

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)
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)
)
State of South Carolina)
)
)
v.) MEMORANDUM IN SUPPORT OF
) DISMISSAL
Brooks Templeton,)
)
Defendant.)

At the request of Solicitor Scarlett Wilson, the above matter, originally within the jurisdiction of the Ninth Circuit Solicitor's Office, was formally reassigned to the First Circuit Solicitor's Office for prosecution. This reassignment was made at the request of the Ninth Circuit Solicitor's Office to avoid any appearance of a conflict of interest that could erode public trust in the impartiality and integrity of their office.

After a thorough review of the evidence, which included witness statements, medical records, and other items, the First Circuit Solicitor's Office has determined this matter will be dismissed.

Brooks Templeton was originally charged with Assault and Battery 1st Degree on April 16, 2024. A preliminary hearing was held on July 15, 2024 in the Charleston County Magistrate Court, at which time the court ruled that there was insufficient probable cause to establish the victim suffered great bodily injury, which is a required element of the offense of Assault and Battery First Degree under South Carolina law. The case was ultimately bound over as a lesser included offense, Assault and Battery Second Degree.

Solicitor's Office staff conducted a thorough review of all documentation and evidence collected during law enforcement's investigation considering the amendment in charges. In addition to the evidence initially provided, the First Circuit Solicitor's Office requested additional documentation and evidence which was not initially available. After our review of this additional documentation, it is the State's position that this case lacks sufficient admissible evidence to prove beyond a reasonable doubt that the victim's injuries meet the statutory threshold for Assault and Battery Second Degree under South Carolina law.

When a criminal defendant is charged with Assault and Battery Second Degree, South Carolina law requires the State to prove beyond a reasonable doubt that the defendant unlawfully injured another with the present ability to do so and moderate bodily injury resulted or could have resulted. Moderate bodily injury is defined by South Carolina law as a "physical injury that

involves prolonged loss of consciousness, or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment when the treatment requires the use of regional or general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.” S.C. Code Ann. § 16-3-600(A)(2).

The decision to dismiss is based on the following factors:

1. **Delayed Charging and Initial Law Enforcement Determination:** Law enforcement initially concluded that no criminal charges should stem from the incident. Charges were later brought months after the fact, without significant new evidence being presented.
2. **Victim’s Inconsistent Statements:** The victim initially reported that multiple individuals assaulted him but declined to identify the assailants. This lack of clarity and initial unwillingness to cooperate hindered early investigative efforts.
3. **Conflicting Eyewitness Information:** The information provided about the presence, identity, and location of eyewitnesses during the incident was inconsistent and uncorroborated. Efforts to clarify these details have not yielded reliable testimony.
4. **Lack of Cooperation from Bystanders:** Despite repeated outreach, individuals identified as witnesses or bystanders have refused to speak or cooperate with the Solicitor’s Office regarding this incident.
5. **Discrepancies in Alcohol Consumption:** Medical records indicate a high level of alcohol intake by the victim on the night in question. This directly contradicts the victim’s statement to the Solicitor’s Office, in which the victim claimed to have consumed very little alcohol, thus calling credibility into question.
6. **Delayed and Incomplete Medical Records:** Medical documentation regarding the victim’s follow-up care and injuries was not made available to the State for over a year. When records were received, they included injuries unrelated to the alleged incident, including documentation from a prior incident.
7. **Insufficient Medical Proof of Seizure Activity:** Aside from one witness statement who has not agreed to meet with our office, there is no viable medical evidence confirming the victim experienced seizures. Both the initial MRI and subsequent scans returned normal findings.
8. **No Evidence of Long-Term Injury:** The medical evidence does not support a finding of long-term facial injury or protracted loss of bodily function. As a result, the State is unable to sustain charges at the General Sessions level, where the statute requires proof of “moderate bodily injury.”

9. Hearing Loss Claims Not Supported by Initial Medical Testing: Although the victim later submitted documentation alleging protracted hearing loss, initial audiology testing indicated no such loss. Medical experts advised our office that any hearing loss resulting from trauma of this nature would have been detectable immediately after the incident.

10. Medical Documentation Related to the Victim's Prior Injuries From a Previous Assault: The victim in this matter was previously assaulted in the year prior to this incident. Those injuries significantly impact the evaluation of causation and the severity of injuries in this matter. Medical records were only obtained after a specific request by the State, as the Mount Pleasant Police Department did not have access to most of the relevant medical or EMT records at the time of the initial investigation. The delayed availability of this critical information limited our ability to establish the necessary elements of the offense beyond a reasonable doubt.

While it is not the State's position that no crime occurred, we do not currently have sufficient evidence to proceed with prosecution at the General Sessions level. Although the Mount Pleasant Police Department initially had probable cause to obtain arrest warrants for a General Sessions-level assault charge—probable cause that was affirmed by the Charleston County preliminary hearing court—the additional discovery requested revealed that the State cannot meet the burden of proof beyond a reasonable doubt for Assault and Battery Second Degree.

It is important to recognize that the evidentiary standard for law enforcement to make an arrest is significantly different from the standard the State must meet to secure a conviction. Our role is not merely to obtain convictions, but to seek the truth. As ministers of justice, we are ethically bound to pursue only those cases for which the evidence supports prosecution beyond a reasonable doubt. In this case, we do not believe that standard has been met and therefore we cannot move forward. Accordingly, this case is dismissed in the interest of justice.

Respectfully,

Kelly LaPlante
Chief Deputy Solicitor