

# The South Carolina Court of Appeals

The State of South Carolina, Respondent

v.

William T. Coleman, Appellant.

Appellate Case No. 2012-212338

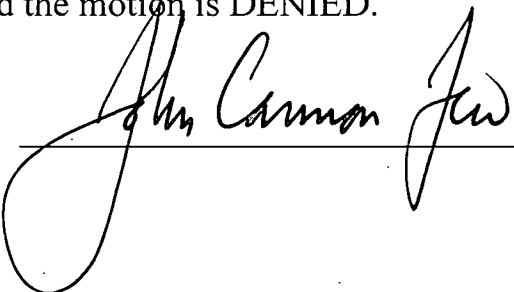
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## ORDER

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The appellant, William T. Coleman, has filed a "Motion to rescind the order of execution of the Appellant's sentence and order the Appellant's release from confinement immediately pursuant to Rule 246 of the South Carolina Appellate Court Rules." It is his argument that this Court should order him to be released from custody immediately because he filed a notice of appeal after conviction and posted bail prior to his trial. The appellant misconstrues Rule 246, SCACR. While a notice of appeal was filed by Mr. Coleman after his conviction, he received an active sentence of three years. (See Notice of Appeal of William T. Coleman). There is no indication in his motion that Coleman posted bail after being sentenced. The purpose of an appeal bond in a criminal case is to allow the defendant to go free during the pendency of the appeal while assuring his presence upon affirmance of the conviction or as the court may otherwise direct. J.H. Toal, S. Vafai, R.A. Muckenfuss, Appellate Practice in South Carolina, Second Edition 164 (S.C. Bar 2002). Any bail or bond he posted prior to trial was to assure his presence at trial.

Therefore, Rule 246 is not applicable and the motion is DENIED.

  
C.J.

**FILED**

October 11, 2013