

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
Nov 02 2020
SC Court of Appeals

On Petition for Writ of Certiorari to Chesterfield County
Court of Common Pleas

The Honorable Steven H. John, Trial Judge
The Honorable Roger E. Henderson, PCR Judge

Appellate Case No. 2018-001469

GARTHAREE HINSON.Respondent,

v.

STATE OF SOUTH CAROLINA,Petitioner.

RETURN TO PETITION FOR BOND PENDING APPEAL

The State of South Carolina respectfully submits the following return to the petition for appeal bond, served October 21, 2020, and received by the State on October 27, 2020:

1. Gartharee Hinson (hereafter “Hinson”) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Chesterfield County Clerk of Court. During its February 2013 term, the Chesterfield County Grand Jury indicted Hinson for armed robbery (2013-GS-13-00089), kidnapping (2013-GS-13-00090), and assault and battery of a high and aggravated nature (2013-GS-13-00091).
2. The underlying crimes supporting the convictions occurred on October 20, 2012. Chris Merriman and Ashlyn Briggs were together at Briggs' home along with their two children and a friend when, at around eight o'clock at night, two masked, armed men appeared, ordered them into the living room, separated them, struck Merriman with a gun, and

robbed them. (App. 56-60, 64-68). During the burglary, Merriman recognized the taller gunman's voice as that of Hinson. (App. 69). The men stole money, keys, jewelry, cell phones, and a purse. (App. 60-61). Merriman coaxed the men into allowing him to help load the loot into his vehicle outside, in the hope of triggering a 911 call from observant neighbors. (App. 70-72). After one of the men received a phone call, the burglars ordered Merriman into the back room with the other victims and promptly departed. (App. 71-72). Law enforcement arrived shortly thereafter, at which time Merriman provided them with pictures of Applicant from Facebook. (App. 73-75). Responders to the scene were led to evidence "found on a track," including two handguns, a wallet, a hat, and a mask. (App. 104, 124-26). On October 21, 2012, the following day, law enforcement responding to a call additionally found coveralls, a mask, two cell phones, and a set of keys. (App. 92-94, 114, 124).

3. The same day as the burglary, employees of a neighboring Piggly Wiggly, concerned about a suspicious vehicle coming and going to and from its parking lot, recorded its license plate and reported it to law enforcement. (App. 97-98). Later that evening, after the burglary, an employee again reported the license plate, which led back to a white Dodge Charger rented from an Enterprise Rental Car in Charlotte, North Carolina by a "Gene Hinson." (App. 98-100, 108-10). Video from Enterprise recorded Applicant in the process of renting the car. (App. 110-11, 143-44). Applicant was arrested by the Charlotte Police Department. (App. 115-16). Applicant gave a post-Miranda statement placing himself at the scene at the time of the burglary—that he knew nothing about the charges, but that the others had left him in the car in the Piggly Wiggly parking lot, after which he ran and returned to Charlotte. (App. 117-21, 123-24). Co-defendants Maurice

Anderson and Richard Martin each confessed after their respective arrests. (App. 135-36). Codefendant Martin ultimately testified against Applicant at trial and confessed to being the second gunman. (App. 153-67).

4. Hinson was represented by Melvin Cockrell, III, Esquire (hereafter “Counsel”). Kenard Redmond, Esquire, from the Fourth Circuit Solicitor’s Office, represented the State. On September 15-16, 2014, the case proceeded to trial before the Honorable Steven H. John. The jury found Hinson guilty of armed robbery, kidnapping, and the lesser included offense of first degree assault and battery. Judge John sentenced Hinson to concurrent terms of twenty-one years’ imprisonment, twenty-one years’ imprisonment, and ten years’ imprisonment, respectively.
5. Hinson timely filed a notice of appeal, which was perfected by Katherine H. Hudgins, Esquire, who filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed Applicant’s appeal by unpublished opinion and granted Counsel’s motion to be relieved. *State v. Hinson*, Op. No. 2016-UP0164 (S.C. Ct. App. filed April 6, 2016). The remittitur was issued on May 3, 2016.
6. Hinson timely filed a PCR application on October 3, 2016, alleging:
 - a. “Denial of Counsel at Critical State of Proceedings.”
 - i. “Immediately after his arrest Applicant requested a preliminary hearing. A preliminary hearing was held in this case without the assistance of counsel. The reason for this is a conflict of interest with the Public Defender. There is no waiver of right to counsel.”
 - b. “Prosecutorial Misconduct.”
 - i. “During Applicant’s trial, an agent of the Chesterfield County Sheriff’s Office, among other things, viewed a video and the interviewed the victim relaying to the victim what was in the video at the time in question. This aspect of the case is highly suggestive with reference to the identification of the Applicant.”
 - c. “Ineffective Assistance of Counsel.”
 - i. “Counsel failed to investigate adequately the facts and circumstances surrounding Applicant’s case. Counsel’s failure to contact such an

