

Summerville Municipal Court



You've Been Charged with a Misdemeanor

What happens now?

Contents

Introduction.....3

What is a Misdemeanor?.....3

I Received a Citation – What Happens Next?3

If I am Arrested – What Happens?4

What if I want a Jury Trial?5

Do I need a Lawyer?.....5

If I Request a Jury Trial – What’s Next?7

What Happens at a Court Trial?.....7

What happens if I plead Guilty or am found Guilty?.....10

What happens I don’t show up when I am supposed to?.....13

South Carolina Uniform Traffic Ticket Example14

Bond I Form Example.....15

Bond II Form Example16

INTRODUCTION

This document provides basic information about what typically happens in cases where a person is charged with a misdemeanor, criminal, or traffic offense within the town limits of Summerville, South Carolina. It is not a complete description of the judicial process, the laws that apply in criminal/traffic cases, or the rights of a person accused of a crime. If you need further information or advice, you should contact an attorney. Although Court Staff members can provide some information, such as court dates, times, and fine amounts, they are not allowed to give legal advice.

WHAT IS A MISDEMEANOR?

Offenses can be grouped into two general categories. The most serious are felonies, the penalty for which can include long-term prison sentences. Next are misdemeanors, the penalty for which can include up to 5 years in jail. Less serious misdemeanors, heard in Summerville Municipal Court, have penalties up to 3 years and fines and costs over \$5,000.00.

If you have been charged with a misdemeanor to be heard in Summerville Municipal Court, you will have been given a citation or warrant prepared by a Summerville Police Officer, or you were arrested and transported to jail by a Summerville Police Officer or other law enforcement officer and seen by a Summerville Municipal Court Judge.

The citation provides the charge description, the judicial officer, the police officer, and the court date and time. The arrest warrant includes the charge description and a short statement of the offense with which you are charged.

In every criminal/traffic case, there are two parties. The *complainant* is the Town of Summerville, who is represented by a Summerville Police Officer, Summerville Code Enforcement Officer, or the Town Attorney. The person charged with a crime is called the *defendant*.

I RECEIVED A CITATION – WHAT HAPPENS NEXT?

If you received a citation, it states a date and time to appear at Summerville Municipal Court, 200 South Main Street, Summerville, South Carolina 29483. The date and time on the citation is for your *initial appearance* or *bench trial*.

IF I AM ARRESTED – WHAT HAPPENS?

If you are arrested, you will be brought before a Judge at the Dorchester, Berkeley, or Charleston County Detention Center, depending on where the alleged incident occurred. The Judge will inform you of your rights, of the charges and possible penalties and set bond according to certain criteria set by state statute.

The Judge is a judicial officer there to review the information provided to him/her and set bond. [S]he cannot determine guilt or innocence.

Rights Form

A Judge will complete a Checklist for Magistrates and Municipal Judges which has important information about your legal rights. If you do not understand the information, tell the Judge what you do not understand and [s]he will explain.

Charges and Possible Penalties

The Judge tells you the charge(s) and the possible penalties, and asks if you understand them. (At this point, the Judge is asking only if you understand the charges, [s]he is not asking if you admit to anything.) If you do not understand the charge or the possible penalties, tell the Judge what you do not understand and [s]he will explain.

Right to Counsel

The Judge will inform you that you have the right to be represented by a lawyer. If you want a lawyer but cannot afford one, you can request a court-appointed lawyer. If you ask for a court-appointed lawyer, the Judge will fill out a form after asking questions about your finances to make sure you qualify.

Release from Jail

The Judge considers certain factors to determine what type of bond is necessary for an individual – family ties, employment, financial resources, character, mental health, length of residence in the community, record of conviction(s), and any record of failure to appear or failure to comply.

Upon submitting the appropriate discharge paperwork to the appropriate detention facility, your release from jail is not controlled by the Court or the Judge. The detention center is responsible for the release of individuals from its facility.

PERSONAL RECOGNIZANCE. If a Judge determines you have met the state requirements, you may sign your own bond and be released by the detention center.

SURETY BOND. If a Judge determines you do not meet the state requirements for personal recognizance you may be required to post a cash or surety bond. Either you or someone on your behalf will need to contact the detention center to get the bond amount or via internet at <https://publicindex.sccourts.org/Dorchester/PublicIndex/PISearch.aspx>.

