

**RECEIVED**

**Nov 21 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

LILLIAN MAE BATES,

APPELLANT.

APPELLATE CASE NO. 2023-000483

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MOTION FOR APPEAL BOND

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JESSICA M. SAXON  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

Appellant, Lillian Mae Bates, by and through undersigned counsel, hereby moves this Court for an order releasing her on bond pending the outcome of the direct appeal of her 2022 conviction and sentence. Grounds for this motion are set forth below.

### **I. Procedural History**

On November 13, 2020, Ms. Bates was arrested for delivering 995 grams of narcotics to an undercover officer with the Greenville County Sheriff's Office. The narcotics were ultimately determined to be fentanyl. On December 2, 2020, Ms. Bates was released on a \$7,500 bond with the condition of GPS monitoring, restricted traveling for specific purposes, and a curfew. Ms. Bates remained on bond without any infractions. On November 9, 2022, she appeared before the Honorable Letitia H. Verdin to plead guilty to a reduced charge on the advice of counsel. Ms. Bates pled guilty to trafficking in illegal drugs: fentanyl. She was sentenced to ten years imprisonment.

Plea counsel timely filed a motion to vacate the guilty plea arguing that the plea was not knowingly and voluntarily entered or, in the alternative, that the circuit court lacked jurisdiction to accept the plea because fentanyl was not a substance that could be legally included in an indictment under S.C. Code Ann. § 44-53-370(e)(3). The Honorable Edward W. Miller<sup>1</sup> heard the motion to vacate on March 17, 2023, and ultimately denied the motion. On March 22, 2023, plea counsel filed a notice of appeal. Final briefing was completed in August 2024. Ms. Bates' appeal is currently ready for consideration before this Court.

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<sup>1</sup> Judge Verdin ascended to the Court of Appeals in early 2023. She was, therefore, unable to hear the motion to vacate guilty plea.

## II. Legal Standard

Pursuant to S.C. Code Ann. § 18-1-90 “[b]ail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense.” The statute does not allow an appeal bond to be issued to those defendants that have been sentence to death, life imprisonment, or imprisonment over ten years. Our Supreme Court stated in State v. Whitener, 225 S.C. 244, 248, 81 S.E.2d 784, 786 (1954),

This Court has the power to issue these writs and orders referred to in the Constitution. Those fundamental remedies and safeguards upon which each individual in our society has the right to rely must be preserved by the courts. Otherwise, these procedural rights embodied in our Constitution to insure the individual against oppression will become nullities.

This Court, the judicial body of last resort in our state system of jurisprudence, has the inherent power to set bond in any case. Every defendant sentenced to ten years or less has the right to bail pending appeal. This Court can grant bail, in its discretion, where the sentence exceeds ten years.

The Court of Appeals “has the same authority to issue writs of supersedeas, grant stays, and grant petitions for bail as the Supreme Court would have in a similar case.” S.C. Code Ann. § 14-8-200(a). In determining whether an individual should be granted bail on appeal, the appellate courts of this state consider “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, 553, 602 S.E.2d 729, 736 (2004).

## III. Argument

### a. The Probability of Reversal is High

Ms. Bates has appealed her conviction and sentence on the ground that the circuit court lacked the requisite subject matter jurisdiction to accept her plea as argued in the Final Brief of Appellant and Final Reply Brief of Appellant filed on August 7, 2024, with this Court. The State alleged in the indictment that Ms. Bates was guilty of “knowingly sell, manufacture, cultivate,

deliver, purchase, or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into the State or was knowingly in actual or constructive possession or attempted to become in actual or constructive possession of more than 28 grams or more of Fentanyl; a morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in §44-53-0190 or §44-53-210 of South Carolina Code of Laws. This is in violation of §44-53-0370 of the South Carolina Code of Laws (1976) as amended.” ROA p. 21-22. Fentanyl is scientifically, factually, and legally not “a morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin.” The plain language of the statute does not cover the drug fentanyl. 44-53-370 did not criminalize the trafficking of fentanyl at the time of Ms. Bates’ alleged criminal acts. Therefore, the State has never alleged a statutorily valid criminal offense against Ms. Bates which is essential to vest the circuit court with subject matter jurisdiction. See State v. Crocker, 366 S.C. 394, 402, 621 S.E.2d 890, 894 (Ct. App. 2005) (“Generally, the requirements of subject matter jurisdiction are satisfied when appropriate charges are filed in a competent court.”).

