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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Certiorari to the Court of Appeals
Appeal from Horry County
Honorable J. Mark Hayes, Circuit Court Judge

Appellate Case No. 2026-001715

THE STATE, PETITIONER,

v.

ANIJAH YARNELL, RESPONDENT.

RESPONSE IN OPPOSITION TO PETITION TO VACATE BOND

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Respondent Anijah Yarnell was indicted in June 2021 by a Horry County Grand Jury for murder. On June 11, 2020, he received an Order for Bail setting forth certain conditions, which included 1) no contact with the family of the deceased, 2) maintaining his current established residence, 3) electronic monitoring, 4) no contact with eyewitnesses, and 5) the remedy of arrest for violations of the stated conditions. (Attachment 1). Yarnell claimed that he acted in self-defense and sought an immunity hearing under the PPPA. S.C. Code § 16-11-410, *et. seq.* A three day hearing was held, and on April 4, 2023, Judge Hayes granted immunity. The State filed a Notice of Appeal on April 10, 2023, and appealed that decision to the Court of Appeals. The decision was affirmed on June 3, 2026. Respondent filed a Petition for Rehearing, which was denied on July 10, 2026, and has now filed a Petition for Writ of Certiorari with this Court alleging reversible error.

On September 10, 2026, Appellate Counsel Wanda H. Carter filed a Motion to Vacate Bond with this Court. The State herein submits this brief Response in Opposition:

1. The issue of bail and bond is not properly before this Court. South Carolina Appellate Court Rule 205 dictates that while the notice of appeal establishes exclusive jurisdiction for the appellate court over the appeal, “[n]othing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal. Rule 205,

SCACR.¹ ²As such, proper resolution of any issues concerning bond rest first with the circuit court. Such is demonstrated by the fact that the circuit court has already exercised jurisdiction over bond-related matters while the appeal in this action was pending. (Attachment 2 – Motion Modifying Condition of Home Detention/Electronic Monitoring; Attachment 3, Order granting Mr. Yarnell’s motion to modify his bail conditions requiring electronic monitoring).

2. It also appears that Mr. Yarnell filed with the circuit court a Motion to Vacate Bail Bond on April 12, 2023, after Judge Hayes granted immunity and after the Notice of Appeal was filed. (Attachment 4). While the appeal of the circuit court’s grant of immunity was pending, that motion was withdrawn with Mr. Yarnell’s counsel indicating that the issue had been resolved. (Attachment 5). As it appears that Mr. Yarnell wishes to revisit his previous motion, he should file it with the circuit court as was done previously.
3. Alternatively, Mr. Yarnell appears to rest the basis for granting his motion, in part, on the presumption of a successful resolution of the Petition for Writ of Certiorari in his favor. Therein, he is asking this Court to base a ruling on the Respondent’s confidence in the outcome before this Court has reviewed and ruled on the Petition for Writ of Certiorari itself. Such would be improper.

¹ Though generally applicable to civil matters, Rule 241 also dictates that “[t]he lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.” Rule 241, SCACR. The language here further bolsters the argument that the circuit court retains jurisdiction to vacate, modify, or maintain bail conditions set forth by its previous rulings where such are in no way relevant to the appellate issues of this case.

² Similarly, Rule 246 only places restraint upon circuit courts and grants exclusive jurisdiction to the appellate court to grant bail wherein the sentencing of a defendant exceeds (10) years. Rule 246, SCACR.

4. The remaining conditions of Mr. Yarnell's Bond require him to have no contact with the family of the deceased or the witnesses to the shooting. As this appeal is pending, and there remains the possibility that a trial of this incident is conducted in the future, restrictions such as those are entirely appropriate – both for safety all involved and to ensure impartiality within and amongst those involved in the judicial process.
5. Should the Petition to Vacate Bond be found as appropriately filed with this Court, the State would request the opportunity for briefing and a hearing on the matter. Additionally, per S.C. CONST Art. I, § 24 (A)(4), victim's surviving family members are entitled to an opportunity to submit either a written or oral statement for such proceedings. Upon information and belief, our Victim's Services division of the office has been in contact with victim's family this past week and they would likely wish to be heard.

CONCLUSION

For all of the foregoing reasons, Respondent submits that the Petition to Vacate Bond should be denied.

Respectfully submitted,

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