

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From York County
The Honorable William H. Seals, Jr., Circuit Court Judge
On Petition for Writ of Certiorari to the Court of Appeals
Appellate Case No. 2009-144086

RECEIVED

MAY 29 2013

S.C. Supreme Court

THE STATE,

Petitioner,

vs.

FRANCIS LARMAND,

Respondent.

**PETITION FOR WRIT OF SUPERSEDEAS, OR
IN THE ALTERNATIVE, TO EXPEDITE**

Respondent Francis Larmand was convicted on October 22, 2009, of second degree lynching, conspiracy and pointing and presenting a firearm, and sentenced to ten years incarceration on the lynching conviction, with concurrent five year sentences on the other two convictions. By *en banc* Opinion filed March 13, 2013, the South Carolina Court of Appeals reversed Respondent's convictions, finding the circuit court erred in denying his directed verdict motion. Petitioner State of South Carolina filed a Petition for Rehearing on March 28, 2013. By Motion dated March 20, 2013, Respondent sought release on bond pending further proceedings in this appeal, which the State opposed. The Court of Appeals denied the Petition for Rehearing on May 16, 2013, and by separate Order filed the same day, granted Respondent's Motion for Appeal Bond. *See* Order, attached hereto as Exhibit A. For the reasons set forth below, the State seeks a writ of supersedeas staying the effect of the Order granting an appeal bond until this appeal is concluded. In the alternative, the State requests that consideration of this appeal be expedited.

1. Respondent was convicted by a jury after a two day trial with ten witnesses, including Respondent and his co-defendant. After sentencing, both Respondent and the co-defendant moved for an appeal bond before the circuit court. In denying the motions, the circuit court, which observed the witnesses and was in a position to make its own determinations regarding credibility, found “the nature of the crime was a violent act,” “there’s obviously bad blood between the defendants and the victim,” and “releasing [Respondent and his co-defendant] on bond would be a danger to the community.” (Record on Appeal [R.]. pp. 583-585). Respondent also moved for an appeal bond in the South Carolina Court of Appeals in December 2010, which was not granted. *See* Motion for Bond Pending Appeal, attached hereto as Exhibit B.

2. “The factors to be considered in admitting a person to bail pending appeal include the probability of reversal, the nature of the crime, the possibility of escape, and the character and circumstances of the Respondent.” In Re: Michael H., 360 S.C. 540, 602 S.E.2d 729, 736 (2004) (citing Nichols v. Patterson, 202 S.C. 352, 25 S.E.2d 155 [1943]); *see also* Rule 243(k), SCACR (factors to be considered in determining whether to grant bail in a post-conviction relief matter).

4. Respondent’s Motion for Bond asserted he is entitled to bond pending appeal because: 1) this Court reversed his convictions; 2) he has no other criminal history; 3) he honored all bond conditions while the case was pending before the circuit court; 4) he has an excellent reputation in his community; and 5) if the State petitions for a writ of certiorari, a decision from the South Carolina Supreme Court could take up to a year or more. *See* Motion for Bond, attached hereto as Exhibit C. With one exception, Respondent made the exact same arguments before the circuit court, and before the Court of Appeals in December 2010, and the character statements attached to his May 2013 appeal bond motion are exactly the same statements submitted with his December 2010 motion. The **only** change in circumstances from December 2010 is the Court of

Appeals' reversal of Respondent's convictions on the directed verdict issue.

5. Simultaneous herewith, the State filed a Petition for Writ of Certiorari to the Court of Appeals in this case. For the reasons set forth in the Final Brief of Respondent, the Petition for Rehearing, and the Petition for Writ of Certiorari, the State submits the Court of Appeals erred as a matter of law in reversing Respondent's convictions, and there is a high probability of reversal by this Court. The State submits Respondent should remain incarcerated on the sentence properly imposed after the jury determined beyond a reasonable doubt that he and his co-defendant premeditated and carried out the violent attack on the victim.

7. Respondent's lack of prior criminal history or bond violations, and his community reputation prior to his conviction, do not differentiate him from many convicted criminals who appeal their convictions, and are required to remain incarcerated during appeal. Until the appellate process is complete, the March 13, 2013, Opinion is stayed, and Respondent still stands convicted of committing a premeditated act of violence on the victim, which included the use of a loaded gun. There is every reason to believe Respondent's time in prison may have exacerbated the "bad blood" the circuit court noted existed between Respondent and the victim that led to the violent attack in April 2009, and allowing Respondent to roam free in relatively close proximity to the victim makes the victim fear for his personal safety and the safety of his family. *See* Letter dated March 26, 2013, attached hereto as Exhibit D.

If the Court of Appeals Order granting an appeal bond stands, the State alternatively requests this case be considered on an expedited basis in light of the victim's safety concerns. Respondent's status must be resolved for the sake of all parties involved.

Based on the foregoing, as well as the arguments set forth in the Final Brief of Respondent, the Petition for Rehearing, and the Petition for Writ of Certiorari, the State of South

Carolina respectfully submits the May 16, 2013, Order from the Court of Appeals should be vacated, and Respondent required to continue to serve the sentence duly imposed upon his conviction. In the alternative, the case should be expedited to reach a final resolution of Respondent's status for the benefit of the victim, his family, and all parties involved.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

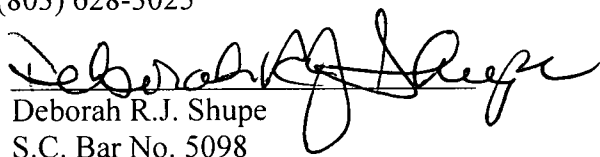
DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3797

KEVIN S. BRACKETT
Solicitor, Sixteenth Judicial Circuit

Moss Justice Center
1675-1A York Highway
York, SC 29745
(803) 628-3025

By:


Deborah R.J. Shupe
S.C. Bar No. 5098

ATTORNEYS FOR RESPONDENT

May 29, 2013

Columbia, South Carolina

EXHIBIT A

The South Carolina Court of Appeals

The State, Respondent,

v.

Francis Larmand, Appellant.

Appellate Case No. 2009-144086

ORDER

On March 13, 2013, this court reversed Appellant's convictions for second-degree lynching, conspiracy, and pointing and presenting a firearm because we found no evidence to support any conviction. *State v. Larmand*, 402 S.C. 184, 739 S.E.2d 898 (Ct. App. 2013) (en banc). We denied the State's petition for rehearing on May 16, 2013. Appellant has filed a motion to be released on bond. We grant the motion with the conditions set forth below.

Section 18-1-90 of the South Carolina Code (Supp. 2012) provides, "Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense." Subsection 14-8-200(a) (Supp. 2012) provides, "The court [of appeals] has the same authority to . . . grant petitions for bail as the Supreme Court would have in a similar case." This court has authority to grant bail pursuant to these sections after reversing a defendant's conviction. *See In re Michael H.*, 360 S.C. 540, 552-53, 602 S.E.2d 729, 735-36 (2004) (affirming this court's decision to grant bail after reversal and remand for new trial).

The State filed a return to Appellant's motion opposing his release and representing it intends to petition the supreme court for a writ of certiorari. In a separate letter dated March 29, 2013, the State presented us with a letter from the victim dated March 26, 2013. We interpret the State's letter to be a representation that the State complied with the Victim's Rights Act. *See* S.C. Code Ann. § 16-3-1525 (2003 & Supp. 2012) (requiring the State to notify victims of bond proceedings). In

RECEIVED	
DATE	5/16/2013
_____ (SIGNATURE)	

granting bail, we have considered this court's determination that no evidence supports any conviction, the record of Appellant's trial, the arguments made by Appellant and the State, the victim's letter, and other factors we are required to consider. See S.C. Code Ann. § 17-15-30 (Supp. 2012) (listing factors to be considered in granting bail); § 16-3-1525 (H)(3), (I)(3) (requiring imposition of "bond conditions which are sufficient to protect a victim from harassment or intimidation by the defendant or persons acting on the defendant's behalf"); *In re Michael H.*, 360 S.C. at 553, 602 S.E.2d at 736 (listing "factors to be considered in admitting a person to bail pending appeal"). See generally Rule 243(k), SCACR (listing factors to consider in granting bail on appeal from a post-conviction relief judgment). The State did not ask for any specific conditions of release.

Appellant may be released if he meets the following conditions:

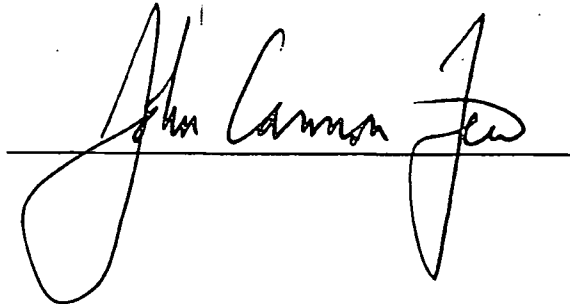
- (1) He must execute a surety appearance bond in the amount of \$10,000.00, to be approved and accepted by the York County clerk of court. Deposit of a cash percentage in lieu of bond pursuant to Code section 17-15-15 (2003) will not be permitted.
- (2) He may not leave the State of South Carolina. § 17-15-20(A) (Supp. 2012).
- (3) He must "be of good behavior toward all the citizens of the State." *Id.*
- (4) He may have no contact whatsoever with the victim, any member of the victim's family, or anyone associated with the victim's business.
- (5) He must stay more than one mile from the victim's residence at all times.
- (6) He must notify the clerk of this court and the York County clerk of court of his current address and any changes in his address.
- (7) He must immediately surrender to the York County sheriff upon any order of the circuit court, this court, or the supreme court.

Either party may petition this court to amend the conditions set forth above. See *In re Michael H.*, 360 S.C. at 552, 602 S.E.2d at 735 (stating "the Court of Appeals retains jurisdiction until [the supreme court] grants or denies a petition for certiorari" (citing Rule 221(b), SCACR)). This order no longer applies after remittitur is sent down pursuant to Rule 221, SCACR.

The circuit solicitor or attorney general may bring alleged violations of this order before the circuit court or this court. A finding by either court of a violation of this

order will result in the forfeiture of the appearance bond and the immediate issuance of a warrant for the arrest of Appellant.

