

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

---

RECEIVED

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

JUL 09 2015

Eugene C. Griffith, Jr., Circuit Court Judge

---

S.C. SUPREME COURT

Greenville Case Number: 2014-CP-32-0531

---

Frank Daniel Simpson

Respondent,

v.

State of South Carolina,

Petitioner.

---

Petition for Appeal Bond

---

Pursuant to Rule 243(k), SCACR, the applicant, Frank Simpson, this this Court for an order granting him an appeal bond. Because the original sentence did not exceed ten years, this motion will be addressed to the Circuit Court.

Rule 243(k) provides:

A post-conviction relief applicant may be admitted to bail after the service of the notice of appeal by either the applicant or the State. Where the sentence originally imposed did not exceed imprisonment for ten (10) years, the petition for bail shall be made to the lower court. In all other cases, the petition for bail shall be made to the Supreme Court. The petition and any return or reply shall comply with the requirements of Rule 240. The authority to grant bail will be exercised with caution and only in exceptional cases. In deciding whether to exercise the discretionary authority to admit an applicant to bail, the following factors will be considered: the probability the applicant will prevail on appellate review and the nature of the relief he or she will receive; the seriousness of the

criminal offense committed; the danger the applicant may pose to the community if he or she is released; the likelihood that the applicant may flee if released; and the character and circumstances of the applicant. If bail is granted, the court may require the posting of a bond and impose other conditions. A party aggrieved by the decision of the lower court regarding bail may petition the Supreme Court for review of that decision.

On July 1, 2015, the State served its Notice of Intent to Appeal, so this petition is ripe.

Mr. Simpson's case is one of the exceptional circumstances when an appeal bond should be granted. The Circuit Court granted Mr. Simpson a new trial based on trial counsel misadvising him about the authority of the sentencing judge. Although the original offense was drug trafficking, all the evidence in the record confirms that Mr. Simpson possessed the drugs for personal use, so he does not pose a danger to the community. From the testimony during the post-conviction relief hearing, the Court is aware of Mr. Simpson's strong family support. His parents are retired college professors, and a pharmaceutical company employs his brother. Because of his strong family support, Mr. Simpson is not a danger to escape.

The Circuit Court should convene a hearing to determine what conditions of bond should be imposed.

Respectfully submitted,

By 

E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, SC 20646  
(864) 538-4466

July 6, 2015  
Greenwood, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

JUL 09 2015

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

**S.C. SUPREME COURT**

Eugene C. Griffith, Jr., Circuit Court Judge

Greenville Case Number: 2014-CP-32-0531

Frank Daniel Simpson

Respondent,

v.

State of South Carolina,

Petitioner.


Certificate of Service

I certify that I have served a copy of this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on date reflected below, addressed as follows:

The Honorable Eugene C. Griffith, Jr.  
P.O. Box 375  
1226 College St.  
Newberry, SC 29108

Karen C. Ratigan, Esquire  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

By

  
E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, SC 29646  
(864) 538-4466

July 6, 2015  
Greenwood, South Carolina