investigation deprived the jury of critical information relevant to an accurate assessment of Applicant's guilt or innocence."

7. By amendment filed October 26, 2017, by and through counsel Lance S. Boozer, Esquire,

Applicant further alleges the following additional claims for relief:

- a. "Ineffective assistance of counsel, in that:"
 - i. "Counsel failed to move to suppress evidence or contemporaneously object."
 - ii. "Counsel failed to act when a current sheriff deputy's wife was seated on the jury. The issue was then brought to the attention of the Court by the State. Tr. P. 31. The Court [on] its own removed a potential juror when it was revealed his half-brother worked for the Chesterfield County Sheriff's Office. Tr. p. 10."
 - iii. "Counsel failed to object or otherwise act when alleged victim identified Defendant as perpetrator based on recognizing his voice. Tr. p. 65."
 - iv. "Counsel failed to object to the State's improper vouching for witnesses during closing remarks. Tr. pp. 207-208."
 - v. "Counsel was ineffective for failing to request a hearing pursuant to Jackson v. Denno."
 - vi. "Applicant believes Counsel failed to adequately cross-examine Ms. Briggs."

8. The State made its return on December 4, 2017. The evidentiary hearing occurred on January 16, 2018, before the Honorable Roger E. Henderson. Boozer was Hinson's attorney. Assistant Attorney General Johnny James of the South Carolina Attorney General's Office represented the State.

9. At the PCR hearing, PCR counsel argued that Counsel was ineffective for failing to object when the solicitor vouched for a co-defendant's, Richard Martin's, credibility in closing, where the solicitor stated "Mr. Martin told you he had no idea of what was going to be the outcome of his case. He is telling you the absolute truth." (App. 208). PCR counsel asked Counsel what his strategy regarding Martin was, and Counsel stated it was to completely discredit him as a liar who was "getting something" from his testimony. (App. 335). Counsel agreed the solicitor's closing statement constituted vouching for

Martin's credibility, but did not object because he did not want to "infuriate the jury." Thus, PCR counsel's central argument was that defense counsel failed to object to "improper vouching" pursuant to *State v. Shuler*, 344 S.C. 604, 545 S.E.2d 805 (2001) and *State v. Kelly*, 343 S.C. 350, 540 S.E.2d 851 (2001). (App. 355).

10. The PCR judge subsequently issued an order granting Hinson relief and ordering a new trial, finding defense counsel was ineffective for failing to object to the solicitor's improper vouching during closing argument.
11. The State filed a motion to reconsider pursuant to Rule 59(e), SCRE, dated May 17, 2018. Hinson filed a return to the State's motion, dated May 23, 2018. The court issued an order denying the State's Rule 59(e) motion, dated July 16, 2018.
12. A notice of appeal was filed on August 9, 2018. The State filed a petition for writ of certiorari on March 22, 2019. Hinson filed its return on July 8, 2019. The case was transferred to the South Carolina Court of Appeals on July 23, 2019.
13. The motion for bail pending appeal was filed on October 21, 2020. In the motion, Hinson requests he be released on bail pending his appeal because of the risks created by the coronavirus pandemic. Hinson contends that he will likely not be found guilty at trial if a new trial is instituted and states there likely will not be a new trial if granted relief because there is little physical evidence backing the conviction and the charges against Hinson's three co-defendants have been dismissed. Hinson states he has spent the last six years in jail pursuant to an unlawful conviction and additional time is unfair to him. Hinson states he has contracted COVID-19 while incarcerated which could result in a debilitating illness or further health complications. He also states that at thirty-eight years old his recidivism rate has decreased, thus decreasing the risk of commission of another

crime once released and the potential impact that crime could have on the public at large.

