

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Williamsburg County
Tanya A. Gee, Circuit Court Judge

Lower Court Case No. 2015-CP-45-0037
Appellate Case No. 2016-000615

RECEIVED

JUN 29 2016

SC SUPREME COURT

Robert Troy Taylor, #315084,

Respondent,

v.

STATE OF SOUTH CAROLINA,

Petitioner.

RETURN TO PETITION FOR APPEAL BOND

The State of South Carolina respectfully submits the following in opposition to the Respondent's motion for appeal bond:

1. Respondent is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. Respondent was true bill indicted at the May 2006 term of the Williamsburg County Grand Jury for criminal sexual conduct-second degree and kidnapping (2006-CP-45-176). Charles D. Barr, Esquire represented Respondent. Respondent proceeded to trial before the Honorable George C. James, Jr. and was convicted as indicted. On July 12,

2007, Judge James sentenced Respondent to life without the possibility of parole for kidnapping and criminal sexual conduct-second degree.

2. A timely Notice of Appeal was filed on Respondent's behalf. Jeremy A. Thompson, represented Respondent on appeal. On June 6, 2012, the South Carolina Court of Appeals affirmed Respondent's conviction and sentence. State v. Taylor, Op. No. 4920 (refiled June 2012). Respondent sought certiorari to the South Carolina Supreme Court. The South Carolina Supreme Court denied certiorari on April 3, 2014. The Remittitur was issued on April 7, 2014.
3. Respondent filed his application for post-conviction relief on December 31, 2014 (2015-CP-45-00037). The State filed its Return on or about June 5, 2015. An evidentiary hearing was convened at the Sumter County Courthouse on November 19, 2015. The Honorable Tanya A. Gee granted the application by Order dated February 19, 2016.
4. The State filed a timely Notice of Appeal.
5. Respondent has filed a motion requesting that this Court issue an order releasing him on bond pending the State's Petition for Writ of Certiorari, as well as the ultimate outcome in this case. In support of his motion for appeal bond, Respondent asserts: the probability that Respondent will prevail on appeal, the programs Respondent has completed while incarcerated to improve himself, letters from Respondent's friends and family which evidence his improvement, his low chances of being a flight risk, and his compliance with his prior bond.
6. The State asserts it is unlikely Respondent will prevail. The State believes this appeal will be successful as the lower court's Order was controlled by an error of law, and is unsupported by any probative evidence.

7. The State asserts that Respondent should be precluded from release on bond pending appeal because the sentence of imprisonment Adams received is in excess of ten (10) years. See S.C. Code Ann. Section 18-1-90 (Supp. 2011) (“bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years.”). Respondent was sentenced to life imprisonment without the possibility of parole. As a result, granting Respondent’s request for bond would be inappropriate.
8. However, should this Court consider Respondent’s request pursuant to State v. Whitener, 225 S.C. 244, 81 S.E.2d 784 (1945), the State asks this Court to exercise its discretion to deny the Respondent’s motion. The South Carolina Appellate Court Rules (SCACR) provide that an applicant’s release on bond pending appeal from a post-conviction relief order shall be exercised with caution and only in *exceptional circumstances*. Rule 243(k), SCACR (2015). In deciding whether to exercise the discretionary authority to admit an Respondent to bail, the following factors are considered: the probability the Respondent 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 Respondent may pose to the community if he or she is released; the likelihood that the Respondent may flee if released; and the character and circumstances of the Respondent. Id. The State submits this case does not present the requisite circumstances to warrant the Respondent’s release on bond pending appeal. For the reasons set forth below, the State opposes this motion and requests that this Court deny Respondent’s motion for appeal bond pending appeal to the Supreme Court.
9. As stated above, Respondent’s request for release on bond pending appeal should be denied because it is unlikely he will prevail on appeal. The State submits there is no

probative evidence in support of the PCR judge's order granting Respondent relief, and that its decision was based on an error of law.

10. Respondent's request should also be denied based upon the serious nature of the crime committed and the danger the Respondent poses to the community. The Respondent was convicted of kidnapping and criminal sexual conduct-second degree. The facts of the case indicate Respondent kidnapped an eleven-year-old child from his tent and raped the child on a camping trip for a church at which he was a leader. The State submits the serious nature of the crime he committed warrants denial of his request for bond pending appeal and early release into the community. The State also submits the nature of the crime suggests that the Respondent is sufficiently serious as to be a danger to the community.
11. Respondent's request should also be denied based on his prior record of similar crimes. Respondent pled guilty to two counts of lewd act with a child under age 16 and one count of criminal sexual conduct with a minor-second degree with the same victim in this case, as well as two additional victims, in Georgetown County in 2006. Respondent was sentenced to eight years imprisonment for these offenses. The criminal sexual conduct-second degree charge was used as the basis for Respondent's current sentence of life without parole. Respondent committed this crime multiple times and would pose a serious threat to society if released on bond.
12. Respondent's request should also be denied based upon the likelihood that Respondent may flee if released. Because Respondent is sentenced to life without the possibility of parole, he would have a much greater incentive to flee while out on bond. Even if Respondent were to prevail on appeal, the affirmation of the grant of his PCR application would only entitle him to a new trial, not an acquittal. Therefore, facing a sentence of life

in prison, Respondent would have both the motive and opportunity to flee if released on bond.

13. Based upon all the foregoing, the State respectfully requests an opportunity to supplement its return to motion on appeal bond with any additional letters that may be provided by the victim or his family. Additionally, the State prays this Court deny the Respondent's request for release on bond pending appeal.

14. Should this Court determine that this is the exceptional case that would permit Respondent's release on bond, the State requests that the Court impose conditions on his release. Specifically, due to the seriousness of his convictions and the risk that he will flee if released, the State requests that, at a minimum, Respondent be placed on the following special conditions in addition to the usual and ordinary conditions of release: home detention pursuant to the county home detention program to include GPS monitoring at Respondent's expense; no change of address without prior court approval; no contact, directly or indirectly, with the victim, any member of the victim's family, or any prosecution witness without prior court approval; and no contact with any minors under eighteen years of age. Furthermore, the State requests that Respondent be prohibited from applying for a passport and must be required to surrender any current passport to the Williamsburg County Clerk of Court.

[Signature page to follow]

Respectfully submitted,

ALAN WILSON
Attorney General

JULIE A. COLEMAN
Assistant Attorney General
SC Bar #102214

June 29, 2016


ATTORNEYS FOR PETITIONER

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803)734-3737

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Williamsburg County

The Honorable Tanya A. Gee, Circuit Court Judge

ROBERT T. TAYLOR, #315084

Respondent,

STATE OF SOUTH CAROLINA

Petititioner.

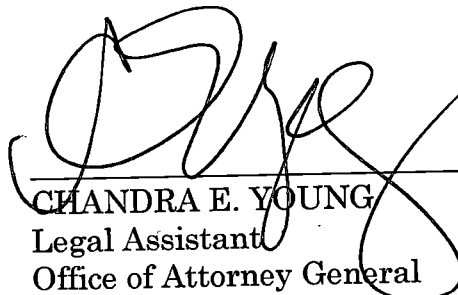
PROOF OF SERVICE

I, CHANDRA E. YOUNG, certify that I have served the Return to Petition for Appeal Bond on opposing counsel by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Tricia A. Blanchette, Esquire
Post Office Box 12725
Columbia, SC 29211

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

This 29th day of June 2016.



CHANDRA E. YOUNG
Legal Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737