

The Supreme Court of South Carolina

Re: Seventh Judicial Circuit Mental Health Court

ORDER

The Mental Health Court Program Act, enacted on June 1, 2015, by the South Carolina Legislature, recognizes the need for, and benefits of, a Mental Health Court. The Act establishes a Mental Health Court to be administered by circuit solicitors and provides that the Chief Justice of the Supreme Court of South Carolina shall appoint all Mental Health Court judges operating pursuant to the Act.

The Solicitor for the Seventh Judicial Circuit has moved for an Order for the establishment of a post-adjudicatory Mental Health Court, pursuant to S.C. Code Ann. § 14-31-30(2), and for the appointment of judges, pursuant to S.C. Code Ann. § 14-31-40(B), to preside over the Mental Health Court. The purpose of the Mental Health Court is to divert qualifying mentally ill offenders away from the criminal justice system and into appropriate treatment programs, without compromising the safety of the public.

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution and S.C. Code Ann. § 14-31-10, et seq.,

The Mental Health Court is established within Spartanburg County and Cherokee County in the Seventh Circuit Solicitor's Office. Any person arrested in Spartanburg and/or Cherokee Counties for misdemeanor charge(s) and/or non-violent felony charge(s) who is suffering from a diagnosed, or diagnosable mental illness, including those with a co-concurring disorder of substance abuse, may be eligible for referral into the Seventh Judicial Circuit Mental Health Court (hereinafter "MHC").

The Seventh Circuit Solicitor's Office shall determine eligibility. In cases involving victims, proper notice shall be given to victims pursuant to S.C. Code Ann. § 16-3-1525. Policy and procedures for the MHC, including, but not limited to, referral, application, admission, and participation, shall be developed by the

Seventh Circuit Solicitor's Office. A Mental Health Court Team (hereinafter "MHC Team") may be established for the proper execution of the MHC.

Admission into MHC shall be determined by the Seventh Circuit Solicitor's Office subsequent to recommendations made by the MHC Team. Upon acceptance into the MHC, the defendant shall enter a plea of guilty. Upon acceptance of the plea by the presiding circuit judge of the Court of General Sessions, a negotiated sentence is encouraged. If a negotiated sentence is accepted and ordered, the negotiated sentence shall be deferred pending the defendant's successful completion of or termination from the MHC. If a sentence is not negotiated, the sentence imposed shall likewise be deferred pending the defendant's successful completion of or termination from the MHC, and disposed of as provided below.

The Honorable Jacqueline A. Moss, Spartanburg Municipal Court Judge, is assigned to preside over court proceedings of the MHC, pursuant to S.C. Code Ann. § 14-31-40(B). In her absence, the Honorable Jason T. Wall, Magistrate Judge for Spartanburg County, or the Honorable Joshua L. Queen, Probate Judge for Cherokee County, may preside. Pursuant to this assignment, Judge Moss, Judge Wall, or Judge Queen (generally referred to as the "MHC Judge") shall be responsible for managing the MHC and coordinating the role of the judiciary with the functions of the Seventh Circuit Solicitor's Office, together with any other Spartanburg County and Cherokee County agencies which may serve the MHC. The MHC Judge shall be responsible for presiding over courtroom proceedings involving the MHC to include the imposition of sanctions for violations of the conditions of the MHC and any termination for non-compliance. The sanction may include, but is not limited to, a bench warrant or other sanctions deemed appropriate by the MHC Judge.

The MHC is a voluntary program, and each offender must voluntarily consent to the jurisdiction of the MHC, and consent shall be noted at or before the entry of the guilty plea. The offenders who enter the MHC will do so after pleading guilty to the criminal charge(s). Upon successful completion of the MHC, the offender's sentence shall be deemed satisfied. Upon unsuccessful completion of the MHC, whether due to voluntary withdrawal or termination, where the underlying sentence has been negotiated and ordered by the circuit court, the MHC judge shall impose the predetermined negotiated sentence. Upon unsuccessful completion of the MHC, whether due to voluntary withdrawal or termination for non-compliance, the defendant shall be returned to the Court of General Sessions to be sentenced if the underlying sentence remains undetermined; provided however, the MHC judge may impose a sentence not to exceed one-year imprisonment.

This Order takes effect immediately and remains in effect unless amended or rescinded by the Chief Justice.

s/John W. Kittredge

John W. Kittredge
Chief Justice of South Carolina

Columbia, South Carolina
September 3, 2024