14. The State requests this Court deny the motion for bond. The South Carolina Appellate Court Rules provide that an applicant's release on bond pending appeal from a PCR order shall be exercised with caution and only in exceptional circumstances. *See* Rule 243(k), SCACR ("The authority to grant bail will be exercised with caution and only in exceptional cases."); *Nichols v. Patterson*, 202 S.C. 352, ___, 25 S.E.2d 155, 156 (1943) (instructing the allowance of bail after a conviction is *not* a matter of right). In deciding whether to exercise the discretionary authority to admit an applicant to bail, the following factors are considered:

- a. The probability the applicant will prevail on appellate review
- b. The nature of the relief he or she will receive;
- c. The seriousness of the criminal offense committed;
- d. The danger the applicant may pose to the community if he or she is released;
- e. The likelihood that the applicant may flee if released; and
- f. The character and circumstances of the applicant.

Id. The State submits this case does not present the requisite circumstances warranting Hinson's release upon a bond pending appeal. Thus, the State requests this Court deny Hinson's motion for appeal bond, based upon the reasons set forth below.

15. As stated above, Hinson's request for release on bond pending appeal should be denied because it is unlikely he will prevail on appeal. The State submits the PCR court's grant of relief is predicated on errors of law and is not supported by the record or evidence in this case.

16. The State submits that even if relief in the form of a new trial is granted, Hinson will likely be convicted again based upon the weight of the evidence against him. Specifically, the victim immediately recognized Hinson's voice, gave law enforcement Hinson's truncated middle name, and a picture pulled off of Facebook. (App. 102-03,

106-08). Law enforcement also confirmed Hinson's involvement in renting the vehicle used in the crime from Enterprise in Charlotte, North Carolina. (Appx. 104-06). All of these facts corroborate one another such that the positive identification of Hinson by the victim should be afforded almost certain credibility; it is not reasonable to cast aside the victim's voice identification of Hinson as inadequate where Hinson told law enforcement he traveled from Charlotte in the car used in the crime. Hinson's involvement in the crime is firmly established and corroborated by the evidence. Thus, the State contends that even if relief in the form of a new trial is granted, Hinson will be convicted again likely face years of imprisonment because of the strength of the State's case.

17. The State also asserts that Hinson should be precluded from release on bond pending appeal because of the sentence length he faces. Specifically, our legislature has demonstrated a strong preference for an appeal bond *not* to be granted in a case in which a convicted offender has been sentenced to a term of imprisonment exceeding ten years. *See* S.C. Code Ann. § 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."); *see also State v. Whitener*, 225 S.C. 244, 248, 81 S.E.2d 784, 786 (1954) (concluding—in a divided opinion—the Supreme Court could "grant bail, in its discretion, where the sentence exceeds ten years" despite the existence of a statutory provision prohibiting a grant of bail under such circumstances). Hinson was sentenced to twenty-one years' imprisonment and has fifteen years in the sentence remaining left to serve, rendering release on bond improper.
18. The State asserts Hinson should be precluded from release on bond pending appeal

because of the seriousness of the crime charged. Hinson was convicted of three serious, violent felonies. Given the nature of these convictions, the risk Hinson's potential release places on the public at large is great, rendering the request for bond unsuitable.

19. Concerning the recidivism rate claim, even though eight years have passed between the initial commission of the crime and now, the recidivism rate remains largely unchanged. Eight years ago Hinson was thirty years old and, by most recent metrics, facing a recidivism rate of around 20.7%.¹ Now, at thirty-eight years old, the recidivism rate is around 20.2%. Though this number is lower than the recidivism rates of individuals under twenty-five years old, it remains indicative of a non-minimal risk of recidivism.

