

STATE OF SOUTH CAROLINA  
In The Court of Appeals

CERTIORARI TO RICHLAND COUNTY  
Court of Common Pleas

The Honorable G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2015-002421  
Lower Court Case Number 2014-CP-40-05384

RECEIVED

JUL 07 2017

SC Court of Appeals

Willie Ritter, #337044, ..... Petitioner,

v.

State of South Carolina, ..... Respondent.

**RETURN TO "MOTION FOR AN EXPEDITED HEARING OR, IN THE  
ALTERNATIVE, A BOND HEARING FOR THE PETITIONER/DEFENDANT"**

Respondent, in its Return to the "MOTION FOR AN EXPEDITED HEARING OR, IN THE ALTERNATIVE, A BOND HEARING FOR THE PETITIONER/DEFENDANT" filed on June 30, 2017, respectfully submits the following:

1. Petitioner pleaded guilty to homicide by child abuse on July 20, 2009 before the Honorable Paul M. Burch. Sentencing was deferred until September 21, 2009, where Judge Burch sentenced Petitioner to twenty (20) years' imprisonment. A motion for reconsideration and a motion to vacate the guilty plea were denied on October 31, 2011. This Court affirmed Petitioner's conviction and sentence on June 18, 2014.

2. Petitioner filed an application for post-conviction relief (PCR) on September 10, 2014. An evidentiary hearing was held on July 15, 2015. In an order filed October 29, 2015, the

Honorable G. Thomas Cooper, Jr. denied relief and dismissed the application.

3. Petitioner, through his PCR counsel, filed a Petition for Writ of Certiorari on March 30, 2016. Respondent filed its Return on August 1, 2016. Petitioner then submitted this request for bail.

4. In his motion, Petitioner asks this Court to grant his request for a bond hearing. He argues that Petitioner is an elderly man and suffers from serious health conditions.

5. Rule 243(k), SCACR, provides that release on bond pending appeal from a PCR order shall "be exercised with caution and only in exceptional circumstances." The State submits this case does not present the requisite circumstances to warrant Petitioner's release. Petitioner has not cited any exceptional circumstance that would necessitate the grant of said motion. The State opposes the bond motion and requests that this Court deny Petitioner's request for release on bond pending appeal.

6. It is unlikely Petitioner will prevail on appeal. It is of significant note that the PCR court denied Petitioner's application on all grounds. Petitioner's numerous allegations were denied and were fully ruled on by the PCR court. The PCR judge issued a lengthy order of dismissal in which he ruled upon and denied all issues raised by Petitioner. Granting an appeal bond where relief has been denied on all grounds would set a troubling precedent.

7. The State asserts that Petitioner should be precluded from release on bond pending appeal because the sentence of imprisonment Petitioner received is in excess of ten 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."). As a result, granting Petitioner's request for bond would be inappropriate

8. Petitioner faces a twenty (20) year sentence if his appeal is unsuccessful.

Accordingly, Petitioner represents a significant flight risk if released. Because Petitioner is sentenced to imprisonment for twenty years, he would have a much greater incentive to flee while out on bond. Even if Petitioner 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 twenty-year sentence, Petitioner would have both the motive and opportunity to flee if released on bond.

10. Based upon all the foregoing, the State prays this Court should not exercise its discretion and should not release Petitioner on bond pending appeal of the denial of his PCR application.

11. Respondent further asks this Court to allow the future supplementation of this return in opposition to appeal bond. Upon receipt of this Motion, our office attempted to contact all registered victims about Petitioner's request. These victims may have the desire to submit letters in opposition to Petitioner's release. Should any victims wish to submit letters in opposition, Respondent will immediately forward them to the Court and opposing counsel.

WHEREFORE, having made its Return, the State requests this Court: (1) allow future supplementation of this Return upon receipt of letters from the victim's family and (2) deny and dismiss Petitioner's motion.

Respectfully submitted,

ALAN WILSON  
Attorney General

J. CLAYTON MITCHELL  
Assistant Attorney General  
S.C. Bar #101443

P.O. Box 11549  
Columbia, S.C. 29211

By:

  
\_\_\_\_\_  
ATTORNEYS FOR RESPONDENT

July 7, 2017

STATE OF SOUTH CAROLINA  
In The Court of Appeals

CERTIORARI TO RICHLAND COUNTY  
Court of Common Pleas

The Honorable G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2015-002421  
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Willie Ritter, #337044, .....Petitioner,

v.

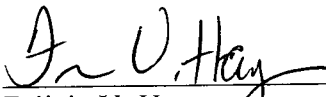
State of South Carolina, ..... Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the **Respondent's Return to "Motion for an Expedited Hearing or, in the Alternative, a Bond Hearing for the Petitioner/Defendant"** has been served upon opposing counsel by depositing a copy in the United States mail, postage prepaid, addressed to Petitioner's counsel:

**William B. von Hermann**  
212 Elm Street  
Conway, South Carolina 29526

This 7<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
Felicia V. Hayes  
Legal Assistant for Respondent



ALAN WILSON  
ATTORNEY GENERAL

July 7, 2017

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

Re: Willie Ritter v. State of South Carolina  
Appellate Case No. 2015-002421  
Lower Court Case No.: 2014-CP-40-05384

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of **Respondent's Return to "Motion for an Expedited Hearing or, in the Alternative, a Bond Hearing for the Petitioner/Defendant"** in the above-referenced action.

Sincerely,

J. Clayton Mitchell  
Assistant Attorney General  
S.C. Bar No. 101443

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SC Court of Appeals

JCM/fvh  
Enclosures

cc: William B. von Hermann