

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal From York County  
The Honorable William H. Seals, Jr., Circuit Court Judge  
On Writ of Certiorari to the Court of Appeals  
Appellate Case No. 2013-001143

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**RECEIVED**

AUG 14 2015

**S.C. Supreme Court**

THE STATE,

Petitioner,

vs.

FRANCIS LARMAND,

Respondent.

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**MOTION TO REVOKE APPEAL BOND**

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Petitioner State of South Carolina here by moves for an order revoking the appeal bond allowed by the Court of Appeals by Order filed May 16, 2013. This Motion is based on the following:

1. After the Court of Appeals reversed Respondent's convictions on March 13, 2013, the Court granted, over the State's objection, Respondent's request for an appeal bond. (Appendix, pp. 19-20). A condition of bond precluded Respondent leaving South Carolina, which was subsequently modified to allow him to return to his home in North Carolina provided he waived extradition if his convictions were reinstated. Respondent executed the required waiver on September 25, 2013. (Waiver of Extradition attached hereto as Exhibit A). Upon information and belief, Respondent currently resided in North Carolina.

2. This Court reversed the Court of Appeals by Opinion filed August 12, 2015, thereby reinstating Respondent's convictions and sentences. Respondent had not completed his sentence when he was released on appeal bond in 2013, and must return to South Carolina in order to serve the remainder of his sentence.

3. Respondent is a convicted felon who perpetrated a potentially deadly attack on a South Carolina citizen, who has opposed his release on bond at every opportunity. His convictions have now been reviewed by two appellate courts, and he must now finish serving the sentences imposed in 2009. His co-defendant, who stands convicted of the same crimes and received the same sentences, is currently in the Department of Corrections, and will not complete his sentence until 2018.

Accordingly, the State requests an order from this Court revoking Respondent's appeal bond, and requiring him to report to the York County Sheriff's Office for detention and transfer to the South Carolina Department of Corrections within ten days of the date the appeal is remitted to the circuit Court.

Respectfully submitted,

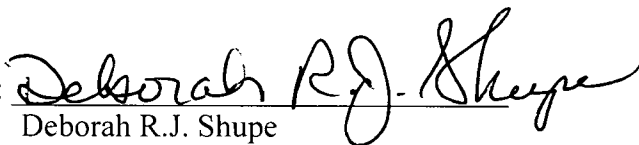
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KEVIN S. BRACKETT  
Solicitor, Sixteenth Judicial Circuit

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1675-1A York Highway  
York, SC 29745  
(803) 628-3025

By:   
Deborah R.J. Shupe  
S.C. Bar No. 5098

ATTORNEYS FOR PETITIONER

August 14, 2015

Columbia, SC

# **EXHIBIT A**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from York County  
The Honorable William H. Seals, Jr. Circuit Court Judge

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Case № 2009-GS-46-02834  
Case № 2009-GS-46-02835

Appellate Case № 2009-144086

The State,

Respondent.

vs.

Francis Larmand,

Appellant.

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Waiver of Extradition by Francis Larmand

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PERSONALLY appeared before me Francis Larmand, who after being duly sworn deposes as says:

1. As a condition for the modification of my bond to permit me to reside in Cabarrus County in North Carolina. I hereby freely and voluntarily agree that in the event my conviction is re-instated by the South Carolina Supreme Court or the South Carolina Court of Appeals, to waive any and all rights that I may have to contest any extradition to the State of

South Carolina.

2. I have been informed by my counsel and understand that I have the right to have a hearing to contest my extradition under either S. C. Code § 19-9-10 *et seq.*, North Carolina General Statutes Annotated § 15A-721, *et seq.* or United States Code 18 U.S.C. § 3182 before I can be extradited to the State of South Carolina. I hereby waive any right I have under any state or federal law to such a hearing in this matter and agree to voluntarily surrender myself to the Sheriff for York County, South Carolina within 5 days of the final remittitur affirming my conviction being sent to the Clerk of Court for York County.

3. In the event that my conviction is reversed without being dismissed and the matter is returned to the Court of General Sessions for York County for further action, then I agree to attend a bond hearing as well as any and all terms of General Session Court for York County South Carolina at which my presence is required pending the final disposition of this matter. I further waive any extradition hearing in the event I fail to attend any such term of court and a bench warrant is issued.

SWORN to and subscribe before me

this 25<sup>th</sup> day of September, 2013

Anna Robinson

Notary Public for South Carolina

My commission Expires: Sept 3, 2018

Francis Larmand  
FRANCIS LARMAND

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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THE STATE,

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Respondent.

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**CERTIFICATE OF SERVICE**

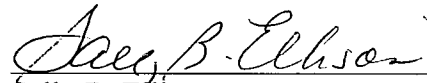
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I, Sally B. Ellison, hereby certify I served the Motion to Revoke Appeal Bond on Respondent by placing three copies in the United States Mail Service, postage pre-paid, addressed as follows:

C. Rauch Wise, Esquire  
305 Main Street  
Greenwood, SC 29646

I further certify that all parties required by Rule to be served have been served.

This 14<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
Sally B. Ellison  
Legal Assistant

Office of the Attorney General  
PO Box 11549  
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