. Finally, if you have any suggestions for me, please let me know.

With kindest personal regards, I am

Sincerely yours,

Jean Hofer Toal

JHT/mhb