“Under South Carolina law, a circuit court lacks subject matter jurisdiction to accept a guilty plea to a *nonexistent offense*.” Whitner v. State, 328 S.C. 1, 492 S.E.2d 777(1997) citing Williams v. State, 306 S.C. 89, 410 S.E.2d 563 (1991) (emphasis added). Thus, “[a] judgment by a court without jurisdiction of both the parties and the subject matter is *a nullity and must be so treated by the courts* whenever and for whatever purpose it is presented and relied on.” Blanton v Stathos, 351 S.C. 534, 542, 570 S.E.2d. 565, 569 (Ct. App. 2002) (emphasis added). At the time of Ms. Bates’ plea, there was no statutory or common law offense that criminalized trafficking fentanyl. In fact, the South Carolina General Assembly did not criminalize trafficking fentanyl until June 2023 when it passed Act 72 (H.3503). See S.C. Code Ann. § 44-53-370(e)(9).

Critically, even SLED Captain and director of forensic services Dr. Wendy Bell has stated that SLED has advised law enforcement and solicitors *for years* that it is problematic to charge someone under S.C. Code Ann. § 44-53-370(e)(3) when the drug at issue is a wholly synthetic opioid, such as fentanyl, because fentanyl is not “a morphine, opium, salt, isomer, or salt of an isomer thereof.” ROA, 33-34. Ms. Bates plea was to a non-existent criminal offense rendering her plea a nullity at law.

Additionally, Ms. Bates has asserted that the State is collaterally estopped from arguing that fentanyl is within the purview of S.C. Code Ann. § 44-53-370(e)(3). The State has fully litigated the issue of whether fentanyl is within S.C. Code Ann. §44-53-370(e)(3) before two separate circuit court judges. In both cases the State was ruled against and the indictments in those cases were dismissed. The State either chose not to file or later voluntarily abandoned the appeals in those cases.<sup>2 3</sup> The State has fully litigated this matter in the circuit courts and received two final judgments on the merits of the issue. The State has had the ability, opportunity, and incentive to appeal this issue to this Court twice before. The State has chosen to not appeal the circuit court orders and should be estopped from arguing that fentanyl is a narcotic that can be prosecuted under S.C. Code Ann. § 44-53-370(e)(3) in the matter *sub judice*.

Considering the facts of the case and the relevant law, a reviewing court is likely to find that 1) the State has never alleged a valid criminal offense against Ms. Bates, 2) her plea was to a non-existent criminal offense in this State as fentanyl is not a prohibited narcotic under S.C. Code

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<sup>2</sup> State v. Jonathan Conrad Dawkins, indictment number 2022-GS-36-0095. Newberry Public Index <https://publicindex.sccourts.org/newberry/publicindex/> search: Dawkins, Jonathan. Case Number 2021A3620200331. No notice of appeal was ever filed in the case.

<sup>3</sup> State v. Harold Gene White III, appellate case number 2019-000470. Agreed Dismissal to Withdraw Appeal Pursuant to 260(b), SCACR, filed on March 8, 2021, in this Court.

Ann. § 44-53-370(e)(3) and was not criminalized in this state until years after Ms. Bates' alleged criminal acts, 3) that her plea is a nullity at law and must be vacated, and 4) that the State is estopped from arguing fentanyl is substance that can be prosecuted under S.C. Code Ann. § 44-53-370(e)(3).

