

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 16-ALJ-04-0550-AP
Appellate Case No. 2017-000232

RECEIVED

MAY 22 2017

SC Court of Appeals

JIMMY D. MEGGS, JR., # 277400,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RETURN TO APPELLANT'S PETITION FOR APPEAL BOND

On May 17, 2017, the undersigned received a copy of Appellant's Petition for Appeal Bond, which was dated May 11, 2017. In this Petition, Appellant requests that he be granted an appeal bond with monitored house arrest. Respondent submits the following response:

As the present custodian of Appellant, and not a prosecutorial entity, the Department of Corrections has no interest in whether or not Appellant is granted an appeal bond. However, significantly, under the South Carolina Victim's Bill of Rights, any and all victims of Appellant's crimes would be entitled to notice and the opportunity to be heard at any proceeding regarding bond. See S.C. Const. art. I, § 24. In light of the nature of Appellant's crimes (two convictions for engaging a child for sexual

performance and one conviction for contributing to the delinquency of a minor), there are almost certainly victims entitled to notice. In that vein, it would seem that the appropriate solicitor's office (the Twelfth Circuit Solicitor's Office) and/or the South Carolina Attorney General's Office – the prosecuting authority – would also be entitled to notice and an opportunity to be heard on the issue of whether or not Appellant should be granted an appeal bond.

Regardless, Appellant cites no authority for the proposition that a prisoner who is not directly appealing his conviction and is not challenging his conviction through post-conviction relief is entitled to an appeal bond. See S.C. Code § 18-1-90 (“Bail may be allowed to the defendant ***in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense.*** However, bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years.”) (emphasis added); Rule 246(a), SCACR (“Stays Pending Appeal. The service of a notice of appeal ***by a criminal defendant*** shall operate as a stay of the execution of the sentence until the appeal is finally disposed of; provided, however, a sentence of confinement shall not be stayed until the defendant has posted bail under S.C. Code Ann. §§ 18-1-80 and -90 (1985). Where the sentence exceeds imprisonment for ten (10) years, the defendant may only be admitted to bail by an appellate court. Where the State has taken an appeal, the appeal shall automatically operate as a stay of further proceedings in the lower court.”) (emphasis added); Rule 243(k), SCACR (“Bail Pending Appellate Review. ***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. . . .”)
(emphasis added).

Since there is no authority for granting an appeal bond to a prisoner appealing a decision of the Administrative Law Court, Appellant’s Petition should be denied.¹

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

May 22 2017

¹ If, for some reason, Appellant’s Petition is not denied, the appropriate solicitor’s office and all victims should be properly notified before any bond proceeding is held.

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JIMMY D. MEGGS, JR., # 277400,

APPELLANT,

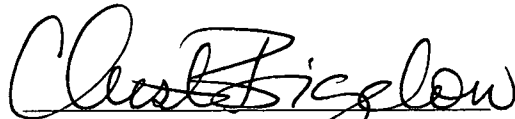
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

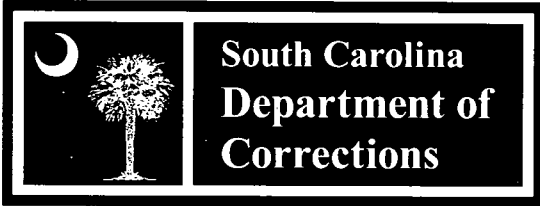
CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, I mailed a copy of the Respondent's **Return to Appellant's Petition for Appeal Bond** to Appellant, addressed as follows: **Jimmy D. Meggs, Jr., # 277400**, Turbeville Correctional Institution, 1578 Clarence Coker Highway, Turbeville, South Carolina, 29162.



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

May 22 2017



HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

May 22, 2017

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Jimmy D. Meggs, Jr., # 277400, v. South Carolina Department of Corrections
Appellate Case No. 2017-000232

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Respondent's **Return to Appellant's Petition for Appeal Bond** in the above captioned appeal, along with **Proof of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Bigelow".

Christina Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Jimmy D. Meggs, Jr., # 277400
Turbeville Correctional Institution
1578 Clarence Coker Highway
Turbeville, South Carolina 29162