20. Concerning Hinson's statement concerning COVID-19 specifically, the State contends that the environment in the South Carolina Department of Corrections is not as dangerous as Hinson suggests. Instead, the South Carolina Department of Corrections has actively instituted safeguards to protect the health and wellbeing of the inmate population during the course of the coronavirus pandemic and has instituted an action plan to prepare for and respond to any challenges that may arise in conjunction with the Governor's Office, the South Carolina Department of Health and Environmental Control, the South Carolina Emergency Management Division, and other state agencies.² Likewise, the South Carolina Department of Corrections does, in fact, provide—and has expressly confirmed it provides—medical care for all its inmates.³ Therefore, the Department of Corrections

¹ http://www.doc.sc.gov/research/SpecialReports/Recidivism_Rates_of_Inmates_Released_during_FY2013-FY2017.pdf.

² South Carolina Department of Corrections COVID-19 Action Plan, http://www.doc.sc.gov/scdc_covid-19_action_plan_031620.pdf (last visited October 29, 2020).

³ An email from Deputy General Counsel Christina C. Bigelow from the South Carolina Department of Corrections regarding the agency's response to the coronavirus pandemic and the availability of medical care to inmates is included with the State's return as Attachment "A".

will provide medical treatment to Hinson if he develops a complication due to a COVID-19 diagnosis. Further, if Hinson's statement that he has already contracted COVID-19 is true, the State contends that that the health risk to the public is greater if Hinson is released than if he remains confined; particularly regarding Hinson's father, whom Hinson will live with if released. As a result, Hinson's COVID-19 diagnosis does not render his case an "exceptional" one such that the grant of an appeal bond is warranted. Once again, Hinson's petition for an appeal bond should be denied.

21. Based on the foregoing, the State respectfully requests this Court deny Hinson's request for release on bond pending appeal.

WHEREFORE, the State requests Hinson's motion for appeal bond be denied and dismissed.

Respectfully submitted,

ALAN WILSON
Attorney General

CHELSEY F. MARTO
Assistant Attorney General

BY: /s Chelsey F. Marto
Chelsey F. Marto

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

ATTORNEYS FOR PETITIONER

November 2, 2020

ATTACHMENT

A

From: [Christina Bigelow \(C057846\)](#)
To: [Chelsey Marto](#)
Subject: Re: Hinson, Gartharee - Request for Update Letter re: COVID Action Plan and News Update
Date: Thursday, October 29, 2020 1:06:38 PM
Attachments: [scdc_covid-19_action_plan_031620.pdf](#)
[9-30-2020 update.pdf](#)

Good afternoon,

Please see attached and let me know if you need anything further. All of the updates are on the main page of our public website also.

Sincerely,

Christina C. Bigelow
Deputy General Counsel

From: Chelsey Marto <ChelseyMarto@scag.gov>
Sent: Thursday, October 29, 2020 11:54 AM
To: Christina Bigelow (C057846) <Bigelow.Christina@doc.sc.gov>
Subject: Hinson, Gartharee - Request for Update Letter re: COVID Action Plan and News Update

***** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. *****

Ms. Bigelow,

Hope you are well.

From my understanding, on May 5, 2020, you sent a letter to Mr. Mark Farthing regarding an inmates request for release on bond because of COVID-19. Attached to the letter you included SCDC's official COVID-19 Action plan and the most recent COVID-19 news update, which then was May 1, 2020. I am having a similar situation with inmate Gartharee Hinson and was hoping you could provide me with an updated letter at your earliest convenience.

Please let me know if you have any questions or concerns regarding this matter.

Best,
Chelsey Marto

South Carolina Department of Corrections (SCDC) COVID-19 Action Plan

SCDC manages a statewide correctional system involving 21 prisons located throughout the state, which are of various security levels and specialized missions. SCDC has been planning for coronavirus (COVID-19) since February 2020. Phase One activities included guidance from the Medical Services Division regarding description of the disease, where the infection was occurring and best practices to mitigate transmission. An agency task force was working in conjunction with subject matter experts from the Governor's Office, S.C. Department of Health and Environmental Control, Emergency Management Division and other state agencies. SCDC's planning is structured using the Incident Command System (ICS) framework.