For the court,

 C.J.

Columbia, South Carolina

cc: Deborah R.J. Shupe
C. Rauch Wise
John Dunlap Rhea
The Honorable David Hamilton, York County clerk of court

EXHIBIT B

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
The Honorable William H. Seals, Jr. Circuit Court Judge

Case N^o 2009-GS-46-02834
Case N^o 2009-GS-46-02835

The State,

Respondent,

vs.

Francis Larmand,

Appellant.

Motion for Bond Pending Appeal

Pursuant to Rule 246 of the South Carolina Appellate Court Rules, Francis Larmand, the Appellant herein, moves the Court for an order granting him bail in this matter.

This motion is based upon the following facts:

1. Francis Larmand was arrested on May 1, 2009 and indicted for the charges of lynching second degree, presenting and pointing a firearm, and conspiracy.
2. He was tried before the Honorable William H. Seals, Jr on October 20-23, 2009. He was convicted and sentenced to ten years imprisonment on the lynching second degree charge. He was given a concurrent five year sentence on the presenting and pointing a firearm

and conspiracy charge.

3. A Notice of Intent to Appeal was filed on October 28, 2009.

4. On June 14, 2010 Francis Larmand filed his brief in this matter. Prior to the filing the attorney for Mr. Larmand had requested one extension within which to file his brief. The state then requested two extension within which to file its brief. The second extension request was made on August 11, 2010. This Court granted both extensions. The brief of the state was due on September 27, 2010. Shortly before the due date for the brief the state then filed a request to consolidate the case of Mr. Larmand with his co-defendant. This court denied the request and ordered that the state's brief be filed on November 22, 2010. The state then requested a third extension to file the brief which this Court granted. The brief for the state is now due January 18, 2011.

5. On October 23, 2009 Mr. Larmand applied for bail pending appeal before the Honorable William H. Seals, Jr. This request was denied on the same date. Exhibit A attached.

6. Mr. Larmand alleges and believes that he is entitled to reasonable bail under S.C. Code § 18-1-90. This is based upon the following facts:

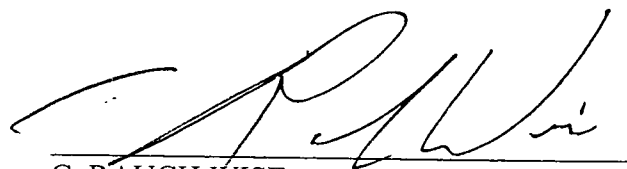
- a. Mr. Larmand has no criminal history.
- b. Mr. Larmand honored the conditions of his bond while the case was pending.
- c. As is evidenced by the attached affidavits, Mr. Larmand has an excellent reputation in the community for being a law biding citizen.
- d. The issues in this case raise substantial questions which include whether the facts were sufficient to convict Mr. Larmand as he did not have a

firearm and did not point or present any firearm at Ryan Lochbaum. The sole basis for criminal liability was on a conspiracy theory or being present aiding and abetting. The case further raises the issue of the trial judge sending one copy of the written instructions to the jury, over the objection of Mr. Larmand, after the jury had been deliberating for over three hours. The copy was given only to the foreman without the other jurors present. The case also has the issue of whether the charge to the jury improperly used an inference that could have been improperly interpreted by the jury.

e. In the event this case is reversed for a re-trial and if Mr. Larmand is convicted, the maximum sentence he could receive under the new lynching law, S.C. Code § 16-3-210(D), is one year as Mr. Lochbaum did not receive a serious bodily injury.

Based upon the above, Francis Larmand, the appellant herein, hereby requests that this Court set a reasonable bond in this matter pending the final ruling by the appellate courts of South Carolina.

December 23, 2010



C. RAUCH WISE
305 Main Street
Greenwood, South Carolina 29649
(864) 229-5010
rauch@simplepc.net
S.C. Bar N^o 06188

Attorney for Francis Larmand

C O P Y

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
:)
COUNTY OF YORK) SIXTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
:)
PLAINTIFF,)

VERSUS)

FRANCIS VICTOR LARMAND, JR.,)
LEO DAVID LEMIRE,)
DEFENDANTS.)

TRANSCRIPT OF RECORD
09-GS-46-02833
09-GS-46-02834
09-GS-46-02835
09-GS-46-02837
09-GS-46-02838
09-GS-46-02839

VOLUME IV
OCTOBER 23, 2009
YORK, SOUTH CAROLINA

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, JR., JUDGE, AND A JURY

A P P E A R A N C E S:

FOR THE STATE:
ERIN JOYNER, ESQ., ASSISTANT SOLICITOR
JENNIFER COLTON, ASSISTANT SOLICITOR

FOR THE DEFENDANT, FRANCIS VICTOR LARMAND, JR.:
JOHN D. RHEA, ESQ.

FOR THE DEFENDANT, LEO DAVID LEMIRE:
LELAND GREELEY, ESQ.

Exhibit A

PHYLLIS S. BARRETT
CIRCUIT COURT REPORTER

1 FRIDAY, OCTOBER 23, 2009 - COURT IN SESSION - 11:00 A.M.

2 THE COURT: MR. GREELEY.

3 MR. GREELEY: YOUR HONOR, MAY IT PLEASE THE COURT. WE'RE
4 BACK ON THE RECORD FROM LAST NIGHT. JUST BRIEFLY, LAST NIGHT THE
5 JURY RETURNED THREE VERDICTS OF GUILTY AGAINST MR. LARMAND AND
6 MR. LEMIRE, WHO ARE HERE BESIDE ME TODAY.

7 YOUR HONOR SENTENCED THEM TO TEN YEARS AND FIVE YEARS AND
8 FIVE YEARS, TO BE CONCURRENT ON THOSE CHARGES.

9 I AM AT THIS TIME-- FIRST OF ALL FROM A PROCEDURAL STANDPOINT
10 AND FOR THE RECORD, I WOULD JUST MAKE-- I DID NOT DO IT LAST NIGHT.
11 WE'RE GIVEN TEN DAYS TO DO IT AND I'M GOING TO DO IT RIGHT NOW THIS
12 MORNING.

13 ON BEHALF OF MR. LEMIRE, I'M GOING TO ASK THE COURT TO
14 CONSIDER AND ASK FOR A SETTING ASIDE OF THE VERDICT, SET A NEW
15 TRIAL BASED UPON THE ISSUES THAT WE HAD IN THE CASE, ESPECIALLY
16 INVOLVING THE JURY CHARGE THAT WAS SENT BACK TO THE JURY, AS WELL
17 AS THE OBJECTIONS THAT MR. RHEA AND I HAD REGARDING THE LYNCHING
18 PORTION THAT HIS HONOR HAD GIVEN, WHICH IS IN THE STATUTE. WE DO
19 UNDERSTAND THAT.

20 AND SO, BASED ON THOSE, I WOULD ASK FOR A NEW TRIAL ON BEHALF
21 OF MR. LEMIRE. I BELIEVE THAT MR. LARMAND'S MOTION WAS MADE LAST
22 NIGHT BY MR. RHEA.

23 THE COURT: ANY RESPONSE FROM THE SOLICITOR IN THAT REGARD?

1 MS. JOYNER: YOUR HONOR, WE JUST RESPECTFULLY ASK THE COURT
2 TO DENY THE MOTIONS FOR ALL REASONS THE PREVIOUS MOTIONS WERE
3 DENIED.

4 THE COURT: YOUR MOTION IS RESPECTFULLY DENIED. THANK YOU.

5 MR. GREELEY: YOUR HONOR, THE NEXT IS, MR. LARMAND HAS
6 ALLOWED ME TO SPEAK ON BEHALF OF HIM AND MR. RHEA. MR. RHEA IS
7 NOT ABLE TO BE HERE THIS MORNING. AND I WOULD LIKE TO SEE IF MR.
8 LARMAND DOES AGREE WITH THAT.

9 MR. LARMAND: VERY MUCH SO.

10 MR. GREELEY: OKAY. YOUR HONOR, ON BEHALF OF BOTH CLIENTS,
11 MR. LEMIRE, FIRST, IN REGARDS TO 09-GS-46-2837, 2838, AND 2839, WHICH ARE
12 THE INDICTMENTS FOR WHICH HE WAS FOUND GUILTY. AND ON BEHALF OF--
13 THAT WAS MR. LEMIRE.

14 AND IN REGARDS TO MR. LARMAND, 2833, 2834, AND 2835, I WOULD,
15 YOUR HONOR, PURSUANT TO TITLE 18-01-90 OF THE SOUTH CAROLINA CODE
16 WHICH ALLOWS FOR BAIL TO BE GIVEN WHEN AN APPEAL IS TAKEN, WHICH
17 WE ARE TAKING AN APPEAL. WE HAVE ALREADY DONE THE NOTICES OF
18 APPEAL AND THEY'RE GOING OUT IN THE MAIL TODAY TO THE PARTIES. I
19 WOULD ASK FOR THE COURT TO GIVE BOND TO OUR CLIENTS PENDING THAT
20 APPEAL.

21 I WOULD SUBMIT TO THE COURT, YOUR HONOR, THAT AS YOU'VE
22 ALREADY HEARD, THE CLIENTS HAVE NO PRIOR CRIMINAL RECORD. THEY
23 ARE FAMILY PEOPLE. THEY HAVE HAD BUSINESSES BEFORE. I DO NOT
24 BELIEVE THAT THEY WOULD BE A DANGER TO THE COMMUNITY AT ALL IN
25 REGARDS TO THIS. THEY HAVE BEEN OUT ON BAIL SINCE THIS OCCURRED

1 AND SINCE THEIR TRIAL. THEY HAVE ABIDED BY ALL THE RULES SINCE
2 THAT HAPPENED AND THEY MADE ALL THE APPEARANCES THEY WERE
3 SUPPOSED TO MAKE. AND SO, THERE IS, OTHER THAN THE CONVICTION,
4 THERE IS NO REASON TO BELIEVE THAT THEY WOULD EITHER BE A THREAT
5 TO THE COMMUNITY OR WOULD FLEE.