Bondsman services may be used for this type of bond. Either you or someone on your behalf will need to contact a bonding company or bonding representative of your choice. The bonding company or representative will file all the necessary paperwork with the Judge and secure your release.

PROPERTY/ACCOMODATIONS BOND. A deed or property may be put up for bonding purposes by you or someone on your behalf. An attorney is generally required for assisting with this type of bond.

NOTE: If you or someone else posts property for bond, it will be affected if you do not appear for court.

THIRD PARTY. You may have someone, generally a family member, come and sign your bond and you can be release into their custody.

NOTE: If someone signs your bond, the Court will hold him/her accountable for your appearance on the court date and time. If you do not appear, the Town or State may go after any property the signatory may own in the amount of the bond.

WHAT IF I WANT A JURY TRIAL?

If you want to request a jury trial, it needs to be done – in writing – before your court date and time, or you may appear and request one in the courtroom at your scheduled *initial appearance* or *bench trial* and request one upon the judge’s instructions.

DO I NEED A LAWYER?

Only you can answer this question. You may represent yourself, or an attorney may represent you. Another person who is not a lawyer may not represent you in court. A non-lawyer who represents him or herself is expected to follow court rules and procedures the same as a lawyer. If you cannot afford an attorney, you will need to appear at your scheduled *initial appearance* or *bench trial* and request one upon the judge’s instructions.

If you want to represent yourself in court, and want more information about the law that applies in your case, you can consult with an attorney without hiring the attorney to represent you in court. You can also get more information at the Dorchester, Berkeley, or Charleston County Public Libraries. The citation or arrest warrant states the charge and statute number/town

ordinance number under which you were charged. The procedures the court follows are set by rules adopted by the South Carolina Supreme Court. Both the state statutes and the Supreme Court rules are set forth in the South Carolina Code of Laws, which can be found at all courthouses, either in print or online in digital copy, and in most public libraries in the state. Copies of the town ordinances can be found at local courthouses, local city offices, and/or local libraries.

The court rules include certain requirements as to the format of documents, such as motions, to be filed with the court. Court staff members can provide some information as to the format of documents to be filed with the court. The court staff members do not have standardized, preprinted forms that can be completed and filled out with the court in misdemeanor cases, and cannot advise you as to the information to be included in your document.

State Statutes

You can research state statutes using the following link on the internet:

<https://www.scstatehouse.gov/code/statmast.php>

Town Ordinances

Town ordinances can be accessed using the following link on the internet:

https://library.municode.com/sc/summerville/codes/code_of_ordinances

Court Rules

Court Rules for Municipal Court may be researched by clicking on the following link:

<https://www.sccourts.org/courtReg/>

Municipal Court Forms

Forms used in Municipal Court may be found by clicking on the following link:

<https://www.sccourts.org/forms/searchType.cfm>

IF I REQUEST A JURY TRIAL – WHAT’S NEXT?

Your case will be removed from the *initial appearance* or *bench trial* docket and placed on the *pending jury trial* docket. When your case is set for a jury trial, you and/or your attorney will receive notice of the scheduled date approximately one month prior to the trial. Be sure the court is informed of any address changes.

WHAT HAPPENS AT A COURT TRIAL?

A fundamental principle of our system is that the defendant is presumed to be innocent. This principle has two important results. First, the prosecution has the burden to prove that the defendant is guilty, and the prosecution has the burden throughout the trial. Second, the prosecution must prove the defendant is guilty beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is the kind of doubt that would make an ordinary person hesitant to act in the most important affairs of his or her own life.

Bench Trial – Initial Appearance

In a bench trial, the Town of Summerville – generally the Town of Summerville Police Officer – prosecutes the case and you defend the case, unless you have a lawyer. The presiding judge hears the evidence and decides if you are guilty or not guilty.

OPENING STATEMENT. The judge will make an opening statement on his/her way to the bench. During this statement you will hear instructions on requesting a continuance or jury trial and what to do if you need a court appointed lawyer.

CASE CALL. The Judge will call each defendant by name. If you are not present when your name is called, you will be subject to being tried in your absence. This may result in a bench warrant being issued for your arrest or your driver’s license being suspended. It is important to be at Summerville Municipal Court fifteen (15) minutes prior to your court time.

You will be asked to come to the podium in the center. If you need a continuance or would like to consult with a lawyer, tell the judge before you answer guilty or not guilty.

