

THE STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF GENERAL SESSIONS
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

v.

Donnie Ray Birchfield Jr.,
Defendant

2025 JUN 29 10 23

CLERK OF COURT
LANCASTER, SC

Warrant Numbers: 2025A2920300296,
2025A2920300297, 2025A2920300298,
2025A2920300299, 2025A2920300322
2025A2920300323, 2025A2920300324
2025A2920300325, 2025A2920300326 &
2025A2920300327

NOTICE OF MOTION AND MOTION TO
DISMISS

TO: Joel Kuzak, Assistant Attorney General

YOU WILL PLEASE TAKE NOTICE that the Defendant, Donnie Ray Birchfield Jr., will move before the Court of General Sessions on or about July 6, 2026 for an order dismissing the above-captioned warrants with prejudice. Such motion is based on the Fourth and Fourteenth Amendments to the United States Constitution, applicable state statutes, federal case law, state case law, testimony and evidence to be presented at the hearing for this matter.

THE DEFENDANT, by and through his undersigned counsel, moves for a dismissal of the above-captioned charges with prejudice based upon violations of the Defendant's right to be free from unlawful arrests and right to due process and equal protection under the law as required by the Fourth and Fourteenth Amendments to the United States Constitution. Additionally, Defendant seeks a dismissal of the above-captioned charges due to a violation of South Carolina Judicial Canons 1, 2, and 3. In support of this motion, Defendant argues the following:

FACTS

The Defendant was originally arrested on August 1, 2025, and charged with two counts of Abuse of a Vulnerable Adult and two counts of False Imprisonment. Bond was denied by Judge Washington of the Lancaster Municipal Court, despite all four of the Defendant's charges being non-violent and the Defendant having no prior record.

On August 6, 2025, the Defendant was charged under warrant numbers 2025A2920300296-99 which charged the Defendant with two additional counts of False Imprisonment and two counts of Domestic Violence of a High and Aggravated Nature. These warrants were signed by Judge Jeanne Gardner. After the Defendant was served with these warrants, his bond was denied by Judge Gardner.

On August 25, 2025, the Defendant was charged under warrant numbers 2025A2920300322-27 with two counts of Financial Transaction Card Theft, one count of Financial Identity Fraud, and three counts of Exploitation of a Vulnerable Adult. These warrants were signed by Judge Gardner as well. Bond was also denied by Judge Gardner on these charges.

On September 4, 2025, the Defendant appeared before the General Sessions Court for a bond hearing. At that time bond was denied on the two Domestic Violence of a High and Aggravated Nature warrants signed by Judge Gardner. Bond was set at \$150,000.00 surety for all remaining charges. After the hearing, members of the Lancaster Police Department had a follow-up meeting with one of the alleged victims of the case at the Lancaster Police Department. During that meeting, Captain Nelson Bowling with the Lancaster Police Department told the alleged victim that a municipal judge was present at the Defendant's General Sessions bond hearing in the audience on September 4, 2025. He further explained to

the victim that the Judge was, "invested in the case" because the Police Department had "gone in there so many times with warrants and everything else." He further stated that, "She wanted to come. She wanted to be part of it." This video was provided to counsel for the Defendant on or about November 18, 2025 along with additional discovery.

On December 17, 2025, the Defendant's preliminary hearing was conducted. During the preliminary hearing, Detective Jordan Brown, the lead investigator in this case, identified the Judge present at the Defendant's bond hearing as Judge Jeanne Gardner. While she did not preside over this hearing, Judge Gardner was present in the courtroom during this questioning and admission by Detective Brown.

After the preliminary hearing on December 17, 2025, counsel for the Defendant learned that Judge Gardner's brother had been previously married to the Defendant's step-mother, with whom the Defendant was residing with at the time of his arrest. Additionally, the Defendant's step-mother, upon learning that Jeanne Gardner was in fact a Municipal Judge, recalled that she had observed Judge Gardner sitting with the alleged victim during the hearing. In fact, due to her close proximity to the alleged victim, the Defendant's step-mother believed that Judge Gardner was employed as a victim's advocate. An affidavit of these observations by the Defendant's step-mother is attached and labeled as Exhibit A.

On January 26, 2026, counsel for the Defendant was provided two statements from Judge Gardner and Judge Ronda Parker which stated that on December 31, 2025, they were sent a video by Detective Brown regarding the Birchfield case and while observing the video, Judge Gardner recognized the name Wynette Birchfield, the Defendant's step-mother. Additionally, she stated that she remembered, based on a picture shown to her by Judge Parker, that the

Defendant's step-mother had been married to her brother in 1995. Copies of these letters are attached and labeled as Exhibit B.