6 YOUR HONOR, ANOTHER REASON I'M ASKING FOR THE COURT TO
7 CONSIDER BAIL IS THE CHARGE FOR WHICH THEY WERE GIVEN TEN YEARS IS
8 A VIOLENT OFFENSE, TO MY UNDERSTANDING, WHICH IS THE LYNCHING,
9 SECOND DEGREE.

10 WE BELIEVE THAT WE HAVE A MERITORIOUS APPEAL REGARDING THE
11 LANGUAGE THAT WAS INSTRUCTED TO THE JURY REGARDING THE
12 PERMISSIVE INFERENCE AND IN LIGHT OF THE BELCHER CASE THAT CAME
13 DOWN TWO WEEKS AGO, TALKING ABOUT PERMISSIVE INFERENCES,
14 ESPECIALLY IN CASES INVOLVING SELF DEFENSE, AND ALSO IN THIS CASES,
15 WHERE IN THIS PARTICULAR CASE, THE COURT WAS INSTRUCTED, DID
16 INSTRUCT THE JURY ABOUT MERE PRESENCE. AND SO, YOU HAD A
17 PERMISSIBLE INFERENCE THAT WAS GIVEN OVER THE TOP OF MERE
18 PRESENCE IN REGARDS TO THE LYNCHING CHARGE.

19 GIVEN THESE CONVICTIONS, IF THEY HAVE TO REMAIN
20 INCARCERATED PENDING THE APPEAL THEY WILL BE INCARCERATED FOR A
21 YEAR AND A HALF OR TWO YEARS AS VIOLENT OFFENDERS.

22 WE WOULD LIKE TO HAVE THE LYNCHING AND THE OTHER CHARGES
23 REVIEWED PRIOR TO THEM HAVING TO UNDERGO SUCH AN INCARCERATION.
24 BECAUSE IF THAT IS SET ASIDE, THEN THEY WOULD HAVE HAD TO ENDURE
25 ONE AND A HALF TO TWO YEARS AS VIOLENT OFFENDERS IN THE SOUTH

1 CAROLINA DEPARTMENT OF CORRECTIONS, EVEN THOUGH OUR APPEAL MAY
2 END UP BEING, COULD VERY WELL END UP BEING SUCCESSFUL.

3 AND SO, I WOULD ASK FOR THE COURT TO GRANT A REASONABLE
4 APPEAL BOND UNDER SECTION 18-01-90 ON BOTH DEFENDANTS.

5 THE COURT: SOLICITOR.

6 MS. JOYNER: YOUR HONOR, I KNOW THAT SECTION. IF YOU WANT TO
7 GRANT IT, IT'S CLEARLY IN THE COURT'S DISCRETION. PURSUANT TO CASE,
8 IN THE INTEREST OF MICHAEL H., 360 SC 540, A SUPREME COURT CASE, SOUTH
9 CAROLINA SUPREME COURT CASE FROM 2004. THE FACTORS TO BE
10 CONSIDERED IN ADMITTING A PERSON TO BAIL PENDING APPEAL INCLUDE
11 THE PROBABILITY OF REVERSAL, THE NATURE OF THE CRIME AND THE
12 POSSIBILITY OF ESCAPE AND THE CHARACTER AND CIRCUMSTANCES OF THE
13 APPELLANT.

14 OBVIOUSLY, THEY HAVE NO PRIOR CRIMINAL RECORD OTHER THAN
15 THIS. THE STATE DOESN'T BELIEVES THERE'S A PROBABILITY OF REVERSAL
16 BASED ON THE ISSUES STATED BY MR. RHEA.

17 THE COURT: I AGREE WITH THE STATE AND ALSO FIND THAT THE
18 NATURE OF THE CRIME WAS A VIOLENT ACT. THERE'S OBVIOUS BAD BLOOD
19 BETWEEN THE DEFENDANTS AND THE VICTIM. AND I WOULD FIND THAT
20 RELEASING THEM ON BOND WOULD BE A DANGER TO THE COMMUNITY.

21 I'M GOING TO DENY THE MOTION ON BOTH PARTIES. THANK YOU.

22 MR. GREELEY: THANK YOU, JUDGE.

23 MS. JOYNER: THANK YOU, YOUR HONOR.

24 (WHEREUPON THE MATTER WAS ADJOURNED)


25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, THE UNDERSIGNED PHYLLIS S. BARRETT, OFFICIAL COURT REPORTER FOR THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE TRIAL HELD IN THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR THE SIXTEENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, YORK COUNTY, ON THE 20TH, 21ST, 22ND, 23RD AND 24TH DAYS OF OCTOBER, 2009.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.


PHYLLIS S. BARRETT

06-29-2010

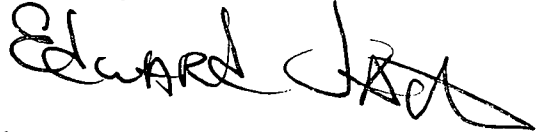
To whom it may concern,

My name is Edward Jackson, Chief Probation and Parole Officer for Mecklenburg County. I have known Frank Larmand about six years. We met at the ball park. Our sons played baseball for A. L Brown High School. We have had many opportunities to share and talk about our children's experiences as baseball players. During those four years I have witnessed a man who loves his family. He was there at every game to support, not only his son but the entire team.

We know Frank as a dedicated father and husband. When our boys graduated from High School they attended Stanly Community College. The boys were roommates and remain very close friends. Frank and his wife treated my son as if he was his own. The day the boys moved into their apartment, Frank got a truck and loaded it with his son's personal things and made a special trip to my home to get my son's items. During the time the boys were roommates Frank and his wife made sure they had everything they needed.

My general impression of Frank is that he was a hard working family man. Frank was also a successful business owner of Pop a Lock and Frank's Auto Shop. He has even worked on my personal vehicle. Frank Larmand is a honest hardworking caring and loving person. He has shown nothing but love towards my family, especially the way he has treated my son. He deserves a second chance, we all do.

Sincerely, Edward Jackson



State of NC
County of Cabarrus Co

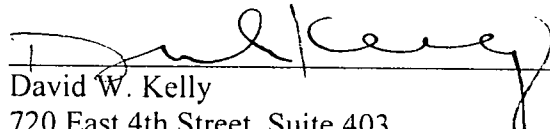
~~Notary~~ *Joyce D Clark*
Joyce D Clark notary
My Commission Expires 12/31/11

AFFIDAVIT

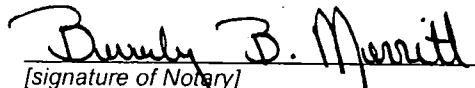
In the matter of Frank Larmand

1. I am an Assistant District Attorney for the 26th Prosecutorial District in North Carolina. I am a member of the North Carolina State Bar (Bar No. 32769). I have been a prosecutor in Charlotte, North Carolina, since 2004 and currently prosecute offenders under North Carolina's habitual felon law.
2. This affidavit is *not* prepared in my official capacity as a prosecutor nor in my capacity as a licensed attorney. I am not a licensed attorney in the State of South Carolina.
3. I have known Frank Larmand since the fall of 2006. I was the head coach of a competitive travel softball team on which his daughter, Ashley Larmand, played. Two of the many purposes of this team included providing a venue for the junior- and high-school aged players to have a positive and constructive activity in which to participate while they were not in school, while also preparing them to play at the collegiate level.
4. During my time coaching Ashley and the other players on my team, I came to know the parents who spent time at the ballfields, during practices and games, watching and supporting their daughters. Frank Larmand was one such parent.
5. Frank appeared as a supportive father, and supported not only his daughter, but also the other players on the team and entire team concept.
6. Frank volunteered to be available, whenever he was not working, to assist in drills or other practice activities as needed by the coaches. On occasion, I called upon Frank's volunteered services. His interaction with the players on the team was always positive.
7. Frank offered his place of business as a location for the team to conduct a carwash fundraiser where the players could raise money to pay tournament entry fees and to purchase uniforms.
8. Frank always acted in a courteous and professional manner in his interaction with me, as well as in his interaction with my two assistant coaches.
9. Having coached for approximately thirteen years and had several experiences with parents of bad character and quick tempers, it is always a relief to have parents of good character and high values -- such was the case with Frank.

10. Frank appeared to be a very hard worker in the operation of his own business. His obligation to earn a living for his family was the only obligation that would keep him away from a few of Ashley's games; otherwise, Frank was always present in support of his daughter and all of the other girls on the team.
11. If permitted release by the Court, I believe that Frank will take advantage of his time out of custody by working hard to support his family, just as he did before his incarceration.
12. Based upon my own daily professional experiences and my personal knowledge of Frank Larmand's character, I do not believe that Frank's release would pose any danger to the communities of North or South Carolina; in fact, I believe Frank's family and community would benefit from his presence.
13. Further, it is my belief that Frank does not pose a risk of flight. I believe that, if released, Frank would appear, as directed, at all court proceedings and comply with all court orders.


 David W. Kelly
 720 East 4th Street, Suite 403
 Charlotte, NC 28202
 704.686.0845 (tel)

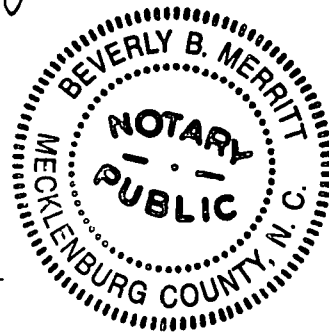
Subscribed and sworn to before me, this the 30th day of June, 2010.


[signature of Notary]
BEVERLY B. MERRITT
[printed name of Notary]

NOTARY PUBLIC

State of North Carolina, County of Mecklenburg

My commission expires: _____, 20____.



MY COMMISSION EXPIRES JULY 7, 2010

A.L. Brown High School

(704) 932-6125 • 415 EAST FIRST STREET • KANNAPOLIS, NC 28083

June 28, 2010

To the Honorable Court:

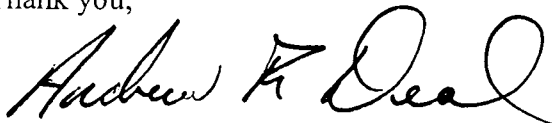
This correspondence is a character reference for Frank Larmond. I had the privilege to meet Frank about three and a half years ago when his daughter started playing softball for A. L. Brown High School. I serve as the assistant coach and the School Resource Officer at A. L. Brown and in that capacity I got to see Frank frequently.

