

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Honorable R. Keith Kelly, Circuit Court Judge

Case No. 2011-GS-42-04171

The State of South Carolina, Respondent,
v.
Daniel William Spade, Appellant.

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JUL 18 2014

SC Court of Appeals

MOTION FOR BOND PENDING APPEAL

Pursuant to Rule 246 of the South Carolina Appellate Court Rules, Daniel William Spade, the Appellant herein, moves the Court for an order granting him bail in this matter pending the resolution of this Appeal. This motion is based upon the following facts:

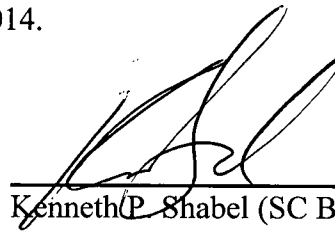
1. Appellant was arrested on May 18, 2011 and subsequently indicted for the charge of Criminal Sexual Conduct with a Minor in the First Degree.
2. Appellant was tried before the Honorable R. Keith Kelly on February 24-26, 2014.
3. Appellant was convicted on February 26, 2014 and sentenced to thirty-five years imprisonment.
4. A Notice of Intent to Appeal was filed on March 6, 2014.

5. Appellant wrote the Court reporter on March 4, 2014, requesting a transcript of the trial. This Court has now granted at least one (and possibly more) extensions to the Court reporter for completing his transcript. According to the last communication from the Court, the transcript is now due on July 26, 2014 which is eighty-four days after it was technically due under the South Carolina Appellate Court Rules.¹
6. Appellant is informed and believes that he is entitled to reasonable bail under South Carolina Code Section 18-1-90. This is based upon the following facts:
 - a. Appellant has no criminal history in South Carolina prior to this arrest;
 - b. Appellant honored the conditions of his bond while the case was pending.
 - c. Appellant was out on bond while the case was pending for a period of over two years.
 - d. The issues in this case raise substantial questions which include (but are not limited to) whether the facts were sufficient to convict Appellant. The sole account from the alleged incident came from the victim, who had not seen Appellant in over three years before trial. She had not seen Appellant for approximately six months prior to the allegations being made.

¹ Rule 207(a)(2), SCACR.

Based upon the above, the Appellant hereby requests that this Court set a reasonable bond in this matter pending the final ruling by the appellate courts of South Carolina.

Appellant so moves this 14th Day of July, 2014.



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Shawn M. Campbell (SC Bar #69696)
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Attorneys for Appellant

Other Counsel of Record:

Barry Barnette, Esq., Solicitor, 7th Judicial Circuit
Jennifer A.J. Gordon, Esq., 7th Circuit Solicitor's Office
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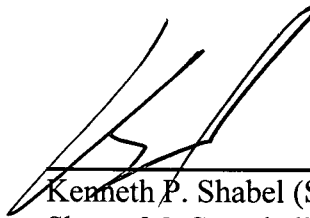
Daniel William Spade, Appellant.

PROOF OF SERVICE

I hereby certify that a copy of the foregoing Motion for Bond Pending Appeal was served upon all counsel of record and/or unrepresented parties by hand delivery to the offices listed as follows:

Barry Barnette, Esq. – Solicitor, 7th Judicial Circuit
Jennifer A.J. Gordon, Esq. – 7th Circuit Solicitor's Office
Kimberly Lewis Leskanic, Esq. – 7th Circuit Solicitor's Office
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Attorneys for Appellant

July 14, 2014

Shawn M. Campbell
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ATTORNEYS AT LAW

OF COUNSEL:
Sean Giovannetti

Sender's Email: kshabel@gc-lawfirm.com

July 14, 2014

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

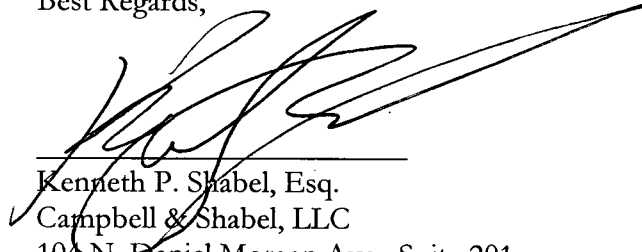
Re: State of South Carolina v. Daniel William Spade
Indictment No. 2011GS4204171

Dear Ms. Kitchings:

Enclosed for filing are an original and six copies of a Motion for Bond Pending Appeal and a Proof of Service for the same. Enclosed is a \$25 check for the motion fee.

By copy of this letter I am serving this motion upon the other counsel of record.

Best Regards,



Kenneth P. Shabel, Esq.
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FAX: 864-583-1199
Attorney for Appellant

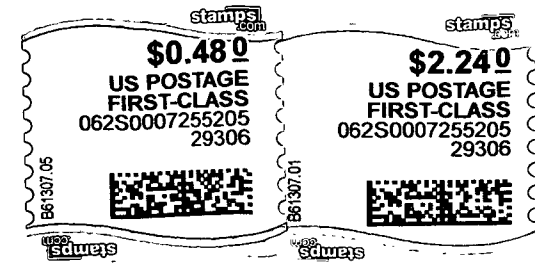
KPS/nm
Enclosures

cc: S.C. Court Administration
Barry Barnette, Solicitor, Solicitor, 7th Judicial Circuit
Jennifer A.J. Jordan, Esq.
Kimberly Lewis Leskanic, Esq.
N. Douglas Brannon, Esq.

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