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IN THE COURT OF APPEALS FOR MAY 01 2023  
THE STATE OF SOUTH CAROLINA SC Court of Appeals

State of South Carolina,  
Appellee,

vs.

Brandal Smith,  
Appellant.

PETITION FOR APPEAL BOND  
(Spartanburg County)

Appellant now moves this Honorable Court to be heard on this Petition For Appeal Bond in the above cited case. Appellant has been in abeyance since 2022 and incarcerated since 2021, to no avail. Due to the novelty of the issue presented to the Appellate Court, Appellant argues that release pending appeal is appropriate for the following stated reasons.

As of date, there is not a S.C. Code of Law that criminalizes trafficking in fentanyl. The S.C. Legislature has been unable to make a law as of date. Bills presented have stalled this far. Regardless of such, there was no law on the books when Appellant was convicted.

Appellant argues that he can only be held to answer actions that constituted violations of current laws prescribed under the S.C. Code of Laws. Which is not the case here. As a result, Appellant finds that in the rare occurrence, an Appeal Bond is appropriate and just. Anything else constitutes a miscarriage of justice and denial of due process.

#### CONCLUSION

Appellant requests that a reasonable bail be set.

Respectfully submitted,  
Brandal Smith

Brandal Smith, #271084

April 26, 2023

April 26,2023

SC APPELLATE DEFENSE

Attn: Ms. Sarah Shippey  
1330 Lady Street, Suite 401  
Columbia, SC 29201

Re: State v. Brandal Smith

Dear Ms. Shippey:

I now write to get an update on my appeal. I have written you numerous times and made calls to you, all to be ignored. I don't understand why you have chosen to abandon me at this stage. I feel that this constitutes ineffective assistance of appellate counsel to say the least.

Therefore, I now request your assistance in the matter of petitioning the court for a bond pending my Appeal. As you very well know, I'm currently serving a prison sentence for a offense that was not and is not a violation of any S.C. Code of Laws. This is a fact documented in numerous news articles and proposed bills in the S.C. Legislature.

As a result of this fact, my request for you to make such a filing is not unreasonable in any aspect. Please keep in mind that I have not forfeited entire control of my case to you. Although you are considered an expert in the law, you are still the "assistant" under the meaning of the Sixth Amendment of the US Constitution. As held in the Supreme Court case of McCoy v. Louisiana, 139 S.Ct. 1500 (2018).

Thanks in advance for your time and attention.

Sincerely,



Brandal Smith, # 271084  
Kirkland Correctional Institution  
4344 Broad River Rd.  
Columbia, SC 29210

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MAY 01 2023

SC Court of Appeals

April 26, 2023

SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

RE: State v. Brandal Smith, Appeal #:

Dear Honorable:

I ask that you please file the attached petition for an appeal bond in the above cited action. I have forwarded the same to the SC Attorney General. In addition I have also enclosed a copy of a letter to the appellate attorney assigned to my case.

I ask that you please return the extra copy showing that it has been clock-stamped by your office.

Thanks in advance.

Sincerely,

Brandal Smith

Brandal Smith, # 271084  
Kirkland Corr. Inst.  
4344 Broad River Rd.  
Columbia, SC 29210

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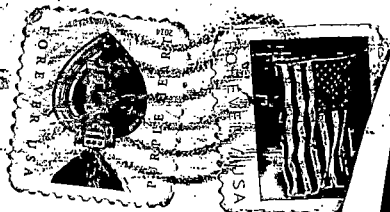
MAY 01 2023

SC Court of Appeals

Brandal Smith, # 271084  
Kirkland Correctional Institution  
4344 Broad River Rd.  
Columbia, SC 29210

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MAY 01 2023

SC Court of Appeals

S.C. Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

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