

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

THE STATE,)

-vs-)

BRITTANY MARTIN,)

Defendant.)

RECORDED

2022 NOV -9 PM 3:15

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C

IN THE COURT OF GENERAL SESSIONS

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Sherry H. Hunt
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

ORDER

Case Number: 2021-GS-43-0091

RECEIVED

Nov 09 2022

SC Court of Appeals

This matter came before the court pursuant to Defendant's Motion for an Appeal Bond. Defendant was convicted by a jury of one count of Breach of Peace of a High and Aggravated Nature on May 16, 2022. The Defendant was sentenced to four years in the South Carolina Department of Corrections. The Defendant subsequently moved for a Reconsideration of Sentence, which was denied on October 5, 2019. The Court was served with notice of the motion for an Appeal Bond by trial counsel via e-mail on October 19, 2022. In the motion, defense counsel requested an expedited hearing, or in the alternative, an expedited ruling on the motion without a hearing. Rule 29(a) of the South Carolina Rules of Criminal Procedure grants the trial judge discretion to decide post trial motions upon briefs filed by the parties without oral argument. Pursuant to Rule 29 (a) SCRCrim.P, and the request of defense counsel, this Court determines that the motion for appeal bond will be decided without oral argument.

Upon review of the motion, the Court respectfully denies the Defendant's Motion for Appeal Bond. 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 appellant. *In re Michael H.*, 360 S.C. 540, 602 S.E.2d. 729 (2004)., *Nichols v. Patterson*, 202 S.C. 352, 25 S.E.2d 155 (1943).

Here, the Court believes the likelihood of reversal is low. The Defendant was found guilty of Breach of Peace High and Aggravated. The jury was presented the lesser included offense of Breach of Peace. The jury found the Defendant guilty of the more serious offense. The Court must consider the nature of the offense for which the Defendant was convicted. Breach of Peace of a High and Aggravated nature is a common law misdemeanor, and carries a sentence of up to ten (10) years in prison. The Court finds that escape is unlikely. In considering the character and the circumstances of the appellant, the Court has considered the Defendant's lengthy prior criminal record, her ties to other states, and the fact that the defendant has committed crimes while on probation. The Court also has considered the fact that the Defendant is currently pregnant. While pregnancy is a less than ideal circumstance for an incarcerated defendant, pregnancy alone is not a sufficient ground for an appeal bond. Balancing these factors, the Court concludes that an appeal bond is not appropriate in this case. Based upon the foregoing, the Defendant's Motion for an Appeal Bond is denied.

November 9, 2022
Sumter, SC


R. Kirk Griffin
Circuit Court Judge