

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Laurens County

Honorable Frank R. Addy, Jr., Judge

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Appellate Case No. 2011-190695

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**RECEIVED**

DEC 13 2013

**S.C. Supreme Court**

THE STATE,

RESPONDENT,

vs.

ASHLEY N. HEPBURN,

APPELLANT.

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**RETURN TO MOTION FOR STAY OF SENTENCE AND RELEASE ON BOND**

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Respondent, making Return to Appellant's Motion for Stay of Sentence and Release on Bond, would respectfully show unto this Court:

I.

Appellant was convicted of homicide by child abuse and sentenced to imprisonment for a period of forty-five (45) years. She pursued an appeal. The decision of this Court reversing the conviction was issued on December 11, 2013. See State v. Hepburn, Op. No. 27366 (S.C.Sup.Ct. filed December 11, 2013).

II.

Appellant petitions this Court for a stay of her sentence and release on personal recognizance bond pending Respondent's determination whether a petition for rehearing will be pursued and the rehearing process, if sought. She indicates the victim's father supports her request.

Respondent submits that it is currently in the process of reviewing this Court's decision and the Record on Appeal in this matter but has not yet determined whether it will pursue a Petition for Rehearing. Respondent does not oppose Petitioner's request pending Respondent's determination and pending rehearing, if pursued, and leaves the matter to this Court's discretion. However, Respondent suggests a secured bond rather than personal recognizance and any other conditions the Court deems appropriate.

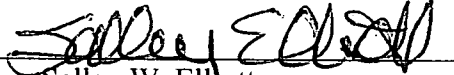
Respondent notes for this Court that it has been advised that one family member of the victim opposes the request for Appellant's release on appeal bond. Respondent will provide the statement in opposition pursuant to the Victims' Bill of Rights. The statement will be provided to the Court upon receipt. Respondent also notes that its position respecting appeal bond does not reflect a concession on Respondent's part as to the merits of a request for rehearing, if pursued.

WHEREFORE, Respondent leaves the matter of Appellant's release on bond pending appeal to the discretion of this Court.

Respectfully Submitted,

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

BY:   
Salley W. Elliott  
S.C. Bar No: 1871

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ATTORNEYS FOR RESPONDENT

December 13, 2013

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**PROOF OF SERVICE**

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I, Angela Bennett, certify that I have served the Return to Motion for Stay of Sentence and Release on Bond by depositing two copies of the same in the United States mail, postage prepaid, addressed to respondent's attorney, Andrew A. Mathias, Esquire, P.O. Drawer 10648, Greenville, South Carolina 29603.

I further certify that all parties required by Rule to be served have been served.

This 13<sup>th</sup> day of December, 2013.

  
ANGELA BENNETT  
Administrative Assistant  
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Columbia, SC 29211  
(803) 734-3727