As a result of these ongoing efforts, SCDC, after coordination with DHEC and the Governor's Office is implementing Phase Two of our COVID-19 response. Effective immediately, the following measures are being deployed by the SCDC in order to mitigate the spread of COVID-19, acknowledging the state will have more confirmed cases in the coming weeks. These measures are being implemented to ensure the safety of our inmates and the continued effective operations of the state prison system and to ensure that staff remain healthy and available for duty.

VISITATION: Visitation will be suspended for 30 days, at which time the suspension will be reevaluated. To ensure inmates maintain social ties, SCDC and GTL will allow for two free calls per week between March 17, 2020 through April 13, 2020.

LEGAL VISITS: Access to legal counsel remains a paramount requirement in the SCDC but like visitation, the SCDC is mitigating the risk of exposure created by external visitors. Attorneys seeking an in-person visit with their client or a confidential call should contact the institution (<http://www.doc.sc.gov/institutions/institutions.html>) or contact the Office of General Counsel at (803) 896-8508 to arrange. The attorney will need to undergo screening using the same procedures as staff and complete an Attestation of No Known Illness form (SCDC Form M-217). Attorneys should also maintain social distancing of 6' from their client.

INMATE MOVEMENT: All inmate facility transfers will be suspended, unless medically necessary, for 30 days, at which time the suspension will be reevaluated or by the approval of the Deputy Director for Operations. Admission of new inmates will continue; however, such inmates will be screened, checked for exposure and isolated or quarantined as deemed appropriate. For more information on isolation and quarantine, please visit the following link: <https://www.cdc.gov/quarantine/index.html>.

WORK RELEASE AND LABOR CREWS: All work release and labor crews will be suspended for 14 days and then will be reevaluated. The work crew exceptions are as follows: Goodman crews for Facilities Management, Support Services and Transportation and Camille Graham crew for Headquarters and Recruiting.

OFFICIAL STAFF TRAVEL: Official staff travel will be suspended for 30 days, at which time the suspension will be reevaluated. Any exceptions may be approved by the Director of SCDC.

TRAINING: All staff training, and meetings are suspended through March 31, 2020 and will be reassessed at that time. Please take this opportunity to complete your on-line training.

STAFF HIRING: Staff hiring initiatives will continue. Interviews may be conducted by telephone or via video conference.

CONTRACTORS: Essential contractor access to SCDC facilities will continue; however, contractors who require access will be screened using the same procedures as staff prior to entry and will have limited access to the inmate population.

VENDORS: Essential vendors access to SCDC facilities will continue; however, vendors who require access will be screened using the same procedures as staff prior to entry and will have limited access to the inmate population.

INSTITUTIONAL MAINTENANCE: Institutional maintenance needs will be evaluated on a case by case basis and will focus on essential functions.

VOLUNTEERS: Volunteer visits will be suspended for 14 days, at which time the suspension will be reevaluated. Exceptions will be approved by the Deputy Director for Operations.

SCREENING OF STAFF: Enhanced health screening of staff will be implemented statewide. Such screening includes self-reporting and temperature checks for the next 30 days, at which time the process will be reevaluated. Please see attached information from SCDC Office of Human Resources as well as an attachment from the S.C. Department of Administration State Office of Human Resources, regarding human resource updates. (SEE ATTACHMENT BELOW)

SCREENING OF INMATES: The SCDC maintains an infectious disease management program as a matter of routine. To address the specific issues involving COVID-19, the SCDC uses the following practices:

- All newly-arriving SCDC inmates are being screened for COVID-19 exposure risk factors and symptoms.
- Asymptomatic inmates with exposure risk factors are quarantined.
- Symptomatic inmates with exposure risk factors are isolated and tested for COVID-19 per SCDC health authority protocols.

TOURS: Tours will be suspended for 30 days, at which time the suspension will be reevaluated. Any exceptions will be approved by the Deputy Director of the Operations.