Early on I saw that Frank was dedicated to his children. He often made it to at least some of his daughter's softball practices daily. He would help work with her after practice and offer to assist the softball team in anyway that he could. I can not remember many games, if any, that Frank was not present. Frank also operated two businesses in Kannapolis, one as a mechanic and the other as a locksmith. However, I never saw him put his work in front of his family.

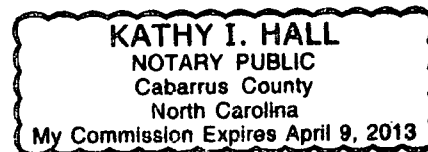
During the time that I have known Frank and his family I have never known him to be a violent person. I know under the circumstances now, Frank may be looked at differently by the court. However, I can only speak for how I knew Frank. I know that his family, especially his daughter, has taken this time in their life very hard. I know that they would appreciate and cherish the time that they would have together if Frank is allowed to be released on an appeal bond.

If you have any other questions or I can be of any assistance to the court, please feel free to contact me at 704-202-4188.

Thank you,



Andrew R. Deal
Kannapolis Police Department
School Resource Officer
A. L. Brown High School.



Kathy I. Hall
My Commission
Expires 4-9-2013

Affidavit for Frank Larmand

Written by Nick Safrit

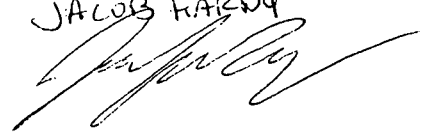
I am a Police Officer for the University of North Carolina at Charlotte for 6 years this August. I have known Frank just about 12 years. I met Frank while watching his kids David and Ashley, at an afterschool daycare for the YMCA. At that time Frank owned and still owns a business called Pop-a-Lock and went out of his way to help me when I would lock myself out of my vehicle. I locked myself out of my vehicle about 4 or 5 times and would not take any money from me stating that is what friends are for. During this time I also would house sit for Frank while him and his family went on vacation. When Frank and his family would return he would not take the key to house back and I still have it to this day. The entire time I have known Frank he went out of his way to make everybody happy. Frank has a love for his family and everyone he comes into contact with. Every time I would see Frank, he would always ask how my family is doing and if he could do anything to help. Frank is a hard working, loving, compassionate, friendly, family man who would give his shirt off his back to help someone out.

Frank is a man who I would trust my life and/or my family's life with. I have always looked up to Frank as a father figure and a person I would turn to if I was in trouble or needed advice. Frank is a outstanding human being and this world would be a better place if there were more people like Frank.

Signed



Nick Safrit

JACOB HARBY


My Commission Exp

June 17 2012

Kenneth S. Bogacz
121 Hurley Avenue
Dracut, MA, 01826

June 21, 2010

To Whom It May Concern:

My name is Kenneth Bogacz, I am a teacher in the Westford Public Schools, Westford, Massachusetts currently teaching computer and technology skills at the Blanchard Middle School. I have been a teacher for 25 years originally working with Special Education students and a Vocational educator before transitioning into an Elementary teacher and finally into my current position.

I have known Frank Larmand since 1984. I first came in contact with Frank Larmand when he was living with his mother in Lowell, Massachusetts. At that time, I was dating his sister. Frank was a high-energy boy who was struggling with the recent separation of his mother and father. During those early years, I came to know Frank as a person with a big heart and a gift for mechanics. I often found myself getting car advice and learning from this young man.

I later married his sister and was proud to have Frank as a brother-in-law. Because of our differences in age, we did not really connect socially, rather we would interact within the family and remained in contact as both our lives developed. It was later in our lives that we reconnected. At some point, Frank and his family moved to North Carolina.

Strangely enough, the move only served to bring our families closer together. My wife, children and I would look forward to our "Uncle Frankie" visits. Frank and his wife put great effort and planning to make time to visit each member of the family during his visits home, usually spending most of his vacation time with relatives. It was not unusual for Frank to spend his vacation repairing a friend's car or helping with household chores.

I cannot stress enough how much joy the "Uncle Frankie" visits brought to my family. We anxiously looked forward to the visit and reminisced long afterward. Here was a man and his family whose visit picked up like we saw him yesterday instead of six months ago. Annually, our families would come together several times a year, Frank and his family traveling north for the Holidays and our family traveling south for the April vacation. We often met at Myrtle Beach for several days of camping near the beach before we were welcomed back to his home in North Carolina.

This relationship continued, rather unremarkably for several years. Frank spent his time in North Carolina building an office furniture company before turning his focus on helping his wife grow a locksmith business. He later realized his own goal of owning and operating his own auto mechanic garage repair business.

All was well until the Spring of 2003. At that time I was diagnosed with cancer. Honestly it was a frightening time for me. Here I was a man in my early forties with a beautiful wife, two young children and many dreams of my own. I began the process: doctor visits, surgery and radiation treatments. Through out this time, it was Frank and his family who quietly kept track of my progress, carefully balancing their concern and my need for privacy.

In the spring of 2004 I was given the news that every cancer patient wants to hear. It was at that time I moved forward on a dream I had held for 20 years, to build a log cabin in the White Mountains of New Hampshire. So in the summer of 2004 I began. As soon as school let out, I broke ground and began building my retreat in the woods. As construction took off, I began to realize the scope of my task ahead. The building was going well, but one man and his 12 year son just wasn't going to be enough to get weather-tight before school began in September.

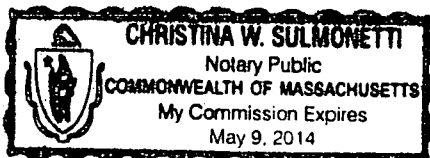
Out of nowhere, there was Frank. He traveled from North Carolina to spend several weeks working with me to complete the daunting task of finishing the upper walls and installing the main beam and roof rafters. The energy he brought revived me. No longer was I thinking I'd taken on too much. He worked, he laughed, he motivated. His spirit was contagious. He had come a thousand miles to work along side me while my own 3 brothers hadn't bother to even call to see how I was doing.

I've watched Frank Larmand grow from a young boy to a family man. He has become of man of integrity, family value and most recently perseverance. Thank God for his perseverance. He is a man who continually reinvents himself to provide for his family. In the course of my twenty-five year teaching career I have had the opportunity to interact with thousands of children. I can only hope each of them develop the high character that I've seen grow in Frank.

Respectfully,



Kenneth S. Bogacz, M. Ed.



July 1st, 2010

To whom it may concern,

My name is Matt Mitchem. I am a twenty year old collage student going to RCCC. I have worked at Super Target for almost two years. I have known Frank Larmand eight years. I met him through his son David. David and I played baseball and also went to school together.

Frank has been around for everything. I knew at every game I could look up into to the stands and know that he was there no matter where we were playing because he didn't miss a single game. He supported us no matter what the outcome of the game. He was there to help everyone that needed and asked for help.

He is at very outgoing man. It doesn't matter the task you put in front of him, he will help and go beyond what is asked of him. He put up a batting cage beside his house and allowed the team to come and hit on the weekends to get better. He never complained or asked for anything in return. Frank is the type of man that cares for others before himself.

Frank has done a lot for me. He was my mentor for my senior project. Since he owned his own auto shop business, I was allowed to work under him in it for my project. I took out a transmission for the first time at Frank's shop. I learned a lot about motors, how they work, and all the parts that make up one.

When I think of a great family man, Frank is the first person to come to my mind. His son David, and his daughter Ashley could always go to Frank for anything. He has become like a father to me. I was always welcomed to stay the night at his house, go to the lake to fish, swim, and go boating with him. Frank would always make sure we were all ok, doing well, and having fun.

Sincerely,



Matt Mitchem

*On 7/3/2010, I Tina Sutton Nall
Notary Public for Cabarrus County witness
the signature of Matthew Mitchem.*

Tina Sutton Nall 7/3/10
Tina Sutton Nall
Cabarrus County
North Carolina
Expires June 23, 2012

Steve Grimes
606 Chrysler Street
Kannapolis, NC 28083

July 1, 2010

To Whom It May Concern:

My name is Steve Grimes. I am a small business owner in Kannapolis, NC. I own and operate an automobile garage and have done so for 9 years. Previous to purchasing my business, I was in management in the textile industry. My wife of 21 years is a registered nurse at CMC-Northeast in Concord, NC and was also previously in the textile industry.

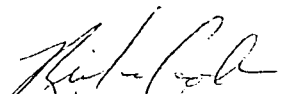
I have known Frank for 11 years. We actually met through our sons. Our sons were in class together at school. Like all of his son's friends, my son was invited for a sleepover at Frank's house. Frank and his family welcomed my son and my family with open arms from the very start of our friendship. Since day one, Frank has opened his home and his heart to me and my family. Frank would give anyone the shirt off of his back if it would help them.

Over time, Frank's son and my son became inseparable. One was always at the other's house to play or spend the night. Our families began to spend more and more time together. We shared family meals and holidays together. We began spending time at the lake together and even vacations to Myrtle Beach as best friends. My wife and I learned of Frank's good hearted nature towards everyone that he meets. Frank is like a brother to me.

Frank is always so willing to give a helping hand. If I needed help with working on a car or motorcycle, Frank was the one person who volunteered to give a hand. When we were riding ATVs in the snow and I injured my shoulder, Frank and his wife were insistant to watch my son while my wife took me to the hospital for x-rays.

Before I purchased my business, I was laid off from work for 3 monthes. Frank was willing to give me a job with his locksmith

7/1/2010



business to help me provide for my family. Even with knowing the job was temporary, Frank took his personal time to train me for the task. Frank's concern for my family was as true and deep as my concern for my family.

More recently, my son and his wife lost their is first child. Frank and his wife were by our sides throughout the grief. Frank was willing to help in any way that I or my family needed him. That is how Frank is to everyone.

