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December 18, 2014

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S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RE: Daydrian Rouse, 342518 v. State of South Carolina; 2011-CP-40- 1921;
Appellate Case No. 2013-001269

Dear Mr. Shearouse:

Enclosed for filing please find the original and six copies of a Petition for Bail pursuant to Rule 243 (k), SCACR and Certificate of Service in the above-captioned case. I would appreciate your returning two (2) clocked copies of the Petition and Certificate of Service in the enclosed self-addressed envelope. Thank you for your assistance in this matter. I remain,

Sincerely yours,

A handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: J. Clayton Mitchell, Assistant Attorney General (w/ enclosures)
Daydrian Rouse, 342518 (w/ enclosures)
Ernest and Betty Rouse (w/ enclosures)

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. Appellate Case No. 2013-001269

DAYDRIAN ROUSE,

PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PETITION FOR BAIL PENDING PCR APPEAL
PURSUANT TO RULE 243(k), SCACR

NOW COMES the Petitioner in the above captioned Post-Conviction Relief Appeal, petitioning this Court for an Appeal Bond pursuant to Rule 243(k), SCACP. In support of this Motion, the Respondent would show unto this Court the following:

1. His Application for Post-Conviction Relief was heard in the Court of Common Pleas by the Honorable J. Ernest Kinard, Jr., on September 10, 2012. Thereafter, the lower court issued an Order of Dismissal which was filed on April 10, 2013. Petitioner subsequently filed a Motion to Alter or Amend pursuant to Rule 59(e), SCRCR, on April 25, 2013. Said motion was denied by Order filed on May 21, 2013. Petitioner filed a Timely Notice of Appeal from both of

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S.C. SUPREME COURT

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these Orders on June 6, 2013. His Petition for Writ of Certiorari and Appendix were served and filed on March 25, 2014. For the Convenience of the Court, a copy of Petitioner's Certiorari Petition is attached hereto. The State's Return was served and filed on August 25, 2014.

2. On August 30, 2010, Petitioner entered pleas of guilty before the Honorable G. Thomas Cooper, Jr. on a charge of Hit and Run and a charge of Assault and Battery of a High and Aggravated Nature. He entered an *Alford* plea to one count of Assault and Battery with Intent to Kill. The Petitioner is currently serving an aggregate sentence of fifteen (15) years, suspended upon service of ten (10) years, with three years probation and \$20,000.00 in Restitution for one count of Hit and Run Involving Great Bodily Injury, one count of Assault and Battery with Intent to Kill and one count of Assault and Battery of a High and Aggravated Nature. Accordingly, inasmuch as his sentence exceeded ten (10) years, his prayer for an Appeal Bond pending the outcome of the his PCR appeal is addressed to this Honorable Court pursuant to the provisions of Rule 243(k), SCACR. In addition to this Court's Rules, authority for the setting of Appeal Bond in this case is supported by the broad discretionary power of this Court. Whitener v. State, 328 S.C. 1, 492 S.E.2d 777 (1997).

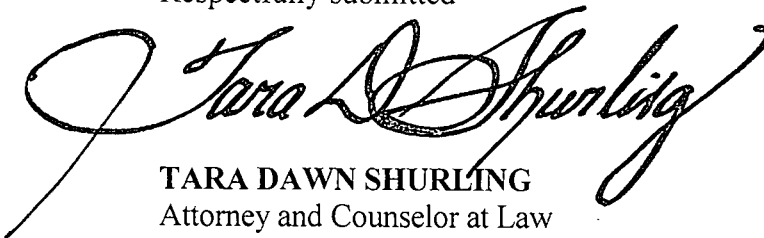
3. For the reasons set forth in the Petition for Writ of Certiorari filed in this matter, undersigned PCR Counsel respectfully submits that the lower court erred in denying Petitioner's Application for Post-Conviction Relief. Petitioner asserts that his appeal is meritorious and is likely to result in a reversal of the lower court's ruling in this matter. The Petitioner was a twenty (20) year old college student at the University of South Carolina at the time of this offense on April 19, 2009. At that time, he had no prior criminal record and was three semesters away from earning his college degree in computer science. As evidenced by the record of Petitioner's plea proceeding, he has family in South Carolina and extensive ties to the community. There is no indication that this young man is any danger to the community and



further, there is no reason to believe he would flee the jurisdiction of the Court if permitted the privilege of an appeal bond while awaiting this Court's decision in his PCR appeal. He was on bond pending trial and never failed to appear for court proceedings. PCR Counsel would respectfully ask this Honorable Court to note that in her thirty-five (35) years as an appellate lawyer, she has very rarely asked for an appeal bond in a PCR matter. She does so now because of her firm belief that this appeal has merit and her opinion that the Petitioner is not a danger to the community.

FOR ALL THE FOREGOING REASONS, the Petitioner now respectfully asks that he be permitted to post bail in the amount of ten thousand dollars (\$10,000.00), or whatever amount deemed appropriate and reasonable by this Honorable Court, pending the outcome of his PCR appeal. He asks that he be permitted to post ten percent (10 %) of whatever bail this Court might see fit to order with the Richland County Clerk of Court pending the decision in his pending PCR appeal.

Respectfully submitted



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ATTORNEY FOR RESPONDENT.

December 18, 2014.

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM Richland COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case. No. Appellate Case No. 2013-001269

THE STATE OF SOUTH CAROLINA,

PETITIONER,

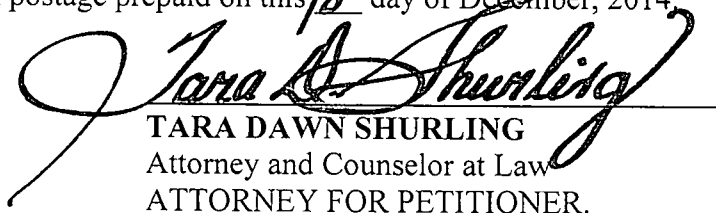
v.

DAYDRIAN ROUSE,

RESPONDENT.

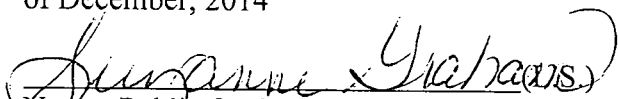
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that one copy of the Petitioner's Motion for Bail Pending decision in his PCR Appeal, in the above entitled case has been served upon opposing counsel, J. Clayton Mitchell, Assistant Attorney General, by mailing a copy in an envelope properly addressed with postage prepaid on this 18th day of December, 2014.


TARA DAWN SHURLING
Attorney and Counselor at Law
ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 15th day

of December, 2014


Notary Public for South Carolina
My Commission Expires: 2/28/24