

August 26, 2014

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post-Office Box 11629  
Columbia, South Carolina 29211

RE: The State v. Daniel William Spade  
Appellate Case No: 2014-000448

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SEP 02 2014  
**SC Court of Appeals**

Dear Ms. Kitchings:

I am writing to make a statement on behalf of my personal friend, Daniel W. Spade. I have known Danny and his family for 15 years. I was recently provided a copy of an email sent by Heather Jolley to Trisha Allen in which several false statements were made. Please allow me the opportunity to respond to said email.

It is imperative that we focus on the facts in this case:

1. "At his trial, there was no one to speak on his behalf. There was not a family member, nor friend that would speak to his character or innocence." (Jolley email, lines 7-8). **FACT:** There were several friends (including myself) and family members who explicitly expressed the desire to testify to Danny's character and innocence. We were advised by counsel and ultimately prohibited by counsel from testifying. If it had been permitted, there would have been at least five people who would have testified to Danny's character and innocence. Ms. Jolley's statement is false.
2. "Danny told her he would kill her and her mom if she ever told of his abusive actions." (line 11) "Our family has lived in constant fear of his constant threats and vows to harm our family and our lives." (lines 14-15). **FACT:** There is absolutely NO EVIDENCE of any kind to support these statements. No letters, no texts, no phone recordings. These statements should be struck from the record. The Jolley family must present proof before statements like this can be allowed for consideration. This type of behavior on Danny's part goes against everything I know to be true about him.
3. "He molested two of his four biological children." (lines 17-18). **FACT:** There is NO VALID EVIDENCE of any kind that he molested ANY of his children. The testimony of a now seven year old child recounting an act that allegedly occurred when she was just three years old is weak at best. The investigation in Virginia yielded unfounded claims and there are NO CHARGES against Danny in Virginia. Again, Ms. Jolley's statement is false.
4. "How can you expect honesty and good behavior from a man who has no remorse for raping children. (sic)" (lines 13-14). Embedded in this statement are several falsehoods:
  - a. **FACT:** Danny has been nothing but honest through this whole process, now spanning four long years. His family, friends, and legal team have all witnessed his emotional devastation at being charged with this horrendous crime. Danny has been personally shattered at losing his children for something he did not do.
  - b. **FACT:** During all of his incarceration time he has exhibited EXCELLENT BEHAVIOR, earning him preferred jobs and opportunities to serve his fellow inmates. More importantly, in between his incarcerations, he has acted with honesty, integrity, humility, and has been nothing but trustworthy.

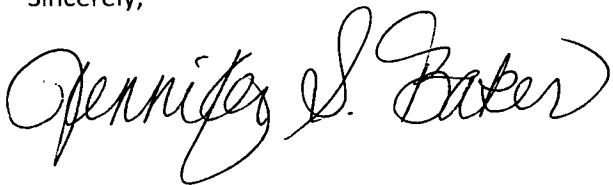
- c. **FACT:** If this man is a child molester, then why didn't he commit more crimes while he was awaiting trial? Why did his family allow him unlimited access to his nieces and nephews? Why did his best friends allow him access to their children? If we thought for a second these charges were true, you can bet we would be protecting our children from Danny. In fact, the opposite is true. Danny is wonderful with children and all of us who know and love Danny have welcomed his interaction with our children.
5. "Please do not take likely the experts and the 12 people that found him guilty (sic)." (line 23). **FACT:** The experts and the jury were not given the whole story. The experts and jury were never told that Danny was offered a plea bargain by the state for a misdemeanor charge of assault and no future contact with his daughter Peyton (I can only assume that this plea bargain was presented based on point 3 above). The experts and the jury were never told that Danny, while sobbing, vehemently declined the plea bargain because of his innocence and instead chose to "trust the system" to uphold his innocence. The experts and jury were not told that the Jolley family was cordial and accommodating with Danny for the first three years of Peyton's life and that only when Ms. Jolley married David Jolley and tried to seek sole custody of Peyton (without success) did these "charges" arise. Danny did the right thing by his daughter and by Ms. Jolley. He sought to have a relationship with Peyton that was as meaningful as it could be given the circumstances and distance.
6. The reference to Jerry Sandusky is just plain unfair and hurtful. (lines 16-17). **FACT:** There are no similarities between Mr. Sandusky's case and the case of Danny Spade. I trust that a responsible court will not be swayed by this false statement.

I understand that this case is steeped in strong emotion. When we are dealing with the safety of our children, we should be protective and careful. However, as we speak with passion we must also be honest.

I spent time with Danny leading up to his trial. I watched him agonize over the loss of his children by unfounded claims and a broken justice system that let him down. I have watched a once thriving, loving, healthy man deteriorate under the stress of this case. Has Danny made mistakes? Certainly. Engaging in consensual sexual relations with another woman who was not his wife or girlfriend may not have been a wise decision on Danny's part (and he admits this). This does not, however, make Danny a child molester.

It is my sincere opinion that Danny should be released on bond. As I stated before, he committed no crimes previously and there is no proof of him being threatening in any way. Danny is no danger to society and Danny has never been a threat to his children or to anyone else's children.

Sincerely,



Jennifer S. Baker

Friend of Daniel William Spade and the Spade family

*Jennifer S. Baker*

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CAPITAL DISTRICT 20062008

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