

Written Comments to the Proposed Rules of Criminal Procedures
Greenville County Clerk of Court
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December 28, 2009

The Greenville County Clerk of Court's office would like to submit these written comments to the Proposed South Carolina Criminal Rules. We would like to submit written comments only for consideration.

1. Comments regarding Proposed Rule 107 Sureties on Bonds

A. The proposed Rule 107(b) in our opinion should read:

(b) Court Approval. Any licensed bondsman seeking to act on a surety bond must be approved by the Clerk of Court.

Otherwise this rule by saying "any bondsman" may be interpreted to include accommodation bondsman as defined by 38-53-10. It would not be feasible for the Clerk of Court to approve any bondsman, other than the licensed bondsman as required by 38-53-80.

B. The proposed Rule 107(c)(1):

Section 1 requires the Clerk to schedule a motion to be relieved on bond. Rule 110 (c)(1) regarding motions says all motions are to be scheduled by the solicitor. Greenville County's a case management order addresses this issue but it may not be the same for all counties.

2. Comments regarding Proposed Rule 109 Disposition of Arrest Warrants

A. Rule 109(c) requires 4 steps to be taken for compliance with this rule. In Greenville County, the Solicitor pre-files indictments (prepares an indictment, assigns an indictment number and files with the Clerk but has not been presented to the Grand Jury) so would this procedure comply with this requirement?