Frank has a heart bigger than most people. He shows kindness and love to everyone he meets. Frank is a positive attitude that is needed in the world today. He is kind, helpful and full of love for others. I am so blessed to have Frank as my friend. I wish more people had the opportunity to know Frank as I know him.

Respectfully submitted,

Steve M. Grimes

7/1/2010
Bike Carl
7/25/2010

Jerry W. Herman
2019 Applegate Drive
Concord, NC 28027

July1, 2010

To Whom It May Concern:

My name is Jerry Herman; I own a cabinet shop, Crafted Cabinet Designs, in Concord, NC. I have been a self employed business owner for 15 years. My wife, Telka Herman is a Home Care Specialist with Advanced Home Care, also here in Concord, NC and has been employed with them for 25 years.

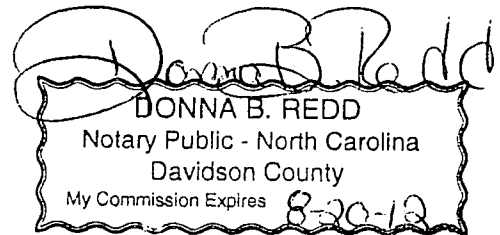
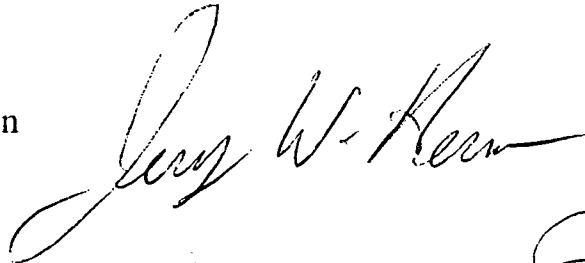
We first met Frank Larmand about 7 years ago through mutual friends. After learning he was a business owner also, we began using his services both as a locksmith and a mechanic, both of which he excelled at. Frank has always been honest and fair, not only with us but with others we referred to him and his employees. He always has a smile on his face and is ready to help others even if they are strangers. Over the years, I have spent time with Frank on fishing trips to Oak Island, NC and other places and weekends at High Rock Lake, NC where we are "rental neighbors". He is always surrounded by family and it is very evident that family is his first priority. Many weekends he would not be at our weekend getaway because his teenage children had sporting events, sometimes out of state, and he always supported them by being an active part of their lives and an encouraging father.

Last year, over Memorial Day Weekend, our home was burglarized while we were away. We were devastated. My gun safe housed some important documents and valuables, and all we knew was that the criminals had broken the lock. We could not open it and there was no one around on a holiday weekend to call. But, there was Frank. He heard about what had happened and came to our rescue. In no time, he had opened the safe and eased our minds that our valuables were still safe. That was payment enough for Frank; he would not accept our offer to pay him for his expertise. That's the kind of friend he is.

We, as a family, have grown to know and love not only Frank, but his entire family. He is a dependable caring friend, always there when you need him and willing to help with nothing expected in return. We have seen how much his family misses and needs him to be back in their lives and our hearts ache for them. In our opinion, Frank is one of the most caring and loyal people we have ever had the privilege of knowing.

Sincerely,

Jerry W. Herman



Jerry Ray Herman
1263 Clyde Fitzgerald Road
Linwood, NC 27299

July 2, 2010

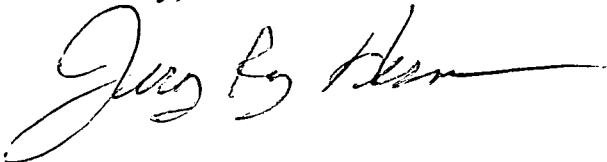
To Whom It May Concern:

My name is Jerry Ray Herman. I am retired. I have known Frank Larmand for approximately 5 years as a business owner and friend. I have never known Frank to do anything except set a good example for his family and friends. He has always been extremely honest as a business owner and very loyal as a friend and will help anyone that needs his help. As my neighbor at High Rock Lake, I have needed his help many times and he has never turned me down. Always ready to lend a helping hand when needed. He has worked on my truck and boat for just a thank you.

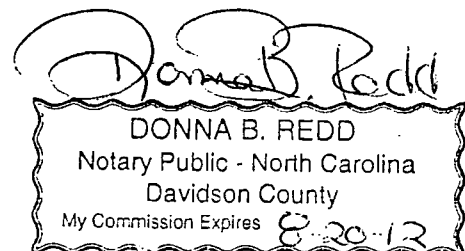
Frank is a very loving father and husband and has always shown how important his family is to him. His children have played sports and he never misses the opportunity to support them and be there to cheer them on.

Frank needs to be with his family where he can continue to be the fantastic father that I know him to be. I have grown to love Frank and his family and can't wait for him to be within our presence soon.

Sincerely,



Jerry Ray Herman



David A. Mariano
3070 Bingham Drive
Concord, NC 28027

July 1, 2010

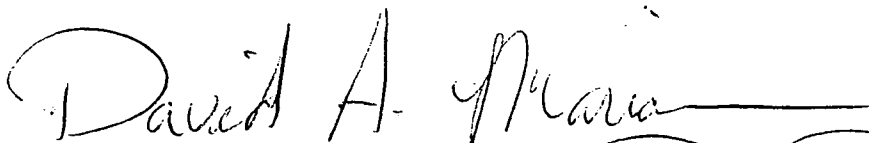
To Whom It May Concern:

My name is David Mariano. I am currently employed with Advanced Home Care. I was previously employed with the Kannapolis Home Depot for 11 years. I have known Frank Larmand for 8 years. I met Frank through another friend and our friendship began to grow.

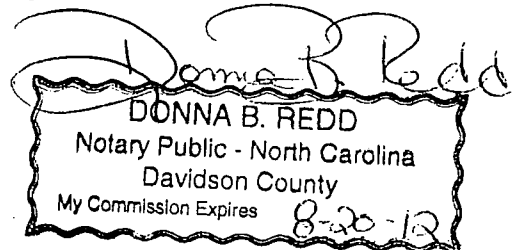
Frank is a local business owner in Kannapolis. He owns a Locksmith business and an Automobile Mechanic Shop. He has gotten my family and myself out of several automobile problems and never accepted any money for his services. He always puts other first. He is the most respectable person I know and with Frank, family comes first. You can always tell a lot about a man by the way his children turn out. That brings me to his stepson, David. He has "stepped up to the plate" and is doing his very best to keep the family locksmith business going. Now the way I see it, if a man is going to raise a kid with that kind of family values he has to be a pretty descent, law abiding citizen.

In closing, I know how hard it is to make friends when you're young and how hard it is to keep friends when you're older. I consider myself very fortunate to have met and kept a great friend like frank in my adult life.

Sincerely,



David A. Mariano



David Bailey
4210 Fringewood Dr
Concord, NC 28025

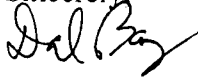
June 28, 2010

To Whom It May Concern:

My name is David Bailey. I have worked for the State of North Carolina for 25 years. I have known Frank Larmand for 5 years. Frank owned a repair shop in Concord. Frank was certified to perform N.C. State vehicle inspections at his place of business. This was how I met Frank. It was part of my duties to complete quarterly audits at Frank's place of business. During all these audits, Frank never had a single violation. Frank was always very professional and kept his records and station in excellent order. Many times during an audit, customers would drop by and ask Frank questions about their vehicles. Frank would always go the extra mile to help people and often would not even charge them. Frank was always very friendly and outgoing and would gladly help anyone he could. Frank often spoke about his family and how much he loves them.

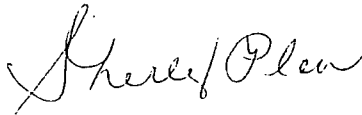
In closing, I think Frank Larmand is a man of excellent character, a wonderful family man, and a credit to this community.

Sincerely,

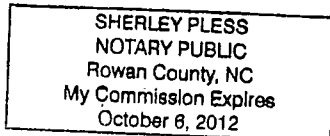


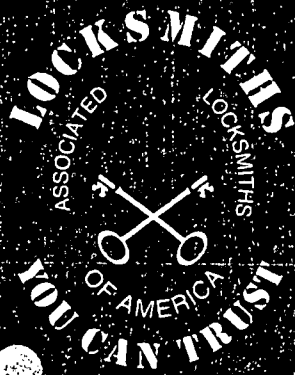
David Bailey

ACKNOWLEDGED before me this 29th day of June 2010



10-06-2012





2009

Member

ASSOCIATED LOCKSMITHS OF AMERICA, INC.

recognizes that

Frank Larmand

is a member in good standing and is entitled to the rights and privileges as provided in the bylaws and, as such has agreed to abide by the Code of Ethics of ALOA, effective January 1, 2009 to December 31, 2009.

MEMBER SINCE

2009

David Lowell, CML, CMST

Executive Director

Ken Kupferman, CML, CPS

ALOA President

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
The Honorable William H. Seals, Jr. Circuit Court Judge

Case N^o 2009-GS-46-02834
Case N^o 2009-GS-46-02835

The State,

Respondent,

vs.

Francis Larmand,

Appellant

AFFIDAVIT OF SERVICE

PERSONALLY appeared before me Sandy Traynham who, after being duly sworn, deposes and says that she is the receptionist for C. Rauch Wise, Attorney for the Appellant in the above entitled case. That on January 6, 2003, she did deposit in the United States Mail with proper postage affixed thereto, a copy of the Motion for Bond Pending Appeal in the above case addressed to Deborah R.J. Shupe, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211-1549.

SWORN to and Subscribed

Sandy Traynham

before me this 23 day

of December, 2010.

Mary Jane Harter (L.S.)

Notary Public for South Carolina

My Commission expires: 1/24/10

EXHIBIT C

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
The Honorable William H. Seals, Jr. Circuit Court Judge

The State,

Respondent,

vs.

Francis Larmand,

Appellant.

Opinion No. 5097

Motion for Bond

Pursuant to Rule 246 of the South Carolina Appellate Court Rules, Francis Larmand, the Appellant herein, moves the Court for an order granting him a bond in this matter.

