

**Ballard  
Watson Weissenstein**  
PERSISTENT. UNWAVERING.

Desa Ballard  
Harvey M. Watson III  
Stephanie Weissenstein  
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171  
226 State Street | West Columbia, SC 29169 | ph : 803.796.9299 | fx : 803.796.1066 | [desaballard.com](http://desaballard.com)

July 22, 2013

*Via US Mail*

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Appeal Related to *State of South Carolina v. Joe Ross Worley*  
Appellate Case No. 2012-210646

Dear Ms. Kitchings:

Please find enclosed for filing an original and seven (7) copies of the Reply to the State's Return to Appellant's Motion for Partial Remand for the above referenced matter. Please clock and return one copy to our office using the enclosed, self-addressed, stamped envelope.

Please do not hesitate to contact our office if you should have any questions. With warm personal regards, I am,

Sincerely yours,

Malory L. Hogg, Paralegal  
[malory@desaballard.com](mailto:malory@desaballard.com)

Enclosures

c: Mark R. Farthing, Esquire  
Carson Henderson, Esquire (via email only)  
Billy Garrett, Esquire (via email only)  
Mary Worley

RECEIVED

JUL 23 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
Appellate Case No. 2012-210646

---

APPEAL FROM MCCORMICK COUNTY COURT OF GENERAL SESSIONS  
WILLIAM P. KEESLEY, CIRCUIT COURT JUDGE

---

The State,

Respondent,

v.

Joe Worley,

Appellant.

---

**REPLY TO THE STATE'S RETURN TO  
APPELLANT'S MOTION FOR PARTIAL REMAND**

---

This matter awaits completion of a reconstructed record, from a denial of a motion to bar prosecution under the Castle Doctrine, before it may proceed in earnest through briefing and the remainder of the appellate process. Meanwhile, however, Appellant remains in pre-trial custody, without bond, and has been since his arrest in November, 2009. For that reason, Appellant filed a Motion for Partial Remand for the limited purpose of consideration of Appellant's Motion for Bond that was filed recently in the Court of General Sessions.

The State has filed a return to that motion for partial remand that includes a very detailed factual history of the case until this point. The apparent purpose of that detail is to place blame upon Appellant for the delays in this case. The State can certainly take that disputed position, but that issue is irrelevant to this Court's consideration, as it goes to the heart of the issue contained within the motion for bond based on change in circumstances, and is therefore appropriately an issue to be examined by the trial court.

**RECEIVED**

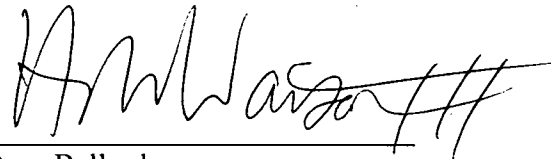
JUL 23 2013

**SC Court of Appeals**

Instead, the sole issue for this Court's consideration is whether partial remand of this matter is necessary to empower the trial court to consider a renewed bond motion. The trial court's authority to do so, however, is apparently not in doubt to the State, as the State's own return asserts "this Court should deny Appellant's motion for a partial remand because remand is unnecessary for the pre-trial bond issue to be considered by the circuit court judge."

Appellant filed the current motion so that the bond issue could be considered by the trial court. Appellant does not care if that is accomplished via partial remand as requested in its motion, or affirmation from this Court that, as the State contends, the trial court has continuing authority to entertain such a motion for bond already without intervention of this Court.

Appellant therefore seeks an order of this court either partially remanding to the trial court for bond consideration, or in the alternative an order confirming the ability of the trial court to consider the pending motion for bond without necessity of partial remand.



Desa Ballard  
Harvey M. Watson III  
**BALLARD WATSON WEISSENSTEIN**  
Post Office Box 6338  
West Columbia, SC 29171  
Telephone 803.796.9299  
Facsimile 803.796.1066  
Email: [desab@desaballard.com](mailto:desab@desaballard.com)  
[harvey@desaballard.com](mailto:harvey@desaballard.com)

Carson Henderson  
**THE HENDERON LAW FIRM, PC**  
109-B Oak Avenue  
Greenwood South Carolina 29646  
Telephone 864.229.8000  
Facsimile 864.229.8001  
Email:  
[carson@carsonhendersonlawfirm.com](mailto:carson@carsonhendersonlawfirm.com)

Billy J. Garrett Jr., Esquire  
**GARRETT LAW FIRM, PC**  
109 Oak Avenue  
Greenwood South Carolina 29646  
Telephone 864.229.8000  
Facsimile 864.229.8001  
Email: tgarretlaw@hotmail.com

July 22, 2013

**ATTORNEYS FOR APPELLANT**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM McCORMICK COUNTY

Honorable William P. Keesley, Circuit Judge, 11<sup>th</sup> Judicial Circuit  
Appellate Case No. 2012-210646

---

Joe Ross Worley,

Appellant

v.

State of South Carolina,

Respondent.

---

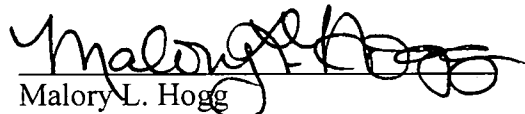
**CERTIFICATE OF SERVICE**

---

I, Malory L. Hogg, an employee with the Law Offices of Ballard Watson Weissenstein, do hereby certify that on July 22, 2013, I served a copy of the **REPLY TO THE STATE'S RETURN TO APPELLANT'S MOTION FOR PARTIAL REMAND** in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

**Mark R. Farthing, Esquire  
Assistant Attorney General  
Attorney General's Office  
Post Office Box 11549  
Columbia, SC 29211**

July 22, 2013  
West Columbia, South Carolina

  
Malory L. Hogg  
Paralegal

**RECEIVED**

JUL 23 2013