

RECEIVED

JUL 22 2015

S.C. Supreme Court

STATE of South CAROLINA
in the SUPREME COURT

Appeal from GREENVILLE County

THE HONORABLE G. EDWARD WELMAKER CIRCUIT
COURT Judge

THE STATE,

Respondent

vs.

ERICK F. HEWINS, PETITIONER

Appellate Case No: 2015-00095

Petition for Appellate Bond

Pursuant to Rule 246 (A) of the South Carolina
Appellate Court Rules, as well as South Carolina Code
§ 14-8-20 (A), and all other applicable Rules, PETITIONER
REQUESTS THAT THIS COURT GRANT his petition for
Bond pending the outcome of his Appeal.

Facts

PETITIONER brings this action to appeal his conviction for
Trafficking and Possession. Following a trial of this matter,
PETITIONER WAS SENTENCED to twenty-seven (27) yrs. by the
HONORABLE G. EDWARD WELMAKER.

PETITIONER'S ARGUMENT in his initial brief is three fold: (1)
that the arresting officer did not have a reasonable,
articulable suspicion of illegal activity to initiate an
investigatory detention; (2) that the arresting officer
did not have a reasonable, articulable fear for his

(1)

SAFETY OR THE SAFETY OF OTHERS TO JUSTIFY A TERRY FRISK; AND (3) THAT THE COURT ERRED IN ADMITTING EVIDENCE PRESENTED AT TRIAL WHERE THE PROSECUTION FAILED TO PROPERLY ESTABLISH A CHAIN OF CUSTODY AS REQUIRED BY LAW. (4) PETITIONER 14TH AMENDMENT APPEAL COUNSEL FAILED TO RAISE THIS ISSUE TO COURT OF APPEAL UNDER THE JACKSON VS. DENNO DECISION, SUPRA, WHICH IS OF COURSE, BINDING UPON STATE COURTS. ONCE SEPARATE RELIABLE DETERMINATION HAS BEEN MADE BY COURT OF DEFENDANT WAS VOLUNTARY, IT IS STILL PERMISSIBLE AND PROPER TO SUBMIT ISSUE OF VOLUNTARINESS TO JURY, WHICH IS CHARGED WITH DECIDING GUILT OR INNOCENCE, AND TO INSTRUCT JURY TO DISREGARD IF, IN FACT, JURY FINDS CONFESSION TO BE INVOLUNTARY.

PETITIONER IS CURRENTLY AWAITING SUPREME COURT TO GRANT PETITIONS FOR HABEAS CORPUS.

STANDARD

UNDER SOUTH CAROLINA CODE § 18-1-90, "Bail shall be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense." IN RE MICHAEL H., 360 S.C. 540, 602 S.E. 2d 729 (S.C. 2004). IN CONSIDERING WHETHER TO ADMIT A PERSON TO BAIL PENDING APPEAL, THE COURT SHOULD CONSIDER THE PROBABILITY OF REVERSAL, THE NATURE OF THE CRIME, THE POSSIBILITY OF ESCAPE, AND THE CHARACTER AND CIRCUMSTANCES OF THE APPELLANT. ID. SEE ALSO NICHOLS V. PATERSON, 202 S.C. 352, 25 S.E. 2d 155 (S.C. 1943)