**b. Nature of the Crime**

Trafficking in controlled substances is classified as a violent and serious crime in South Carolina. See S.C. Code Ann. §§16-1-60 & 17-25-45(C)(2)(b). However, there is nothing in the record that supports a determination that Ms. Bates is a violent individual or that she acted in a violent manner during the commission of the alleged criminal act. As Judge Verdin noted during the plea hearing, she believed Ms. Bates' counsel who described Ms. Bates as "the very definition of someone who was a mule." ROA 13, ll. 1-3. Judge Verdin also believed Ms. Bates was not a voluntary participant in the trafficking, at least from a financial standpoint, as Ms. Bates was a single mother in need of money. ROA 18, ll. 1-13. The plea hearing reflects that Ms. Bates attempted to pull out of the agreement to drive the car when the actual trafficker, Marquis Little, became violent, assaulted her, and forced her to go through with his initial plan. ROA 14, ll. 9-21. Additionally, Ms. Bates had no prior criminal record. ROA 13, ll. 4-7. While the South Carolina Code of Laws classifies the offense as both violent and serious, the facts of Ms. Bates' case are not indicative of her being a violent individual. The statutory classification of the offense should not be held against Ms. Bates.

**c. Possibility of Escape**

Ms. Bates was released pre-trial on a \$7,500 bond with GPS monitoring. She was on GPS monitoring for 671 days without a single violation. ROA 15, l. 4-ROA 16, l. 14. She was 33 years old at the time of her guilty plea and had no prior criminal history. In an effort to obtain an appeal

bond Ms. Bates has secured both a place to live and a place to work in South Carolina. Exhibit A, the Affidavit of Kassandra McGee, details that Ms. Bates can live in a room in her apartment, located in Greenville, SC. Exhibit B, the Affidavit of Jamie Manning, details that Ms. Bates can work for his company upon her release. As can be seen in Exhibit A and B, Ms. Bates has strong ties to the community and has established her intent to remain present in South Carolina throughout the pendency of her appeal. There is not a possibility or probability that Ms. Bates would attempt to escape. Nothing in the record supports the conclusion that she would be a flight risk.

**d. Character and Circumstances of the Appellant**

At the time of her guilty plea, Ms. Bates was a single mother of two young boys. Her eldest child is autistic and currently in the foster care program of the Georgia Department of Human Services Division of Family & Children Services (GDHS). Due to the length of Ms. Bates' sentence, the GDHS has moved to terminate Ms. Bates' parental rights as to her eldest child so that he can be formerly adopted. The most recent hearing in this matter was held on August 6, 2024, during which undersigned counsel appeared via Zoom to testify as to the procedural posture of Ms. Bates appeal and the possibility of Ms. Bates being granted an appeal bond. At that time the Georgia court determined not to terminate Ms. Bates right to her eldest child pending, in part, the outcome of this bond motion.

The next hearing on the potential termination of Ms. Bates' parental rights is scheduled for December 19, 2024. It is Ms. Bates' sincerest hope that she will be able to appear at that hearing in person to fight to maintain her parental rights to her eldest son. Ms. Bates' youngest son is currently living with family friends in Georgia and that family has temporary guardianship over him. The family initial had temporary guardianship over both boys but was unable to care for the eldest child's special needs which resulted in him being placed in the Georgia foster care system.

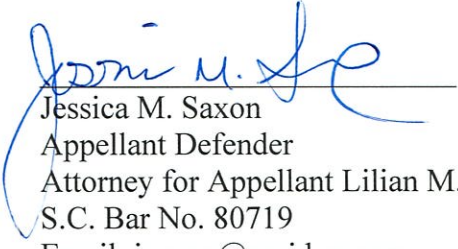
As the record reflects, Ms. Bates, who is now 35, had no prior criminal record at the time of her plea. She does not have a reputation for violence and has generally been a law-abiding citizen. Ms. Bates also has the support of her family and friends, who are all ready and willing to help her if this Court grants her an appeal bond. See Exhibits A-D. Ms. Bates' father and sister have agreed to pay up to \$1,500 total to secure a bond for Ms. Bates. Exhibits C & D. As stated above, Ms. Bates' friends have offered her a place to live and work. Exhibits A & B. She has been described as caring, trustworthy, patient, big hearted, helpful, kind, hardworking, and considerate. See Exhibits A-D.

