



HENRY McMMASTER  
GOVERNOR

April 25, 2023

The Honorable Bryan P. Stirling  
South Carolina Department of Corrections  
4444 Broad River Road  
Columbia, South Carolina 29210

RE: *State of South Carolina v. Jeroid J. Price*  
Case No.: 2003-GS-40-2295 (S.C. Ct. Comm. Pls.)

Dear Director Stirling:

As you know, we recently learned that the circuit court issued an order reducing the sentence of—and thereby directing the release of—a violent criminal and known gang member, Jeroid J. Price, who was convicted of murder and sentenced to a 35-year term of incarceration less than 20 years ago. Because this matter not only threatens public safety but also implicates the public’s confidence in the judicial system and the Rule of Law, I write to request assistance from the South Carolina Department of Corrections (“SCDC”) in attempting to determine whether this is an isolated incident, and if not, to identify any other similar early release orders.

The early and unsupervised release of this inmate under the circumstances, particularly without SCDC’s awareness or input, was seemingly contrary to law and obviously at odds with common sense. First, based on a review of the filings unsealed late last week, the clandestine release of Price from state custody, apparently without a formal motion from the Solicitor, did not comply with the Victims’ Bill of Rights, which requires that victims be notified of, and allowed to appear or be heard at, any post-conviction or release-related proceedings. S.C. Const. art. I, § 24. Second, the court’s sealed order and nonpublic proceedings (or lack thereof) are at odds with the state constitutional provision requiring open courts. *Id.* art. I, § 9 (“All courts shall be public . . .”); *cf.* Rule 4(a), SCRCrimP (“An application to the court for an order shall be by motion which, unless made during a hearing or trial in open court with a court reporter present, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.”). Third, the early release of Price appears to violate a clear statutory mandate regarding the punishment for murder—namely, that “[a] person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life.” S.C. Code Ann. § 16-3-20(A). Fourth, the court’s action

conflicts with the same statute's directive that "no person sentenced to a mandatory minimum term of imprisonment for thirty years to life pursuant to this section is eligible for parole or any early release program, nor is the person eligible to receive any work credits, education credits, good conduct credits, or any other credits that would reduce the mandatory minimum term of imprisonment for thirty years to life required by this section." *Id.*; see also *Elmore v. State*, 305 S.C. 456, 460, 409 S.E.2d 397, 399 (1991) (holding that specific mandatory-minimum sentence for murder controlled over general provision permitting inmates to be eligible to earn work credits), *overruled on other grounds by Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000); cf. *State v. McKnight*, 352 S.C. 635, 648, 576 S.E.2d 168, 175 (2003) ("There is a presumption that the legislature has knowledge of previous legislation as well as of judicial decisions construing that legislation when later statutes are enacted concerning related subjects."). Fifth, the law generally does not permit courts to grant covert clemency in these circumstances or others, since the General Assembly has vested in the Board of Probation, Parole, and Pardon Services the exclusive authority to grant parole (if and when eligible) in noncapital cases. See S.C. Code Ann. § 24-21-920.

Separate and apart from the law, the timing and circumstances associated with Price's release defy logic. It is axiomatic that to enhance deterrence and accountability, the State must vigorously investigate crimes and promptly prosecute those who commit them. Convicting and incarcerating criminal defendants is a core function of government that reflects the State's responsibility to seek justice for victims and survivors and to protect the people. As such, both this solemn obligation and common sense demand truth and transparency, not secrecy, in sentencing. Consequently, that SCDC (much like the victim's family) was not aware of the order until months after its issuance—much less given the opportunity to provide input regarding his request for a sentence reduction—is equal parts perplexing and concerning. This is particularly true where, as here, Price's arguments in favor of release were premised on assertions from a former SCDC inmate and an individual who has not worked at SCDC in more than a decade and subsequently attempted to visit Price in prison. Needless to say, based on my understanding of the facts and the arguments apparently offered for release, I cannot imagine that SCDC would have agreed that Price did not represent a threat to public safety or that a significantly reduced sentence was warranted (even if legally allowed). Sanctioning such early release orders certainly would not facilitate rehabilitation and reentry or reduce recidivism.

For the foregoing reasons, in addition to seeking to rectify this apparent injustice, we must also determine whether this is an isolated incident. To this end, I hereby request that SCDC review its records to determine whether any similar early release orders have been issued and provided to SCDC since January 1, 2022. If or when any such orders are identified, SCDC shall promptly forward the same to me, the Attorney General, and the Chief of the South Carolina Law Enforcement Division ("SLED") for further review and any appropriate action. Particularly in light of the concerns illustrated by the circuit court's nonpublic and premature release of Price, it is imperative that the public know that the State's chief executive and chief prosecutor remain committed to ensuring that South Carolina law will be "faithfully executed." S.C. Const. art. IV, § 15. Accordingly, I appreciate the Attorney General's willingness to assist with this initiative, as well as his efforts to invalidate the circuit court order releasing Price from SCDC custody and obtain a new warrant authorizing his arrest. To the extent necessary, this correspondence shall

The Honorable Bryan P. Stirling

Page 3

April 25, 2023

serve as a directive that Solicitors and other state officials shall promptly provide any information or documentation requested as part of this review and shall otherwise assist with this matter, as well as any additional or supplemental proceedings that may be warranted, upon the request of SCDC, the Attorney General, or the Chief of SLED. *See id.* art. IV, § 17; S.C. Code Ann. § 1-1-840; *id.* § 1-3-10; *id.* § 1-7-320.

Thank you in advance for your continued leadership, assistance, and service to the State of South Carolina. Should you have any questions or need any assistance in connection with this matter, please do not hesitate to call on me.

Yours very truly,



Henry McMaster

cc: The Honorable Alan Wilson  
Attorney General of South Carolina

Chief Mark Keel  
South Carolina Law Enforcement Division