This motion is based upon the following facts:

1. Francis Larmand was arrested on May 1, 2009 and indicted for the charges of lynching second degree, presenting and pointing a firearm, and conspiracy.
2. He was tried before the Honorable William H. Seals, Jr on October 20-23, 2009. He was convicted and sentenced to ten years imprisonment on the lynching second degree charge. He was given a concurrent five year sentence on the presenting and pointing a firearm

1

RECEIVED	
DATE	3/25/2013
_____ (SIGNATURE) <i>dyp</i>	

and conspiracy charge.

3. On March 13, 2013 this Court reversed the conviction of Francis Larmand on the ground that the facts were not sufficient to convict.

4. Mr. Larmand alleges and believes that he is entitled to reasonable bond under S.C. Code § 18-1-90 and *In the Interest of Michael H.*, 360 S.C. 540, 602 S.E.2d 729 (2004).

This request for bond pending further appeal by the state is based upon the following facts:

- a. Mr. Larmand has no criminal history.
- b. Mr. Larmand honored the conditions of his bond while the case was pending for trial.
- c. If the State applies for a petition for writ of certiorari the decision by the South Carolina Supreme Court could take up to one year or more.
- d. As is evidenced by the attached affidavits, Mr. Larmand has an excellent reputation in the community for being a law bidding citizen.

WHEREFORE, ased upon the above, Francis Larmand, the appellant herein, hereby requests that this Court set a reasonable amount for a bond in this matter pending any further action by the State of South Carolina.

March 20, 2013



C. RAUCH WISE
305 Main Street
Greenwood, South Carolina 29649
(864) 229-5010
rauch@simplepc.net
S.C. Bar N^o 06188

Attorney for Francis Larmand

06-29-2010

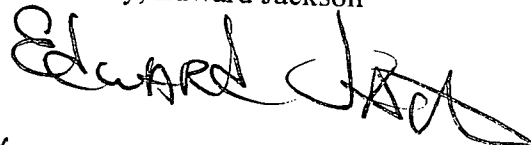
To whom it may concern,

My name is Edward Jackson, Chief Probation and Parole Officer for Mecklenburg County. I have known Frank Larmand about six years. We met at the ball park. Our sons played baseball for A. L Brown High School. We have had many opportunities to share and talk about our children's experiences as baseball players. During those four years I have witnessed a man who loves his family. He was there at every game to support, not only his son but the entire team.

We know Frank as a dedicated father and husband. When our boys graduated from High School they attended Stanly Community College. The boys were roommates and remain very close friends. Frank and his wife treated my son as if he was his own. The day the boys moved into their apartment, Frank got a truck and loaded it with his son's personal things and made a special trip to my home to get my son's items. During the time the boys were roommates Frank and his wife made sure they had everything they needed.

My general impression of Frank is that he was a hard working family man. Frank was also a successful business owner of Pop a Lock and Frank's Auto Shop. He has even worked on my personal vehicle. Frank Larmand is a honest hardworking caring and loving person. He has shown nothing but love towards my family, especially the way he has treated my son. He deserves a second chance, we all do.

Sincerely, Edward Jackson



State of NC
County of Cabarrus Co

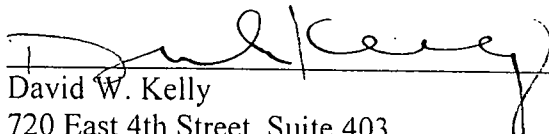
~~Notary~~ Sig Joyce D. Clark
Joyce D Clark Notary
my commission expires 8/1/12

AFFIDAVIT

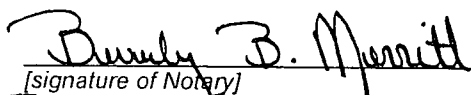
In the matter of Frank Larmand

1. I am an Assistant District Attorney for the 26th Prosecutorial District in North Carolina. I am a member of the North Carolina State Bar (Bar No. 32769). I have been a prosecutor in Charlotte, North Carolina, since 2004 and currently prosecute offenders under North Carolina's habitual felon law.
2. This affidavit is *not* prepared in my official capacity as a prosecutor nor in my capacity as a licensed attorney. I am not a licensed attorney in the State of South Carolina.
3. I have known Frank Larmand since the fall of 2006. I was the head coach of a competitive travel softball team on which his daughter, Ashley Larmand, played. Two of the many purposes of this team included providing a venue for the junior- and high-school aged players to have a positive and constructive activity in which to participate while they were not in school, while also preparing them to play at the collegiate level.
4. During my time coaching Ashley and the other players on my team, I came to know the parents who spent time at the ballfields, during practices and games, watching and supporting their daughters. Frank Larmand was one such parent.
5. Frank appeared as a supportive father, and supported not only his daughter, but also the other players on the team and entire team concept.
6. Frank volunteered to be available, whenever he was not working, to assist in drills or other practice activities as needed by the coaches. On occasion, I called upon Frank's volunteered services. His interaction with the players on the team was always positive.
7. Frank offered his place of business as a location for the team to conduct a carwash fundraiser where the players could raise money to pay tournament entry fees and to purchase uniforms.
8. Frank always acted in a courteous and professional manner in his interaction with me, as well as in his interaction with my two assistant coaches.
9. Having coached for approximately thirteen years and had several experiences with parents of bad character and quick tempers, it is always a relief to have parents of good character and high values -- such was the case with Frank.

10. Frank appeared to be a very hard worker in the operation of his own business. His obligation to earn a living for his family was the only obligation that would keep him away from a few of Ashley's games; otherwise, Frank was always present in support of his daughter and all of the other girls on the team.
11. If permitted release by the Court, I believe that Frank will take advantage of his time out of custody by working hard to support his family, just as he did before his incarceration.
12. Based upon my own daily professional experiences and my personal knowledge of Frank Larmand's character, I do not believe that Frank's release would pose any danger to the communities of North or South Carolina; in fact, I believe Frank's family and community would benefit from his presence.
13. Further, it is my belief that Frank does not pose a risk of flight. I believe that, if released, Frank would appear, as directed, at all court proceedings and comply with all court orders.


 David W. Kelly
 720 East 4th Street, Suite 403
 Charlotte, NC 28202
 704.686.0845 (tel)

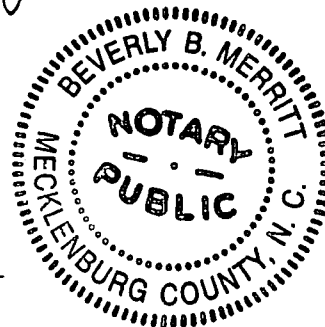
Subscribed and sworn to before me, this the 30th day of June, 2010.


[signature of Notary]
BEVERLY B. MERRITT
[printed name of Notary]

NOTARY PUBLIC

State of North Carolina, County of Mecklenburg

My commission expires: _____, 20____.



MY COMMISSION EXPIRES JULY 7, 2010

A.L. Brown High School

(704) 932-6125 • 415 EAST FIRST STREET • KANNAPOLIS, NC 28083

June 28, 2010

To the Honorable Court:

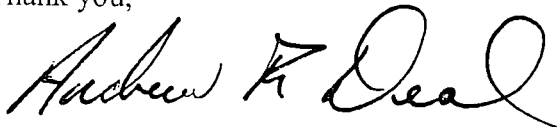
This correspondence is a character reference for Frank Larmond. I had the privilege to meet Frank about three and a half years ago when his daughter started playing softball for A. L. Brown High School. I serve as the assistant coach and the School Resource Officer at A. L. Brown and in that capacity I got to see Frank frequently.

Early on I saw that Frank was dedicated to his children. He often made it to at least some of his daughter's softball practices daily. He would help work with her after practice and offer to assist the softball team in anyway that he could. I can not remember many games, if any, that Frank was not present. Frank also operated two businesses in Kannapolis, one as a mechanic and the other as a locksmith. However, I never saw him put his work in front of his family.

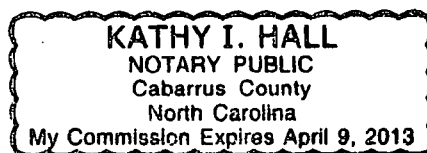
During the time that I have known Frank and his family I have never known him to be a violent person. I know under the circumstances now, Frank may be looked at differently by the court. However, I can only speak for how I knew Frank. I know that his family, especially his daughter, has taken this time in their life very hard. I know that they would appreciate and cherish the time that they would have together if Frank is allowed to be released on an appeal bond.

If you have any other questions or I can be of any assistance to the court, please feel free to contact me at 704-202-4188.

Thank you,



Andrew R. Deal
Kannapolis Police Department
School Resource Officer
A. L. Brown High School.



Kathy I. Hall
My Commission
Expires 4-9-2013

Affidavit for Frank Larmand

Written by Nick Safrit

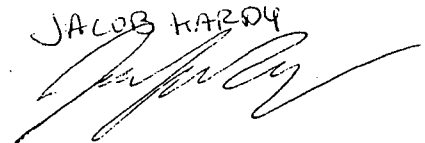
I am a Police Officer for the University of North Carolina at Charlotte for 6 years this August. I have known Frank just about 12 years. I met Frank while watching his kids David and Ashley, at an afterschool daycare for the YMCA. At that time Frank owned and still owns a business called Pop-a-Lock and went out of his way to help me when I would lock myself out of my vehicle. I locked myself out of my vehicle about 4 or 5 times and would not take any money from me stating that is what friends are for. During this time I also would house sit for Frank while him and his family went on vacation. When Frank and his family would return he would not take the key to house back and I still have it to this day. The entire time I have known Frank he went out of his way to make everybody happy. Frank has a love for his family and everyone he comes into contact with. Every time I would see Frank, he would always ask how my family is doing and if he could do anything to help. Frank is a hard working, loving, compassionate, friendly, family man who would give his shirt off his back to help someone out.

Frank is a man who I would trust my life and/or my family's life with. I have always looked up to Frank as a father figure and a person I would turn to if I was in trouble or needed advice. Frank is a outstanding human being and this world would be a better place if there were more people like Frank.