While incarcerated, Ms. Bates has diligently worked on improving herself. She has taken and completed numerous courses including a peer-to-peer mentoring program, job readiness curriculum, and mental health skills workshops. The completion and participation certificates documenting Ms. Bates' activities are included with this motion in Exhibit E. Ms. Bates has also had a positive impact on other inmates housed with her and has developed positive relationship with prison staff. Exhibit F contains a letter from an inmate and a letter from a classification case worker at Leath Correctional Institution, Ms. Sessa, discussing Ms. Bates growth and progress while incarcerated.

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## **E. Conclusion**

As detailed above, the factors set forth in In re Michael H., 360 S.C. 540, 553, 602 S.E.2d 729, 736 (2004), weigh in favor of granting Ms. Bates an appeal bond. For the foregoing reasons, Appellant Lillian M. Bates respectfully requests that this Court find she is entitled to an appeal bond and order her release upon the posting of a reasonable bond, should this Court find a personal recognizance bond is not proper.



Jessica M. Saxon  
Appellant Defender  
Attorney for Appellant Lilian M. Bates  
S.C. Bar No. 80719  
Email: jsaxon@sccid.sc.gov  
P.O. Box 11433  
Columbia, SC 29211

# EXHIBIT A

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

LILLIAN MAE BATES,

APPELLANT.

APPELLATE CASE NO. 2023-000483

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AFFIDAVIT OF KASSANDRA MCGEE

---

PERSONALLY APPEARED BEFORE ME, Kassandra McGee, who, being duly sworn, deposes and states as follows:

1. My name is Kassandra McGee and I live in a three-bedroom, one bathroom apartment in Greenville, SC, with my two children, and have lived at this residence since November 2023.
2. The address of my home is 300 Furman Hall Road, 18A, Greenville, SC 29609, and I pay \$738 in rent per month.
3. I have never been convicted of a crime.
4. If Lillian Bates is released on an appeal bond, she would be able to stay in the spare bedroom in my apartment at no cost to her.
5. I have known Lillian for three years. I do not know her to be a violent or dangerous person.
6. I have known Lillian Bates for approximately three years now. I have witness her grow into a more wonderful person. I talk to her almost every day. She is always listening and I love that I can tell her anything. She loves to talk to me about the classes that she has graduated from while incarcerated and about her studies with the Bible. We also talk about

her children – she loves them so much and can't wait to get out to be the best mother I know her to be. Lillian has the purest heart I know. She is a loving, caring, trustworthy, and smart woman. If released on bond she would be able to show everyone want she is capable of achieving.

FURTHER THE AFFIANT SAYETH NOT.

Kassandra McGee  
Kassandra McGee

SWORN to and subscribed before me  
this 21<sup>st</sup> day of October, 2024

[Signature]

Notary Public for South Carolina  
My Commission Expires: March 3, 2033

# EXHIBIT B

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

LILLIAN MAE BATES,

APPELLANT.

APPELLATE CASE NO. 2023-000483

---

AFFIDAVIT OF JAMIE MANNING

---

PERSONALLY APPEARED BEFORE ME, Jamie Manning, who, being duly sworn,  
deposes and states as follows:

1. My name is Jamie Manning. I am the owner and operator of Rise and Rule Transportation.
2. My company specializes in the transportation of motor vehicles. I have owned Rise and Rule Transportation for two years.
3. If Lillian Bates is released on an appeal bond, I would hire her to be a dispatcher with my company. Lillian's pay would be a daily rate of \$75-\$150 depending upon daily production.
4. I have known Lillian Bates for four to five years. I do not know her to be violent or dangerous person.
5. I met Lillian through working in the vehicle transportation industry. She worked at a location where I had to pick up a car from. She had a great personality and good customer service. She was doing a job that I currently have open. With her ability to talk to people and her patience with people I think she would be great for the job.

\*\*Signature Page to Follow\*\*

FURTHER THE AFFIANT SAYETH NOT.

Jamie Manning  
Jamie Manning

SWORN to and subscribed before me  
this 10 day of October 2024

Christina Mujica

Notary Public for SC  
My Commission Expires: 12/07/, 2033



# EXHIBIT C

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

LILLIAN MAE BATES,

APPELLANT.