ARRAIGNMENT. The Judge will inform you of your charge and ask you if you plead guilty or not guilty. If you plead guilty, you are admitting that you committed the offense with which you are charged. You are also giving up your right to a trial and your right to remain silent. If you are not sure whether you want to plead guilty or not guilty, you can ask the judge to reschedule your case for another day so you can talk to a lawyer first. You can also plead not guilty and proceed with the trial.

Whether you plead guilty or not guilty, the judge will hear from both sides to determine sentencing or guilt/innocence. If you plead not guilty, both sides will be sworn to tell the truth.

PROSECUTION. Because the prosecution has the burden of proof, it goes first. The Town of Summerville Police Officer will present its case by summarizing the facts and answering any questions the judge may have. If there are any witnesses, the judge will also hear from them. DO NOT interrupt the judge or any of the other parties. You will have an opportunity to state your case and ask questions.

DEFENSE. At this time, the judge will ask to hear from you. You may provide any information you deem necessary, including but not limited to: testimony, pictures, maps, witness, etc.

SUBPOENAS. *What if there is a witness I need to have testify at trial, and I want to make sure the witness shows up at the trial?*

You can ask the clerk of court to issue a subpoena at least 10 days prior to the trial, which orders the witness to appear at trial. The subpoena must be delivered (*served*) to the witness, and a *return of service* (a statement by the person delivering the subpoena that service was completed) must be filed with the Summerville Municipal Court. You may want to make arrangements to have a process server serve the subpoena to the witness. (There is a fee for this process.) If the witness fails to appear, the court can hold the witness in contempt and sentence the witness to fines and/or jail time.

VERDICT/DISPOSITION. After the judge hears the facts/evidence from both sides, [s]he decides if you are guilty or not guilty. The decision may be made directly, or if the judge needs more time to think about the case, [s]he may take it *under advisement*.

If the judge finds you guilty, [s]he determines the sentence

Jury Trial

In a jury trial, six community members are called to be the jury. They hear the evidence and decide if you are guilty.

JURY. The trial begins with jury selection. About 100 potential jurors are summoned to court. The judge begins by asking the potential jurors questions to make sure that none has previous knowledge of the parties, or any beliefs about the issues in the case that might cause a juror to be biased for or against either party. The prosecution, and then the defense, may also ask questions.

Each party may challenge a potential juror. If either party believes a juror might be biased, the party can challenge a juror for cause, and the judge decides whether to excuse the juror. Each party also has six preemptory challenges. A preemptory challenge allows a party to have a juror excused without stating any reason. Juror's names are drawn at random, and the first six jurors who are not challenged and excused are the jury.

The court prepares jury instructions that describe to the jury what is going to happen and what the jury is to do. The court discusses with both parties of the instructions before they are given to the jury, and asks if either party has objections to the instructions. The judge hears the objections

and decides whether to make any changes to the instructions while the jury is outside the courtroom.

OPENING STATEMENT. Because the prosecution has the burden of proof, it goes first. The prosecutor may make an *opening statement*, in which the prosecution summarizes the evidence it is going to present. The defense may then make an opening statement, in which the defense summarizes the evidence it is going to present. The defense may wait to make its opening statement after the prosecution has finished presenting its evidence. (The *defense* refers to you, and if you are represented by an attorney, to the defendant's attorney.)

PROSECUTION CASE-IN-CHIEF. The prosecution then begins calling each witness. Each witness is sworn to tell the truth, and takes a seat in the witness stand. The prosecution asks question of the witness (called *direct examination*); the defense may then ask questions of the witness (called *cross examination*); the prosecution may next ask questions to clarify matters that the witness testified to on cross-examination (called *redirect examination*); and the defense may then ask questions to clarify matters that the witness testified to on redirect examination (called *recross examination*). The judge may also ask questions of a witness.

After the last prosecution witness testifies, the prosecutor says that the prosecution rests. After the prosecution rests, the defense is entitled to present evidence, but is not required to do so.

DEFENSE CASE. If the defense chooses to present evidence, the defense may then make its opening statement, if it did not do so after the prosecution's opening statement. The defense begins by calling its witness. Each witness is sworn to tell the truth and takes a seat in the witness stand. The defense asks question of the witness (called direct examination); the prosecution may then ask questions of the witness (called cross examination); followed by redirect and recross examination.