Signed



Nick Safrit



My Commission Exp

June 17 2012

Kenneth S. Bogacz
121 Hurley Avenue
Dracut, MA, 01826

June 21, 2010

To Whom It May Concern:

My name is Kenneth Bogacz, I am a teacher in the Westford Public Schools, Westford, Massachusetts currently teaching computer and technology skills at the Blanchard Middle School. I have been a teacher for 25 years originally working with Special Education students and a Vocational educator before transitioning into an Elementary teacher and finally into my current position.

I have known Frank Larmand since 1984. I first came in contact with Frank Larmand when he was living with his mother in Lowell, Massachusetts. At that time, I was dating his sister. Frank was a high-energy boy who was struggling with the recent separation of his mother and father. During those early years, I came to know Frank as a person with a big heart and a gift for mechanics. I often found myself getting car advice and learning from this young man.

I later married his sister and was proud to have Frank as a brother-in-law. Because of our differences in age, we did not really connect socially, rather we would interact within the family and remained in contact as both our lives developed. It was later in our lives that we reconnected. At some point, Frank and his family moved to North Carolina.

Strangely enough, the move only served to bring our families closer together. My wife, children and I would look forward to our "Uncle Frankie" visits. Frank and his wife put great effort and planning to make time to visit each member of the family during his visits home, usually spending most of his vacation time with relatives. It was not unusual for Frank to spend his vacation repairing a friend's car or helping with household chores.

I cannot stress enough how much joy the "Uncle Frankie" visits brought to my family. We anxiously looked forward to the visit and reminisced long afterward. Here was a man and his family whose visit picked up like we saw him yesterday instead of six months ago. Annually, our families would come together several times a year, Frank and his family traveling north for the Holidays and our family traveling south for the April vacation. We often met at Myrtle Beach for several days of camping near the beach before we were welcomed back to his home in North Carolina.

This relationship continued, rather unremarkably for several years. Frank spent his time in North Carolina building an office furniture company before turning his focus on helping his wife grow a locksmith business. He later realized his own goal of owning and operating his own auto mechanic garage repair business.


All was well until the Spring of 2003. At that time I was diagnosed with cancer. Honestly it was a frightening time for me. Here I was a man in my early forties with a beautiful wife, two young children and many dreams of my own. I began the process: doctor visits, surgery and radiation treatments. Through out this time, it was Frank and his family who quietly kept track of my progress, carefully balancing their concern and my need for privacy.

In the spring of 2004 I was given the news that every cancer patient wants to hear. It was at that time I moved forward on a dream I had held for 20 years, to build a log cabin in the White Mountains of New Hampshire. So in the summer of 2004 I began. As soon as school let out, I broke ground and began building my retreat in the woods. As construction took off, I began to realize the scope of my task ahead. The building was going well, but one man and his 12 year son just wasn't going to be enough to get weather-tight before school began in September.

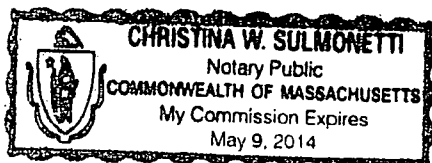
Out of nowhere, there was Frank. He traveled from North Carolina to spend several weeks working with me to complete the daunting task of finishing the upper walls and installing the main beam and roof rafters. The energy he brought revived me. No longer was I thinking I'd taken on too much. He worked, he laughed, he motivated. His spirit was contagious. He had come a thousand miles to work along side me while my own 3 brothers hadn't bother to even call to see how I was doing.

I've watched Frank Larmand grow from a young boy to a family man. He has become of man of integrity, family value and most recently perseverance. Thank God for his perseverance. He is a man who continually reinvents himself to provide for his family. In the course of my twenty-five year teaching career I have had the opportunity to interact with thousands of children. I can only hope each of them develop the high character that I've seen grow in Frank.

Respectfully,



Kenneth S. Bogacz, M. Ed.



July 1st, 2010

To whom it may concern,

My name is Matt Mitchem. I am a twenty year old collage student going to RCCC. I have worked at Super Target for almost two years. I have known Frank Larmand eight years. I met him through his son David. David and I played baseball and also went to school together.

Frank has been around for everything. I knew at every game I could look up into to the stands and know that he was there no matter where we were playing because he didn't miss a single game. He supported us no matter what the outcome of the game. He was there to help everyone that needed and asked for help.

He is at very outgoing man. It doesn't matter the task you put in front of him, he will help and go beyond what is asked of him. He put up a batting cage beside his house and allowed the team to come and hit on the weekends to get better. He never complained or asked for anything in return. Frank is the type of man that cares for others before himself.

Frank has done a lot for me. He was my mentor for my senior project. Since he owned his own auto shop business, I was allowed to work under him in it for my project. I took out a transmission for the first time at Frank's shop. I learned a lot about motors, how they work, and all the parts that make up one.

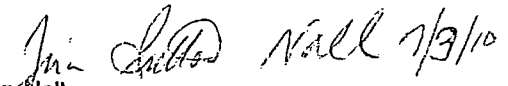
When I think of a great family man, Frank is the first person to come to my mind. His son David, and his daughter Ashley could always go to Frank for anything. He has become like a father to me. I was always welcomed to stay the night at his house, go to the lake to fish, swim, and go boating with him. Frank would always make sure we were all ok, doing well, and having fun.

Sincerely,



Matt Mitchem

On 7/3/2010, I Tina Sutton Nall
Notary Public for Cabarrus County witness
the signature of Matthew Mitchem.


Tina Sutton Nall
Cabarrus County
North Carolina
Expires June 23, 2012

Steve Grimes
606 Chrysler Street
Kannapolis, NC 28083

July 1, 2010

To Whom It May Concern:

My name is Steve Grimes. I am a small business owner in Kannapolis, NC. I own and operate an automobile garage and have done so for 9 years. Previous to purchasing my business, I was in management in the textile industry. My wife of 21 years is a registered nurse at CMC-Northeast in Concord, NC and was also previously in the textile industry.

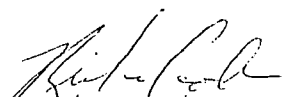
I have known Frank for 11 years. We actually met through our sons. Our sons were in class together at school. Like all of his son's friends, my son was invited for a sleepover at Frank's house. Frank and his family welcomed my son and my family with open arms from the very start of our friendship. Since day one, Frank has opened his home and his heart to me and my family. Frank would give anyone the shirt off of his back if it would help them.

Over time, Frank's son and my son became inseparable. One was always at the other's house to play or spend the night. Our families began to spend more and more time together. We shared family meals and holidays together. We began spending time at the lake together and even vacations to Myrtle Beach as best friends. My wife and I learned of Frank's good hearted nature towards everyone that he meets. Frank is like a brother to me.

Frank is always so willing to give a helping hand. If I needed help with working on a car or motorcycle, Frank was the one person who volunteered to give a hand. When we were riding ATVs in the snow and I injured my shoulder, Frank and his wife were insistant to watch my son while my wife took me to the hospital for x-rays.

Before I purchased my business, I was laid off from work for 3 monthes. Frank was willing to give me a job with his locksmith

7/1/2010



business to help me provide for my family. Even with knowing the job was temporary, Frank took his personal time to train me for the task. Frank's concern for my family was as true and deep as my concern for my family.

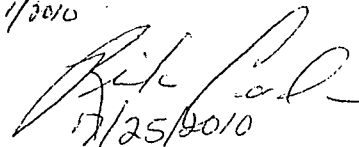
More recently, my son and his wife lost their first child. Frank and his wife were by our sides throughout the grief. Frank was willing to help in any way that I or my family needed him. That is how Frank is to everyone.

Frank has a heart bigger than most people. He shows kindness and love to everyone he meets. Frank is a positive attitude that is needed in the world today. He is kind, helpful and full of love for others. I am so blessed to have Frank as my friend. I wish more people had the opportunity to know Frank as I know him.

Respectfully submitted,

Steve M. Grimes

7/1/2010


7/25/2010

Jerry W. Herman
2019 Applegate Drive
Concord, NC 28027

July 1, 2010

To Whom It May Concern:

My name is Jerry Herman; I own a cabinet shop, Crafted Cabinet Designs, in Concord, NC. I have been a self employed business owner for 15 years. My wife, Telka Herman is a Home Care Specialist with Advanced Home Care, also here in Concord, NC and has been employed with them for 25 years.

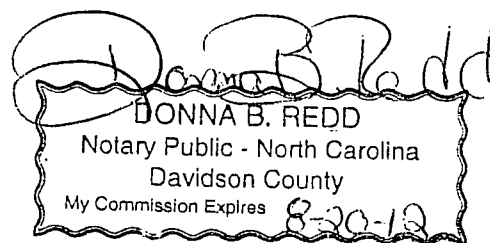
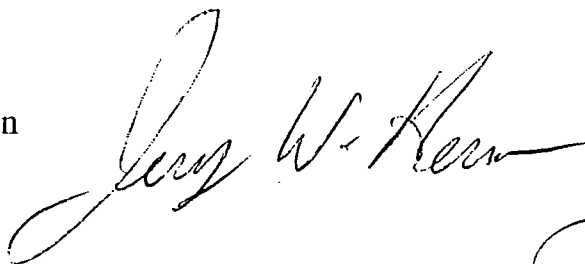
We first met Frank Larmand about 7 years ago through mutual friends. After learning he was a business owner also, we began using his services both as a locksmith and a mechanic, both of which he excelled at. Frank has always been honest and fair, not only with us but with others we referred to him and his employees. He always has a smile on his face and is ready to help others even if they are strangers. Over the years, I have spent time with Frank on fishing trips to Oak Island, NC and other places and weekends at High Rock Lake, NC where we are "rental neighbors". He is always surrounded by family and it is very evident that family is his first priority. Many weekends he would not be at our weekend getaway because his teenage children had sporting events, sometimes out of state, and he always supported them by being an active part of their lives and an encouraging father.

Last year, over Memorial Day Weekend, our home was burglarized while we were away. We were devastated. My gun safe housed some important documents and valuables, and all we knew was that the criminals had broken the lock. We could not open it and there was no one around on a holiday weekend to call. But, there was Frank. He heard about what had happened and came to our rescue. In no time, he had opened the safe and eased our minds that our valuables were still safe. That was payment enough for Frank; he would not accept our offer to pay him for his expertise. That's the kind of friend he is.