APPELLATE CASE NO. 2023-000483

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AFFIDAVIT OF WILLIAM BATES

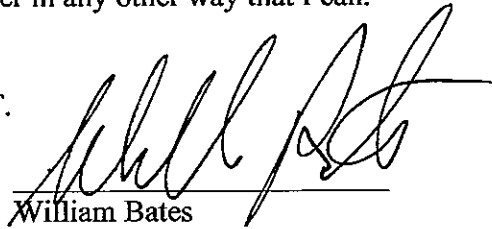
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PERSONALLY APPEARED BEFORE ME, William Bates, who, being duly sworn, deposes and states as follows:

1. My name is William Bates. I am the father of Lillian Bates. I live at 8821 Castle Dale Loop, Shreveport, LA 71107.
2. I am a railroad engineer for Canadian Pacific Kansas City – a railway company. I have been employed in this capacity since August 2002.
3. I have never been convicted of a crime.
4. If Lillian Bates is released on an appeal bond, I would be able to pay up to \$1,000.00 to secure her release.
5. I have known Lillian her entire life. I do not know her to be a violent or dangerous person.
6. Lillian is a very hard working person, but she does have her flaws. She has had some difficult circumstances throughout her life, but she has done the best she could for her and her two little boys. She has a big heart and tries to help others as much as she can. I will do anything that I can to help her when she is released. The only thing I cannot provide is

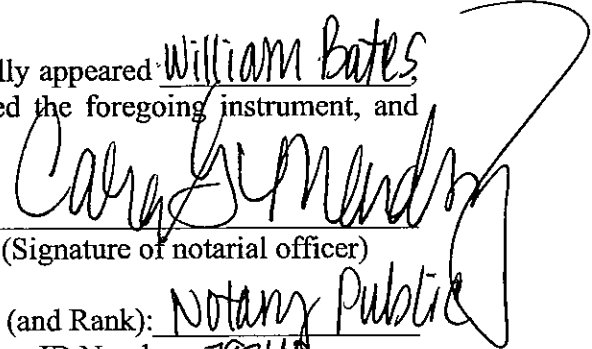
a home with me at my address, due to the nature of her charges. I am under certain restrictions because I work in the railroad industry which crosses the borders into Mexico and into Canada. However, I will support her in any other way that I can.

FURTHER THE AFFIANT SAYETH NOT.

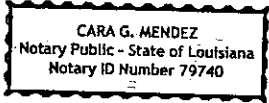
  
William Bates

State of Louisiana  
Parish of Caddo

On this 23<sup>rd</sup> day of September, 2021, before me personally appeared William Bates, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed it as his free act and deed.

  
(Signature of notarial officer)

Title (and Rank): Notary Public  
Notary ID Number: 79740, or  
Attorney Bar Roll Number: \_\_\_\_\_



# EXHIBIT D

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

LILLIAN MAE BATES,

APPELLANT.

APPELLATE CASE NO. 2023-000483

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AFFIDAVIT OF KAYLA CRAWFORD

---

PERSONALLY APPEARED BEFORE ME, Kayla Crawford, who, being duly sworn, deposes and states as follows:

1. My name is Kayla Crawford. I am the sister of Lillian Bates. I live in Panama City, Florida.
2. For the past two years I have been a full-time driver for UberEats, InstaCart, and DoorDash.
3. If Lillian Bates is released on an appeal bond, I would be able to pay up to \$500 to help secure her release.
4. I have known Lillian my entire life. I do not know her to be a violent or dangerous person.
5. Lillian is a great mother, and has overcome many obstacles in life that would make anyone else give up, but she never did. She had a rough upbringing as well, but that never jaded her and she remains to this day, a wonderful, caring, and considerate person. She loves to work, is a very hard worker, and she has generally always been a law abiding citizen. Lillian has never done drugs, and always tries to put her children first. She has always tried to do the right thing, however she is human and people make mistakes. Lillian has never not taken responsibility for her actions and she is one the kindest people I have ever had

not taken responsibility for her actions and she is one the kindest people I have ever had the pleasure of knowing in life. And after all of this, I know she will be an outstanding mother and overall member of society.

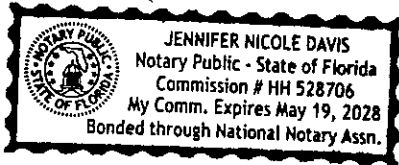
FURTHER THE AFFIANT SAYETH NOT.