You are entitled to testify as a witness if you choose to do so. Because you have the right to remain silent, you cannot be required to testify. The judge cannot use your decision not to testify as evidence that you are guilty. If you choose to testify, then you have waived your right to remain silent; the prosecutor can ask questions (cross examine) the defendant, and the judge can also question the defendant, the same as any other witness.

PROSECUTION REBUTTAL CASE. After the last defense witness testifies (after the *defense rests*), the prosecution may call *rebuttal* witnesses. Rebuttal witnesses called to present testimony that answers or rebuts the defense's evidence. Rebuttal witnesses are questioned in the same manner as other prosecution witnesses.

EVIDENCE. Evidence can be either witness testimony or *exhibits*. Exhibits are physical items such as photographs, documents, or other things. If a party (the prosecution and/or the defense) has an exhibit it wants to offer as evidence, the party must first call a witness who can identify the exhibit. (For example, if a party wants to offer a photography, the party must call the person who took the photo, or someone who can testify that the photo is an accurate picture of the objects shown in the photo.) Once the exhibit is properly identified, the party offering the exhibit asks the court to admit the exhibit into evidence. The other party may object if there is a reason

why the exhibit should not be allowed, then it is not part of the evidence, and it cannot be considered in deciding the case.

While one party asks questions of a witness, the other party may object to the question or to the witness' answer if there is a reason why the question or answer should not be allowed. The South Carolina Supreme Court has adopted rules, called the South Carolina Rules of Evidence, which the judge must apply in determining if the judge will allow a question, a witness' answer, or an exhibit.

CLOSING ARGUMENTS. After the last rebuttal witness testifies, the prosecutor again says that the prosecution rests. Prosecution may then present its *closing argument*, in which the prosecution reviews the evidence and describes how the evidence proves its case. The defense may then present its closing argument, in which the defense reviews the evidence and describes how it fails to prove the prosecution's case. After the defense's closing argument, the prosecution may make a final closing argument.

VERDICT. After closing arguments, the jury decides if the defendant is guilty or not guilty. If the jury finds the defendant guilty, the judge determines the sentence.

WHAT HAPPENS IF I PLEAD GUILTY OR AM FOUND GUILTY?

If you plead guilty or are found guilty, the judge must next determine the penalty (also called the sentence). The court may decide the sentence at the time you plead guilty or are found guilty, or may schedule sentencing for another day.

At sentencing, the prosecution may make a recommendation about the sentence. You or your attorney may make a recommendation, and you may make a statement on your own behalf. The judge decides the sentence, and it is written on the court's copy of the citation or arrest warrant.

In determining your sentence, the court considers three factors: accountability (punishment), skill development (to help avoid future offenses), and community protection. The judge imposes a sentence that the court determines is appropriate to the defendant and to the circumstances, in light of these three factors.

The sentence must be within the minimum or maximum limits set by statute. All misdemeanor offenses are punishable by fines, court costs, alternative sentencing programs, and/or jail. Some misdemeanors are also punishable by driver's license suspension. If the offense resulted in injury to another person, or damage to another person's property, you may be required to make restitution (explained further below). If your sentence includes fines, court costs, and/or restitution, the sentence will state the specific amount. If your sentence includes alternative sentencing or jail, your sentence will state it.

Fines/Fees/Court Costs

Fines/Fees/Court Costs ARE DUE AT THE TIME OF SENTENCING. If you are unable to pay the fines at sentencing, you may be subject to jail. You can ask the judge to allow you to be set up on a scheduled time payment plan (STP) but that is subject to the judge's approval and terms.

Community Service

The judge sets a deadline to complete the community service hours, if ordered, and you are given instructions where to report to make arrangements. Community service must be completed through a court-assigned/approved community service organization.

You will be provided information along with the requirements. Failing to complete the requirements will subject you to a bench warrant for failure to comply.

Scheduled Time Payment Plans

The judge sets a deadline to complete to have the amount ordered paid in full on or before. If the amount is paid in installments, a 3 percent collection fee is added. If the amount is paid in one lump sum, there is no collection fee added. You will be provided with a payment agreement stating the date that the money must be paid in full on or before as well as the terms of the payment agreement. Failing to abide by the terms of the payment agreement will subject you to a bench warrant for failure to comply.

Alcohol & Drug Abuse Counseling

The judge may sentence you to an alcohol and drug abuse program – generally lasting twelve weeks if you comply with all of the program requirements according to their specific schedule. There are fees involved. Amounts depend on programs assigned.