We, as a family, have grown to know and love not only Frank, but his entire family. He is a dependable caring friend, always there when you need him and willing to help with nothing expected in return. We have seen how much his family misses and needs him to be back in their lives and our hearts ache for them. In our opinion, Frank is one of the most caring and loyal people we have ever had the privilege of knowing.

Sincerely,

Jerry W. Herman



Jerry Ray Herman
1263 Clyde Fitzgerald Road
Linwood, NC 27299

July 2, 2010

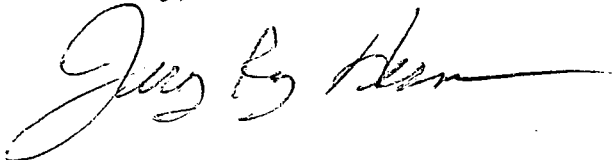
To Whom It May Concern:

My name is Jerry Ray Herman. I am retired. I have known Frank Larmand for approximately 5 years as a business owner and friend. I have never known Frank to do anything except set a good example for his family and friends. He has always been extremely honest as a business owner and very loyal as a friend and will help anyone that needs his help. As my neighbor at High Rock Lake, I have needed his help many times and he has never turned me down. Always ready to lend a helping hand when needed. He has worked on my truck and boat for just a thank you.

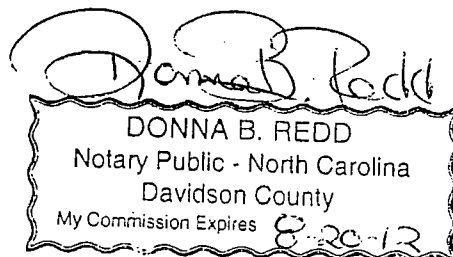
Frank is a very loving father and husband and has always shown how important his family is to him. His children have played sports and he never misses the opportunity to support them and be there to cheer them on.

Frank needs to be with his family where he can continue to be the fantastic father that I know him to be. I have grown to love Frank and his family and can't wait for him to be within our presence soon.

Sincerely,



Jerry Ray Herman



David A. Mariano
3070 Bingham Drive
Concord, NC 28027

July 1, 2010

To Whom It May Concern:

My name is David Mariano. I am currently employed with Advanced Home Care. I was previously employed with the Kannapolis Home Depot for 11 years. I have known Frank Larmand for 8 years. I met Frank through another friend and our friendship began to grow.

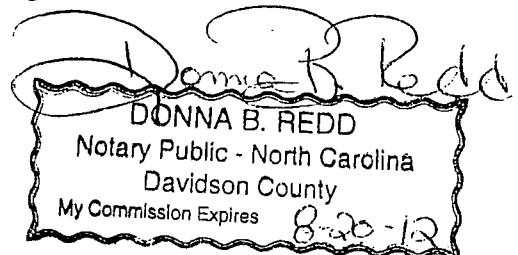
Frank is a local business owner in Kannapolis. He owns a Locksmith business and an Automobile Mechanic Shop. He has gotten my family and myself out of several automobile problems and never accepted any money for his services. He always puts other first. He is the most respectable person I know and with Frank, family comes first. You can always tell a lot about a man by the way his children turn out. That brings me to his stepson, David. He has "stepped up to the plate" and is doing his very best to keep the family locksmith business going. Now the way I see it, if a man is going to raise a kid with that kind of family values he has to be a pretty descent, law abiding citizen.

In closing, I know how hard it is to make friends when you're young and how hard it is to keep friends when you're older. I consider myself very fortunate to have met and kept a great friend like Frank in my adult life.

Sincerely,

David A. Mariano

David A. Mariano



David Bailey
4210 Fringewood Dr
Concord, NC 28025

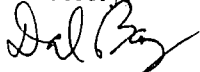
June 28, 2010

To Whom It May Concern:

My name is David Bailey. I have worked for the State of North Carolina for 25 years. I have known Frank Larmand for 5 years. Frank owned a repair shop in Concord. Frank was certified to perform N.C. State vehicle inspections at his place of business. This was how I met Frank. It was part of my duties to complete quarterly audits at Frank's place of business. During all these audits, Frank never had a single violation. Frank was always very professional and kept his records and station in excellent order. Many times during an audit, customers would drop by and ask Frank questions about their vehicles. Frank would always go the extra mile to help people and often would not even charge them. Frank was always very friendly and outgoing and would gladly help anyone he could. Frank often spoke about his family and how much he loves them.

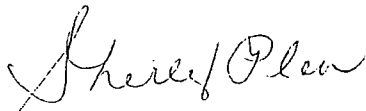
In closing, I think Frank Larmand is a man of excellent character, a wonderful family man, and a credit to this community.

Sincerely,

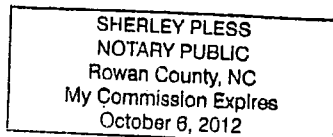


David Bailey

ACKNOWLEDGED before me this 29th day of June 2010



10-06-2012





Member

ASSOCIATED LOCKSMITHS OF AMERICA, INC.

recognizes that

Frank Larmand

is a member in good standing and is entitled to the rights and privileges as provided in the bylaws and, as such has agreed to abide by the Code of Ethics of ALOA, effective January 1, 2009 to December 31, 2009.

MEMBER SINCE

2009

David Lowell, CML, CMST

David Lowell, CML, CMST
Executive Director

Ken Kupferman, CML CPS

Ken Kupferman, CML, CPS
ALOA President

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
In the Court of Common Pleas

Honorable William H. Seals, Jr. Circuit Court Judge

Case N^o 2009-GS-46-02834

Case N^o 2009-GS-46-02835

The State of South Carolina,

Respondent,

vs.

Francis Larmand,

Appellant

AFFIDAVIT OF SERVICE

PERSONALLY appeared before me Sandy Traynham who, after being duly sworn, deposes and says that she is the receptionist for C. Rauch Wise, Attorney for the Appellant in the above entitled case. That on March 20, 2013, she did deposit in the United States Mail with proper postage affixed thereto, a copy of the Motion for Bond in the above case addressed to Deborah R.J. Shupe, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211-1549.

SWORN to and Subscribed

Sandy Traynham

before me this 20 day

of March, 2013.

Alana Jane Hartler (L.S.)

Notary Public for South Carolina,

My Commission expires: 11/30/22

EXHIBIT D

March 26, 2013

To the Justices of the South Carolina Supreme Court

My name is Ryan Lochbaum and I respectfully ask you to deny Francis Larmand's request to be released from prison while the State files an appeal. I am shocked and horrified that the State of South Carolina is considering the release of Francis Larmand. He was one of two men who terrorized my family. He planned and carried out a vicious attack on me that would have resulted in my death had it not been for the happenstance aid of neighbors. No one at the trial, including the jury, doubted his intention to cause deadly harm.

I am terrified that this man, if released, will once again target me. My wife is 6 months pregnant and under doctor's orders to reduce her stress level for the safety of our unborn child. That will be impossible if Mr. Larmand is released. Just thinking of him being able to hurt my family again makes me anxious. It is neither fair nor just that I should live in fear while he walks around free and happy after he terrorized my family. My wife to this day locks every lock possible, even during the daytime, never truly feeling safe in her own home. Not that all the locks in the world would deter Mr. Larmand, as he is a skilled locksmith who could easily gain entry into my home, leaving little or no evidence, with only the simplest of tools.

My entire family is in turmoil. We have all been victimized by this man and to grant him release would not only be an injustice but would re-victimize us. He came to my house, at midnight, when my then 5 year old son was asleep. He knows where I live. He knows the business I am in. My family and I are terrified at the thought of him being released pending the appeal.

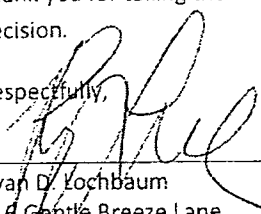
My 8 year old son who overheard my wife and I discussing this possibility is now afraid once again to fall asleep on his own for fear that the "bad men" will once again come to our home. My life was forever changed on April 30th, 2009. I struggle every day to put that horror behind me. My business and my livelihood as a locksmith require my response to many late night emergency calls for assistance. This is especially terrifying to me as Mr. Larmand originally faked an emergency locksmith call to try and lure me to a secluded area in order to cause me bodily harm. What is to stop him from trying again if released?

I am not sure what else to say except that I beg you to deny Mr. Larmand's request. He was tried and convicted by a jury of his peers and sentenced accordingly. I do not think he should be allowed to roam free while the appeal is being considered, once again, putting my family and myself in danger.

I plead with you to keep this man in prison while the appeal is considered. The health and sanity of myself, my pregnant wife, and my 8 year old son depends on your decision. We are the innocent victims. Why should our lives be shattered once again?

Thank you for taking the time to read this letter. I hope that the Court will take it into account when making its decision.

Respectfully,



Ryan D. Lochbaum
516 Gentle Breeze Lane
Rock Hill, SC 29730
(704) 307-8536

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From York County
The Honorable William H. Seals, Jr., Circuit Court Judge
On Petition for Writ of Certiorari to the Court of Appeals
Appellate Case No. 2009-144086

THE STATE,

Petitioner,

vs.

FRANCIS LARMAND,

Respondent.

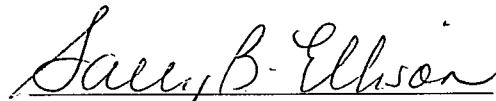
CERTIFICATE OF SERVICE

I, Sally B. Ellison, hereby certify I served the Petition for Writ of Supersedeas, or in the Alternative, to Expedite, on Respondent by placing a copy in the United States Mail Service, postage pre-paid, addressed as follows:

C. Rauch Wise, Esquire
305 Main Street
Greenwood, SC 29646

I further certify that all parties required by Rule to be served have been served.

This 29th day of May, 2013.


Sally B. Ellison
Legal Assistant

Office of the Attorney General
PO Box 11549
Columbia, SC 29211-1549
(803) 734-4156