Kayla Crawford  
Kayla Crawford

STATE OF FLORIDA  
COUNTY OF Bay

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this (numeric date) day of (month), (year), by Kayla Crawford.

(NOTARY SEAL)



Jennifer Davis  
(Signature of Notary Public-State of Florida)

Jennifer Davis  
(Name of Notary Typed, Printed, or Stamped)

Personally Known  OR Produced Identification

Type of Identification Produced FL Driver's License

# EXHIBIT E

# Certificate of Completion

This certificate certifies that

*Lillian Bates*

has successfully completed the

*Women's Words Women's Worlds  
Peer-to-Peer Mentoring Initiative*

---

Julie Tennant-Caine, Regional Director

---

Susan Dewey, Professor  
University of Alabama

---

April 4, 2024

**CERTIFICATE OF ACHIEVEMENT  
PRESENTED BY  
DAUGHTERS OF CHRIST MINISTRY**

**THIS CERTIFICATE IS AWARDED TO**

**LILLIAN BATES**

**IN RECOGNITION OF VALUABLE PARTICIPATION AND COMPLETION OF**

**JOB READINESS CURRICULUM**

**MAY 10, 2024**

*Mrs. Estella B. Hamiccutt*

INSTRUCTOR

*Mrs. Brenda Black Morrison*

INSTRUCTOR

# THE 7 HABITS

on the Inside

## CERTIFICATE of COMPLETION

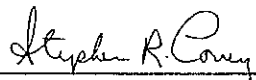
FranklinCovey is pleased to present

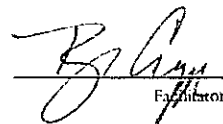
**Lillian Bates**


this certificate for successfully completing

The 7 Habits on the Inside

Issued November 17, 2023

  
Stephen R. Covey, Vice-Chairman

  
Facilitator

 FranklinCovey

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SEP 09 2021

APPELLATE DEFENS

# BUILDING A BETTER YOU

This certificate is presented to

**Lillian Bates**

"Do not save what is left after spending, but spend what is left after saving." - Warren Buffett



Michele Carter, Aw of Programs

C1205 Lillian Bates

**CERTIFICATE  
OF PARTICIPATION**

*In National Walk Day*

If you're walking down the right path and you're willing to  
keep walking, eventually you'll make progress.

AW Carter



1 mile (4) laps

X

C1205

L'Han Bates

# CERTIFICATE

of Appreciation

*For Participating in*

*the Sexual Assault*

*Awareness Walk*

*1 mile Walks*

AW Carter



# CERTIFICATE

## OF PARTICIPATION

This certificate is presented to:

Lillian Bates

This certificate is given in recognition of your outstanding work with journaling. "Your journal will stand as a chronicle of your growth, your hopes, your fears, your dreams, your ambitions, your sorrows, your serendipities."

AW Michel Carter

AW Carter



CROSSROADS

# CERTIFICATE OF ACHIEVEMENT

THIS CERTIFIES THAT

## Lillian Bates

HAS SUCCESSFULLY COMPLETED

### WHO ARE YOU?

Joseph Pryor  
President & CEO, Crossroads

March 1, 2024

Date





CROSSROADS

# CERTIFICATE OF ACHIEVEMENT

THIS CERTIFIES THAT

## Lillian Mae Bates

HAS SUCCESSFULLY COMPLETED

### WHO IS JESUS?

Joseph Pryor  
President & CEO, Crossroads

May 30, 2024

Date



# CERTIFICATE of ACHIEVEMENT

THIS ACKNOWLEDGES THAT

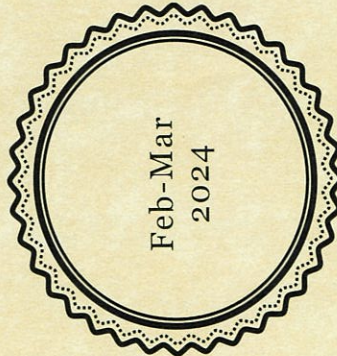
Lillian Bates

HAS SUCCESSFULLY COMPLETED THE

Grief Group



MHO Gary  
Leath Correctional Institution  
Greenwood, South Carolina



Feb-Mar  
2024

# CERTIFICATE of ACHIEVEMENT

THIS ACKNOWLEDGES THAT

Lillian Bates

HAS SUCCESSFULLY COMPLETED THE

Mental Health Walking and Wellness  
Group



K. Conrad, LMSW & D. Gary, MHO  
Leath Correctional Institution  
Greenwood, South Carolina





# CERTIFICATE

*Of Competition*

This Certificate is Proudly Presented to:

Lillian Bates

For completing the Anxiety and Coping Skills  
Workshop with Synergy Counseling Group  
on May 16, 2024.

CONGRATULATIONS!

*AM Carter*

# CERTIFICATE

OF COMPLETION

**LEATH'S TRAUMA INFORMED: "FROM TRAUMA TO TRIUMPH"  
WOMEN'S CONFERENCE 2024**

This certificate is proudly presented to

**LILLIAN BATES**

For becoming an: overcoming, triumphant and victorious achiever.  
Hopefully this award  
can be a motivation to further improve your abilities to overcome ANY  
obstacle you may face.

*Aw Michele Carter*

AW MICHELE CARTER,  
PROGRAMS

Leath Correctional Institution

# EXHIBIT F

To whom it may concern:

2-25-24

My name is Alicia. I would like to inform you about Lillian Bates, Lilly has been my neighbor for about a year. Looking back since then I see how much she has grown. She used to stay in her room all the time. She gained some courage and with the willingness to learn began to take classes and programs to help her progress in all areas of her life, spiritually too. Lilly persevered through her tough times and helped me through my own. Always encouraging me. She is punctual and reliable. She is one of the very few I put trust in. She deserves to be with her family.

Sincerely,

Alicia Owens

Mrs. Bates,

When I first met you, you seemed a little lost. Unsure of what you wanted or needed to do, you seemed shy and timid. I want you to know how very proud I am of you. Just comparing you to the young lady I met a year ago you have come so far. You seem to have found your place and now I see a young mother doing all she can to better herself and make sure she can be the woman she was meant to be. I am so happy to see you taking this path and I know you have the strength and determination to make each day here count. Never forget that you have the ~~power~~ inside you to overcome life's challenges. You have the strength to say "No" to things that may try to deter you and to say "Yes" when life offers up opportunities. You are FIERCE, you are BEAUTIFUL, and you are "SPECIAL".  
You've got this! Mrs. Sessa

RECEIVED

Nov 21 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

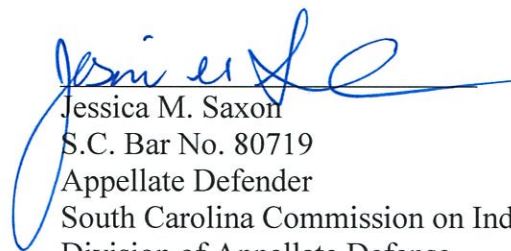
LILLIAN MAE BATES,

APPELLANT.

APPELLATE CASE NO. 2023-000483

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Appeal Bond in the above-referenced case has been served upon Joshua A. Edwards, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and on Lillian M. Bates, 389553, Graham Correctional Institution, 4450 Broad River Road, Columbia, SC 29210, this 21st day of November, 2024.



Jessica M. Saxon

S.C. Bar No. 80719

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11433

Columbia, SC 29211-1589

(803) 734-1330

ATTORNEY FOR APPELLANT

## Leverett, Scott

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**From:** Leverett, Scott  
**Sent:** Thursday, November 21, 2024 2:51 PM  
**To:** SC - EDWARDS JOSHUA  
**Cc:** Susan Spencer; Saxon, Jessica  
**Subject:** 2023-000483 - State v. Lillian Bates - Motion for Appeal Bond  
**Attachments:** 2023-000483 - State v. Lillian Bates - Motion for Appeal Bond..pdf

Dear Mr. Edwards,

Attached please find a copy of the Motion for Appeal Bond in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett  
Admin. Asst. for Jessica Saxon  
Appellate Defense