

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Greenwood County
The Honorable J. Mark Hayes, II Circuit Court Judge

Case Nos 2015-CP-24-01268 and 2017-CP-24-00754

Appellate Case Nos 2020-000530 and 000574

The State,

Petitioner,

vs.

Maunwell J. Ervin, Jr.

Respondent.

Motion for Bond Pending Petition for Writ of Certiorari

Pursuant to Rule 246 of the South Carolina Appellate Court Rules, Maunwell J. Ervin Jr., the Respondent herein, moves the Court for an order granting him an appeal bond in this matter pending the Petition for Writ of Certiorari filed by the State. This motion is based upon the following:

Maunwell Ervin was arrested February 6, 2008 and charged with several drug charges. He was released on a bond totaling \$20,000. Mr. Ervin was able to post bond. He fully

complied with the terms of his bond. He remained out on bond until his trial which began on April 15, 2009. After conviction, he was sentenced to 10 years in prison on indictment 2011-24-GS-783 and five years consecutive in indictment 2011-GS-24-784. The jury again was not able to reach a verdict on the trafficking charge. On April 11, 2016, Mr. Ervin entered a plea to the trafficking charge and received a seven year concurrent sentence. His projected release date is February 6, 2021.

The Honorable J. Mark Hayes, II granted the Post Conviction Relief Petitions filed by Mr. Ervin, including the one where he entered a guilt plea. The State has filed a Petition for Writ of Certiorari. Mr. Ervin respectfully requests that this Court grant him permission to be released on bond pending the Petition for Writ of Certiorari filed by the State.

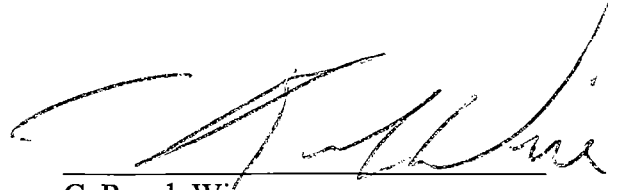
On November 15, 2014 Mr. Ervin was sentenced in federal court to a sentence of 34 months to run consecutively with his present sentence. See Exhibit A attached. If Mr. Ervin is granted a bond he will be released to the custody of the Federal Bureau of Prisons to serve his sentence. The revocation of his federal supervised release arose out of his conviction of the charges that are subject of this Post Conviction Petition. If Mr. Ervin is not granted a bond, and this Court affirms the lower court decision, Mr. Ervin will have spent time in State custody that could have been spent serving his federal sentence. In the event his Court reverses the lower court, Mr. Ervin will still be available to serve the remainder of this State sentence.

Due to the fact that Mr. Ervin will serve 85% of the 34 months sentence, this petition for writ of certiorari should be completed before his federal sentence is completed.

Wherefore, Maunwell J. Ervin hereby moves this Court to release him on a personal recognizance bond so that he may be released to federal custody to serve his federal sentence

pending the appeal in this matter.

June 8, 2020



C. Rauch Wise
305 Main Street
Greenwood, SC 29646
(864) 229-5010
rauchwise@gmail.com
S. C. Bar № 06188

Attorney for Maunwell J. Ervin, Jr.