ARGUMENTS

UNDER THE STANDARDS ARTICULATED ABOVE, PETITIONER IS ENTITLED TO BAIL PENDING APPEAL. THE UNDERLYING NATURE OF THE CRIME IS A SERIOUS OFFENSE, BUT IN *WHITENER* THIS COURT GRANTED BAIL PENDING THE APPELLANT'S APPEAL FROM A CONVICTION OF RAPE, *Id.* AT 251, 81 S.E.2d AT 788. FURTHERMORE, THE UNDERLYING NATURE OF THE OFFENSE IS ONLY ONE FACTOR TO CONSIDER, AND MUST BE TAKEN IN CONJUNCTION WITH THE REMAINING FACTORS ENUMERATED IN *MICHAEL* *Id.*, NAMELY, THE PROBABILITY OF REVERSAL, POSSIBILITY OF ESCAPE, AND THE CHARACTER AND CIRCUMSTANCES OF THE APPELLANT *Id.* AT 553, 602 S.E.2d AT 736. PETITIONER'S ARGUMENTS ON APPEAL ARE NOT FRIVOLOUS, NOR WITHOUT SUBSTANCE OR MERIT. *SPAZZ VS. WHITNER*, 225 S.C. 244, 81 S.E.2d 784 (S.C. 1954). IN ADDITION, THERE IS A SUBSTANTIAL PROBABILITY OF REVERSAL IN PETITIONER HAS MULTIPLE TIES TO THE COMMUNITY INCLUDING HIS DECON STEPFATHER, MOTHER BEVERLY BROWN, FATHER DAVID CILLIARD, ALL OF WHOM ARE WILLING TO ATTEST TO THE FACT THAT MR. HEWINS WILL NOT PRESENT A FLIGHT RISK IF RELEASED ON BOND, INCLUDING FURTHERMORE, MR. HEWINS WAS RELEASED ON BOND PENDING THE INITIAL TRIAL OF HIS MATTER, AND ABIDED BY ALL THE TERMS AND CONDITION OF THAT BOND, INCLUDING OCCASIONAL APPEARANCES, AND HIS APPEARANCE AT TRIAL.

Conclusion

WE KNOW APPELLATE COURT DON'T LIKE TO GRANT POOR AFRICAN AMERICANS WITHOUT PAID COUNSEL BOND, BUT WHEN THERE HAVE BEEN A FUNDAMENTAL MISCARRIAGE OF JUSTICE BEING POOR AFRICAN AMERICAN WITHOUT PAID COUNSEL SHOULD NOT EVEN MATTER, PETITIONER PRAYS THIS COURT WILL GRANT BOND NOT TO WOULD RESULT IN FUNDAMENTAL INJUSTICE. FOR THE REASON ARTICULATE HEREIN, AND SUPPORTED BY APPLICABLE CASE LAW, STATUTORY LAW, AND THE SOUTH CAROLINA APPELLATE COURT RULES, PETITIONER REQUESTS THAT THIS COURT GRANT HIM A REASONABLE BOND PENDING THE OUTCOME OF HIS APPEAL. WE ALL NO JUSTICE IS NO RIGHT & WRONG.

Respectfully Submitted,

Frick. F. HEWINS Pro Se

McCormick Correctional Insti.

386 Redemption Way

McCormick, S. C. 29899

STATE of South Carolina
IN THE SUPREME COURT

Appeal from GREENVILLE County
Court of GENERAL Sessions
THE HONORABLE G. EDWARDS WELMAYER, Circuit Court
Judge
THE STATE, Respondant

VS.

Frick E. HEWINS Petitioner

Appellate Case No. 2015-000595
Certificate of Service

I certify that I have served Petitioner's Motion to dismiss upon counsel for the Respondant, the State, by delivering a copy via United States mail, postage prepaid on July 17, 2015, to the State's Attorneys of record Mary Williams Laddon, Sussannah R. Cole and South Carolina officer of Attorney General, Rember Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201

Pro, SE

This 17 day of July, 2015

Frick E. HEWINS

McCormick Correctional Inst.
386 Redemption Way
McCormick, S.C. 29890

ERIC K HEWINS - 291128

McCormick Correctional Institute

386 Redemption Way

McCormick, SC 29899

THE SUPREMS COURT OF South Carolina

DENISE E. SHEAROUSE; CLERK OF COURT

Post Office Box 11330

Columbia, South Carolina 29211



21 X 6



RECEIVED

JUL 17 2015

**MCCI
MAIL ROOM**

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM; THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

**MCCORMICK CORRECTIONAL INST.
S.C. DEPARTMENT OF CORRECTIONS**

**LEGAL MAIL
MAIL ROOM**