You will be provided an orientation date and other requirements. Failing to show on your orientation day or failing to complete requirements will subject you to a bench warrant for failure to comply.

Domestic Violence Program

If you are charged with Domestic Violence, the judge may sentence you to participate and complete the 26-week program approved by the Department of Social Services (DSS). There are fees associated with this program.

You will be provided an orientation date and other requirements. Failing to show on your orientation day or failing to complete requirements will subject you to a bench warrant for failure to comply.

Pre-Trial Intervention

Pre-Trial Intervention (PTI) is a diversion program for first time offenders offered by the First and Ninth Circuit Solicitor's Offices. If the judge sentences you to PTI, you will be required to do community service work, receive educational/counseling services, pay restitution, and not have a criminal record. There are fees associated with application, participation, and destruction of arrest records.

You will be provided an orientation date and other requirements. Failing to show on your orientation day or failing to complete requirements will subject you to a bench warrant for failure to comply.

Alcohol Education Program

This program pertains to first time offenders with alcohol violations in Summerville Municipal Court. If you are sentenced to this program, you will be required to attend an 8-hour alcohol education class, Alive at 25 class, 20 hours of community service, and cannot partake of alcohol. There are fees associated with participation, alcohol education class, Alive at 25 class, alcohol screening, and destruction of arrest records.

You will be provided an orientation date and other requirements. Failing to show on your orientation day or failing to complete requirements will subject you to a bench warrant for failure to comply.

General Supervision or House Arrest

If you are sentenced to this program, you will be required to report to the agency upon their specific requirements for General Supervision (i.e., alcohol/drug screening, community service work, etc.) or House Arrest (e.g., ankle bracelet, GPS tracking, etc.). There are fees associated with this program.

You will be provided an orientation date and other requirements. Failing to show on your orientation day or failing to complete requirements will subject you to a bench warrant for failure to comply.

Restitution

Restitution is the amount you must pay to the victim of your crime, to cover the victim's costs for treatment for an injury, or to repair or replace property damaged by you. Restitution is due at the time of sentencing unless otherwise ordered by the judge.

Jail

Jail time begins at sentencing and continues until the sentence is fully served.

Driver's License Suspension

There are some offenses for which the statute provides that the court will or may suspend your driver's license if you plead or if you are found guilty. In some instances, suspensions begin at sentencing; in some instances, the suspension begins when a current period has passed.

If your sentence includes a driver's license suspension, the court may require you to surrender your license to the court at sentencing.

You may be able to apply for a provisional license through the South Carolina Department of Motor Vehicles. Do not drive until you have a provisional license in your possession; once you have it, drive only during the times and for the purposes agreed upon with the DMV.

There are other offenses for which statutes provide for the SC Department of Public Safety to suspend driver's licenses. For example, the DPS may suspend a driver's license when a person has lost all of his/her "points" due to traffic offenses. For more information about suspension of driver's licenses by the SCDPS, you may call the SCDPS or your local department of motor vehicles.

WHAT HAPPENS IF I DON'T SHOW UP WHEN I AM SUPPOSED TO?

If you do not appear for your initial appearance (the date and time on your citation, or Bond I or Bond II form), you may be charged with an additional offense, commonly known as *Failure to Appear* (FTA). An FTA is a misdemeanor, punishable by up to 30 days in jail and/or a fine of up to \$500.00, plus court costs. If you are charged with an FTA, the court is likely to issue a warrant for your arrest.

If you fail to appear for any other proceedings by the court after your initial appearance (e.g., continuance, jury trial, etc.), the court is likely to issue a warrant for your arrest. You will be

required to show good cause why the court should not hold you in contempt. If you are held in contempt, you may be required to pay additional fees and/or serve additional time in jail.

If you cannot appear at the scheduled time for an initial appearance, contact the officer or your attorney as soon as possible. If the officer chooses to reschedule your case or your attorney contacts the court ahead of time and if you have a good reason, the court may reschedule your case. If you do not contact the court ahead of time, the court will require compelling reasons before it excuses a failure to appear.

