

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Honorable Debra R. McCaslin, Circuit Court Judge

Appellate Case No.: 2025-000368

THE STATE OF SOUTH CAROLINA,

Appellant,

v.

CHAD E. GIBBS,

Respondent.

RESPONDENT'S PETITION FOR APPEAL BOND

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SC Court of Appeals

INTRODUCTION

This Court rendered its decision concerning Mr. Chad E. Gibbs on July 15, 2026. *See The State v. Chad Eugene Gibbs*, Op. No. 2026-UP-365 (S.C. Ct. App. filed July 15, 2026). Subsequently, we filed Mr. Gibbs' Petition for Rehearing on July 27, 2026. Since the Petition for Rehearing has not been acted upon, and thus, the Supreme Court has not decided on a petition for a writ of certiorari, the Court of Appeals retains jurisdiction over Mr. Gibbs' petition for bail. *See* Rule 221(b), SCACR; *see also* S.C. Code Ann. § 14-8-200(a) (2025). The trial court sentenced Mr. Gibbs to an aggregate eight-year sentence, so he is eligible for bond pending appeal. *See* S.C. Code Ann. § 18-1-90 (2025).

STANDARD OF REVIEW

"The factors to be considered in admitting a person to bail pending appeal include the possibility 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) (citing *Nichols v. Patterson*, 202 S.C. 352, 25 S.E.2d 155 (1943)).

ARGUMENT

The factors show that Mr. Gibbs is an excellent candidate for bond pending appeal. This incident is Mr. Gibbs' first ever conviction. He attends church regularly (York Christian Fellowship and Christian Life Assembly), resides with his wife, and works to support them. Before Mr. Gibbs' conviction, he completed roughly five-years (5) of restrictive bond conditions and constant GPS monitoring without any issues. He regularly informed the court in advance of any work trips, attended all court appearances and complied with the strict conditions of his bond. Additionally, there is no evidence to show Mr. Gibbs engaged in similar actions before the present conviction. Mr. Gibbs acknowledges his wrong, has apologized to the young woman and her

family, and is prepared to move past this incident—he poses no threat of escape pending appeal. Lastly, if this Court is inclined to view the move to Pennsylvania and approved trips to Massachusetts and Maine as a work exception to a normal house arrest program, there is a serious chance for reversal.

CONCLUSION

Ultimately, Mr. Gibbs is remorseful for his actions and actively contributes to his community and spouse. He has successfully complied with strict bond conditions before and is ready to do so again. Accordingly, this Court should grant his petition for bond pending appeal.

Respectfully submitted,

/s/ J. Todd Rutherford
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CERTIFICATE OF SERVICE

I, J. Todd Rutherford, the undersigned retained counsel for Mr. Chad E. Gibbs, do hereby certify that *Respondent's Petition for Appeal Bond* was served upon the counsel of record for Appellants, Mr. Mark Reynolds Farthing, Esq., on this 27th Day of July 2026, via email, to: mfarthing@scag.gov.

/s/ J. Todd Rutherford
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The State v. Chad Gibbs:2025-000368

SC Court of Appeals

From Faye Johnson <faye@rutherford.law>
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 2 attachments (224 KB)

State v. Gibbs - Petition for Appeal Bond (Appellate No. 2025-000368).pdf; State v. Gibbs - Petition for Rehearing (Appellate No. 2025-000368).pdf;

Good afternoon,

I hope you are doing well. Please find our Petition for Appeal bond and Petition for Hearing in the above-referenced matter for your records. We will be filing these documents with the Court of Appeals today.

Thank you,

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