

MOTION TO PRECLUDE THE RELEASE OF DEFENDANT'S PRIVATE COMMUNICATIONS BEING HELD AND MAINTAINED BY THE COLLETON COUNTY DETENTION CENTER

The Defendant, through undersigned counsel, respectfully moves this Court for an order precluding the release of the Defendant's private communications held by the Colleton County Detention Center. This motion is predicated upon the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article I, §§ 3, 9, 10, 11, 12, 14 and 15 of the Constitution of the State of South Carolina, State v. Ellefson, 266 S.C. 494, 224 S.E.2d 666 (1765), and State v. Blackwell, 420 S.C. 127, 801 S.E.2d 713 (2017). Specifically:

- 1) The Defendant is currently detained at the Colleton County Detention Center;
- Inmates detained at the Colleton County Detention Center have the ability to send correspondence and make telephone calls;
- These correspondence and telephone calls are monitored and/or recorded by the Colleton County Detention Center;

- 4) The South Carolina Supreme Court has stated in <u>Ellefson</u> that inmates detained at detention centers have a privacy right to their communications despite being informed that those communications are being monitored.
- 5) The South Carolina Supreme Court in <u>Blackwell</u> has protected privileged communications and confidentiality and require a hearing to determine whether release is appropriate.
- 6) Recently, a number of media agencies inside and outside of South Carolina have been requesting various detention centers to release recorded telephone calls of inmates in unrelated cases under the South Carolina Freedom of Information Act (FOIA). Those requests appear to be generally complied with.
- 7) The Defendant objects to the release of any of his recorded communications being held by the Colleton County Detention Center without a hearing where the Defense, an agent of the Colleton County Detention Center, and the requestor can be present so that the Court can determine whether the release of any communications through FOIA is appropriate.

Accordingly, the Defense objects to the release of any private communications of the Defendant without a hearing. The Defendant hereby asserts any privacy right he is entitled to.

August 9 2023

SC Bar# 72535

Respectfully Submitted.

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