As of the date of this motion, no indictments have been presented to the Grand Jury to allow the Defendant to move to quash these charges. Therefore, a Motion to Dismiss with Prejudice is the Defendant's only remedy in this matter.

ARGUMENT

South Carolina Courts have long-held that the Fourth Amendment requires a neutral and detached magistrate in order to issue an arrest warrant. *State v. Franks*, 276 S.C. 636, 281 S.E.2d 227 (1981). When a magistrate or municipal judge abandons the role of the neutral and becomes aligned with law enforcement or the alleged victim, it runs afoul of the Fourth Amendment. The Supreme Court of the United States has long held that justice must satisfy the appearance of justice. *Offutt v. United States*, 348 U.S. 11 (1954). The Court has also held that "under a realistic appraisal of psychological tendencies and human weakness [if the Judge's interest] poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented." *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868 (2009). Here, there was clear bias from the start of this matter when Judge Gardner began signing warrants against the Defendant. She knew, or should have known, that the Defendant's step-mother was her former sister-in-law. Judge Gardner also aligned herself with law enforcement and the alleged victim in this matter. First, she attended the Defendant's bond hearing in General Sessions Court. While there, she actively sat with the alleged victim of the case which caused Defendant's step-mother to assume she was the victim's advocate. Canon 1 and Canon 2 of the South Carolina Code of Judicial Conduct require judges to uphold the integrity and independence of the judiciary and to avoid both impropriety and the appearance of

impropriety. Rule 501, SCACR. Canon 2 further provides that a judge shall disqualify himself or herself whenever the judge's impartiality might reasonably be questioned. Here, that recusal should have occurred prior to the signing of any warrants in this matter by Judge Gardner.

Judge Gardner also aligned herself with law enforcement by engaging in the investigation of this matter. By her own statement, Judge Gardner admitted that on December 31, 2025, the lead investigator of this case sent she and Judge Parker a video about this case. The video was in fact an interview of family members of the Defendant for the Crime and Cask podcast. The family members being interviewed made multiple false statements during the interview about the Defendant and his family. Despite this interview having no relation to this investigation, it was still sent to two Judges via text message by the lead investigator of the case. It was only after viewing an *ex-parte* YouTube video that Judge Gardner claims she realized there was a conflict of interest warranting recusal.

Ordinarily, recusal cures concerns regarding judicial impartiality. That remedy is unavailable here because the constitutional violations have already occurred. While dismissal with prejudice may be viewed as a drastic remedy for the violations of the Defendant's constitutional rights, the power to dismiss is inherent in the Court if due process violations occur. Further, there is no remedy that can be offered by the State or the Court, other than a dismissal with prejudice, in this case to cure the Defendant's right to have a warrant against him issued by a neutral and detached magistrate as the warrants have already been signed and executed.

Additionally, dismissal with prejudice is warranted to protect the Rule of Law and appearance of impartiality of the judiciary. The statements made by Captain Bowling to the alleged victim—that Judge Gardner was "invested in the case" and "wanted to be part of it"—are particularly troubling because they confirm that law enforcement itself viewed Judge Gardner as

something more than an impartial judicial officer. This is also supported by the fact that Judge Gardner and Judge Parker were exchanging text messages with the lead investigator in the case about videos unrelated to the investigation of the case.

Since the prosecution of the above-captioned warrants was initiated and materially advanced through proceedings infected by judicial partiality and the appearance of impropriety, dismissal with prejudice is the only remedy sufficient to preserve Defendant's due process rights and protect public confidence in the integrity of the judicial system. The Defendant would respectfully request this Court to schedule this matter for a hearing so that the Defendant may present additional testimony and evidence to support the Defendant's request for a dismissal of the above-captioned charges with prejudice.

WHEREFORE, THE DEFENDANT PRAYS UPON THIS COURT TO:

1. Inquire into this matter;
2. Schedule this matter for a hearing allowing for the presentation of testimony and exhibits from sequestered witnesses;
3. Order the above-captioned warrants be dismissed with prejudice; or
4. For any other relief this Court deems just and proper.

Respectfully Submitted,

June 29, 2026



M. Ryan Payne, Esq.
Attorney for Defendant
The Law Office of M. Ryan Payne, LLC
PO BOX 575
202 N. Main Street
Heath Springs, SC 29058
803-797-5009

THE STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

IN THE COURT OF GENERAL SESSIONS
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)

2026 JUN 29 P 2:33

v.)