SOUTH CAROLINA UNIFORM TRAFFIC TICKET EXAMPLE

VOID NOTES

UNIFORM TRAFFIC TICKET
STATE OF SOUTH CAROLINA
VERSUS

NAME: FIRST NAME MIDDLE NAME LAST NAME
STREET
CITY STATE ZIP CODE

VEHICLE MAKE MODEL YEAR COLOR MAKE LICENSE NO. STATE PLATE NO. COUNTY COUNTY REGISTRATION FEE

VEHICLE OWNER: FIRST NAME MIDDLE NAME LAST NAME
STREET CITY STATE ZIP CODE

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT: SUMMERSVILLE MUNICIPAL COURT
ADDRESS: 200 South Main Street
CITY: SUMMERSVILLE SC ZIP CODE: 294836010

VIOLATION: VIOLATION CODE VIOLATION DESCRIPTION

NAME AND ADDRESS OF ISSUING OFFICER: SUMMERSVILLE POLICE DEPT

DATE RAISED BY

COURT INFORMATION: DISPOSITION DATE DISPOSITION: NOT PROSECUTED / GUILTY / FINE / HOLD CONTINUED / REFERRED TO COURT / REFERRED TO PROSECUTOR / REFERRED TO JUDGE / REFERRED TO JURY / DEFENDANT DID NOT APPEAR / APPEARED

VEHICLE INFORMATION: MAKE MODEL YEAR LICENSE NO. COUNTY REGISTRATION FEE

Electronic Copy - Trial Officer / Driver's Record TICKET # 20192690I42579

Name + Address of Trial Court

Date and Time of Initial Appearance

Description of your charge

Name of the officer who issued you the citation

State Statute or Town Ordinance matching your charge

This is your citation number you need when contacting the officer or court.

BOND FORM I EXAMPLE

Your Warrant Number(s) or ticket Number(s) will appear Here

CRIMINAL CHARGING DOCUMENT NO.

BAIL PROCEEDING FORM I

STATE OF SOUTH CAROLINA
COUNTY OF _____

IN THE COURT OF _____

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

NAME OF DEFENDANT

Offense Charged:

Charge descriptions will appear here

IT IS HEREBY ORDERED

I
That the above named defendant be released from custody on his own recognizance without surety on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court, and not depart the State without permission of the court and be of good behavior.

II

That the above named defendant be released from custody upon a recognizance without surety executed by him.

Appearance Recognizance Without Surety

On the _____ day of _____, _____ personally appeared before the undersigned judge the defendant named above who acknowledged himself indebted to the State of South Carolina, in the sum of _____ dollars, to be levied on his real and personal property for the use of the State, if the defendant shall fail in performing the conditions of the Order.

III

That the defendant will notify the court promptly if he changes his address from the one contained in this Order and will comply with the following other conditions of release: _____

IV

That the defendant shall appear at (check one):

the term of _____ COURT OF GENERAL SESSIONS beginning on _____ at _____ o'clock _____ M., at _____ and remain there throughout that term of court. (If a disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of Magistrate/Municipal Court of _____ beginning on _____ at _____ o'clock _____ M., at _____ (If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

Your initial appearance court date, time, + location

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SIGNATURE OF DEFENDANT

ADDRESS

SIGNATURE OF JUDGE

CITY/STATE/ZIP

TELEPHONE

DATE

SOCIAL SECURITY NUMBER

DRIVER'S LICENSE OR ID NUMBER

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED
Original Copy For The Trial Court - Copy For The Defendant

Form Approved by SC Attorney General
Section 17-15-40
March 21, 2012

SCCA 5310A (Revised 3/2012)

BOND FORM II EXAMPLE

Your ticket or warrant number(s) will appear here

CRIMINAL CHARGING DOCUMENT NO. _____

BAIL PROCEEDING FORM II

STATE OF SOUTH CAROLINA

IN THE COURT OF _____

COUNTY OF _____

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

NAME OF DEFENDANT _____

Offense Charged:

Charge descriptions will be listed here

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: _____

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

- The defendant, acknowledging himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

- The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

- The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of _____.

3. That the defendant shall appear at (check one):

- the term of _____ COURT OF GENERAL SESSIONS beginning on _____ at _____ o'clock, _____ M., at _____ and remain there throughout the term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

- the session of Magistrate/Municipal Court of _____ beginning on _____ at _____ o'clock, _____ M., at _____ If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT _____

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with these conditions described hereinafter in the Order.

Your initial appearance date, time, and location are here

SIGNATURE OF JUDGE _____

DATE _____

ORIGINAL AND DUPLICATE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED
 SCSA501A (Revised 5/2012) Original Copy For The Trial Court - Copy For The Defendant