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Nov 09 2022
SC Court of Appeals

EMERGENCY MOTION FOR AN APPEAL BOND

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMPTER COUNTY
Court of General Sessions

The Honorable R. Kirk Griffin, Circuit Court Judge

Case No. 2021-CP-43-0091

The State,

Respondent,

v.

Brittany Martin,

Appellant.

EMERGENCY MOTION FOR APPEAL BOND

YOU WILL PLEASE TAKE NOTICE, that the Defendant, Brittany Martin, by and through her undersigned attorney, will move before the South Carolina Court of Appeals to be issued an Appeal Bond while her Appeal is being considered.

Ms. Brittany Martin has appealed her conviction and sentence in the above-mentioned case.

1. The sentence was imposed by the Honorable R. Kirk Griffin on May 16, 2022. Pursuant to Rule 29 (a) of the South Carolina Rules of Criminal Procedure the Defendant filed a Post-Trial motion for reconsideration of the sentence on May 25, 2022.
2. This appeal is taken from the order of the Honorable R. Kirk Griffin, dated October 5, 2022, which denied appellant's motion for reconsideration.
3. Appellant received written notice of entry of this order on October 13, 2022.

4. Ms. Martin filed a motion for Appeal on October 14, 2022 with the appellate court.
5. Ms. Martin filed an emergency motion for an appeal bond with the Honorable R. Kirk Griffin on October 20, 2022.
6. Ms. Martin received notice of the denial of her emergency appeal bond appeal in an order from the Honorable R. Kirk Griffin, dated November 9.
7. When denying the emergency appeal bond one of the reasons given for denial is that that the jury had chosen to convict Ms. Martin of breach of peace of a high and aggravated nature instead of breach of the peace, which is a misstatement of the facts and in fact, the jury was never given the opportunity to consider the lower offense during the trial.
8. During the jury discussion about the instructions the judge specifically asked if the lower charge should be presented to the jury and both the prosecutor and the defense agreed to only present the higher charge and not the lower charge so the jury was never given the choice of convicting Ms. Martin of the lower charge.
9. Ms. Martin is currently incarcerated in Camile Graham Women's correctional facility and she has been held there since May 16, 2022.
10. Ms. Martin is currently pregnant and has been battling preterm labor since she was incarcerated.
11. The facility is unable to provide her with proper medical care and the life of her unborn child is in danger.
12. Ms. Martin has been to the hospital numerous times, however the correctional facility has determined that the medication and devices needed to maintain her pregnancy and allow her to make it to full term status are a security risk.
13. If Ms. Martin delivers while incarcerated her child will be forced into the foster care system.
14. Ms. Martin's crimes do not involve violence, despite the name of her conviction, and she is not a flight risk.
15. Ms. Martin is not a threat to the community, and she has five children in South Carolina and she has strong ties to the community, and she simply wants to be out of jail to preserve the life of her unborn child.
16. Ms. Martin does not have a passport.

WHEREFORE, Ms. Martin would like to respectfully request that the court assist her in preventing her child from being born prematurely by issuing her an emergency appeal bond expeditiously.

November 9, 2022

Respectfully submitted,

By: /s Dr. Sybil Rosado

Dr. Sybil Rosado

Bar Number: 104422

Federal Bar No: 13505

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Respondent by depositing a copy of it in the United States Mail, postage prepaid, on November 9, 2022, posted to Bronwyn K. McElveen 215 North Harvin Street Sumter, South Carolina 29150, transmitting a copy of it to the other Counsel of Record indicated below via email at bmceelveen@sumpttercountysc.gov, at November 9, 2022.

November 9, 2022

Respectfully submitted,

By: /s Dr. Sybil Rosado

Dr. Sybil Rosado

Bar Number: 104422

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sybil@rosado.law

Other Counsel of Record:
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