Donnie Ray Birchfield Jr.,)

Defendant)

Warrant Numbers: 2025A2920300296,
2025A2920300297, 2025A2920300298,
2025A2920300299, 2025A2920300322
2025A2920300323, 2025A2920300324
2025A2920300325, 2025A2920300326 &
2025A2920300327

CERTIFICATE OF SERVICE

I certify that a copy of the Notice of Motion and Motion to Dismiss in this case was served upon the State of South Carolina by hand-delivering copies to Joel Kuzak, Assistant Attorney General, at his office located at 1000 Assembly Street, Room 519 Columbia, S.C. 29201, this 29th day of June, 2026.

Respectfully Submitted,

June 29, 2026



M. Ryan Payne, Esq.
Attorney for Defendant
The Law Office of M. Ryan Payne, LLC
PO BOX 575
202 N. Main Street
Heath Springs, SC 29058
803-797-5009

EXHIBIT A

FILED
OFFICE OF
CLERK OF COURT

2025 JUN 29 P 2:33

CLERK OF COURT
LANCASTER, SC

FITSNEWS

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF GENERAL SESSIONS
SIXTH JUDICIAL CIRCUIT

FILED
OFFICE OF
CLERK OF COURT

WARRANT NUMBERS: 2025A2920300296-99 &
2025A2920300322-27

2026 JUN 29 P 2:33

The State,

vs.

Donnie Birchfield Jr.,

Defendant.

AFFIDAVIT OF WYNETTE BIRCHFIELD

PERSONALLY APPEARED BEFORE ME, Wynette Birchfield, who being duly sworn,
deposes and states the following:

1. I am the Defendant's step-mother.
2. I was previously married to Jeffrey L. Taylor from June 10, 1995 until September 11, 1998.
3. I am familiar with Jeanne Gardner as she was my former sister-in-law.
4. In the years after the divorce, I have seen her in various places within the community and have always recognized her and she has always recognized me.
5. I am familiar with her previous employment with the South Carolina Department of Corrections.
6. On September 4, 2025, I attended a bond hearing in Lancaster County General Sessions Court in support of the Defendant.
7. I observed Jeanne Gardner sitting with one of the alleged victims in this case during the bond hearing.

8. She was sitting close enough to the alleged victim that I reasonably believed that Ms.

Gardner was working as a victim's advocate given her demeanor with the alleged victim.

9. I later learned after the Defendant's preliminary hearing on December 17, 2025 that Ms.

Gardner was in fact a municipal judge.

Wynette Birchfield
Wynette Birchfield

Sworn to before me this 29th)
Day of Jan, 2026)
[Signature])
Notary Public for South Carolina)
My Commission Expires: 10/11/2032)

Wednesday, December 31, 2025-2:53 pm.

FILED
OFFICE OF
CLERK OF COURT

On the above date, Detective Jordan Brown sent myself-Judge Jeanne Gardner and Judge Ronda Parker a video on Donnie Bjrchfield Jr. While watching the video I asked Judge Parker if they said Lynette or Wynette as the Stepmom, at which time she wasn't sure. Judge Parker said here is a picture of the family and that's when I recognized Donnie Birchfield Sr wife Wynette when she was younger. If she would walk in the door at this time, I would not recognize her. I stated to Judge Parker that Wynette was married to my younger brother, Jeff Taylor who is deceased now, back in 1995 or so for a year or so. After talking to my older brother Jimmy Taylor about what has transpired, he said they were only married for eight months. Also, I have informed Detective Brown of this occurrence.

From this day forward I am going to recuse myself.



Judge Jeanne Gardner

FIT'S NEWS

On 12-31-25, Judge Gardner and I were observing a video regarding the Donnie Birchfield Jr. case. During this time, Judge Gardner asked me did they say Lynette or Wynette on the video. When I said they said Wynette as the name of the current wife of Birchfield Sr, Judge Gardner stated that she believed Wynette had been married to her late brother for a year or so. Judge Gardner explained that she just realized that after hearing her name and stated that she didn't have many dealings with her when she was married to her brother. Judge Gardner stated that she wouldn't even know Wynette today if she walked in the same room with her. I immediately asked Judge Gardner to contact the lead investigator Sgt Brown and advise him of the situation. I asked Judge Gardner from that point forward to recuse herself from anything regarding this case. She of course agreed. I also contacted Sgt. Sims, the court liason and explained the situation to him. He asked that Judge Gardner write a statement for documentation purposes.

Judge Ronda Parker



1-6-26

FITSNEWS