MODIFIED OPERATIONS: For the next 30 days, the SCDC will implement statewide modified operations to maximize social distancing and limit group gatherings in our facilities. For example, depending on the facility's population and physical layout, the institution may implement staggered meal times, recreation, etc. These modifications will be reevaluated in 30 days.

***Please note that this action plan will be reevaluated as needed.**

2019 Novel Coronavirus-HR Update

To help slow the spread of COVID-19 in our state and protect the health and safety of South Carolina's citizens, Governor McMaster directed South Carolina agencies effective Monday, March 16, 2020, to engage in additional proactive measures to help safeguard the health and safety of their workplaces by maximizing telecommuting flexibilities to eligible workers within populations that the Centers for Disease Control and Prevention (CDC) has identified as being at higher risk for serious complications from COVID-19 and CDC-identified special populations.

CDC and DHEC identified high risk and special populations include the following individuals:

- Older adults;
- People who have serious chronic medical conditions like heart disease, diabetes, and lung disease;
- People with compromised immune systems; and
- Pregnant women

Agencies should also extend telecommuting flexibilities more broadly to accommodate state and local responses to COVID-19, including, but not limited to, extending telework flexibilities for employees affected by school closures.

Agencies are also encouraged to authorize use of sick and/or annual leave for employees who are in CDC higher risk or special populations and are not telework eligible. HR has the ability to advance up to 15 days of leave, if needed.

Agencies should not require certification by a medical professional that an individual is within the CDC and DHEC higher risk or special populations and may accept self-identification by employees that they are in one of these populations. This self-identification may be made verbally or be required in writing.

It is imperative that you, the Warden or Division Director, notify Headquarters HR if you have an employee who will be telecommuting.

The memorandum from the Department of Administration is attached for your review.

Thank you,
Jessica T. Lovelace, Assistant Deputy Director, Administration

employees who are in CDC higher risk or special populations and are not telework eligible.

Even if employees are in CDC higher risk or special populations, state employees who are designated as essential, or mission-critical to the state's response to COVID-19, or are necessary to the continuity of operations of state government, may be directed to report to work as needed within the sole discretion of the Agency Head or his/her designee.

Agencies with questions regarding telecommuting should consult DSHR's guidance on it (https://www.admin.sc.gov/dshr/model_policies).

In response to the evolving situation concerning COVID-19, the Governor has also directed agencies to postpone all non-essential travel, as defined by the Agency Head or his/her designee, until further notice.

The Department of Administration will continue to closely monitor developments related to COVID-19 and provide additional guidance as needed. If you have questions regarding telecommuting or travel, please contact Karen Wingo, Director of the Division of State Human Resources (803-422-8645) or me.



COVID-19 Update

Sept. 30, 2020

2:30 p.m.

The S.C. Department of Corrections is extending visitation, volunteer, work-release and labor crew suspensions until Oct. 31.

No visitors or volunteers will be allowed to enter institutions, and labor and work crews will not go out into the community. All offenders will continue to get two free 5-minute calls each week, even those with telephone restrictions.

All routine transfers between institutions continue to be suspended. Transfers for security and medical reasons will continue as needed.

Inmates will attend court and parole hearings virtually. If a court requires an inmate to attend a hearing in person, those requests will be handled on a case-by-case basis. If inmates are not available because of COVID-19-related circumstances, the courts will be advised.

These measures are put in place to ensure everyone's health and safety from the public health threat posed from COVID-19 and the potential impact on its staff, offenders, volunteers and visitors.

Department officials have been working closely with the S.C. Department of Health and Environmental Control for the latest information and guidance about the spread of this virus. SCDC remains diligent in its efforts to protect offenders and staff. Future updates about COVID-19 will be posted on our website, www.doc.sc.gov

STATE OF SOUTH CAROLINA
In the Court of Appeals

CERTIORARI TO CHESTERFIELD COUNTY
Court of Common Pleas
Steven H. John, Circuit Court Judge

Appellate Case No. 2018-001469

GARTHAREE HINSON,

RECEIVED

Nov 02 2020

SC Court of Appeals

Respondent,

v.

STATE OF SOUTH CAROLINA,

Petitioner.

PROOF OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Return to the Motion for Bond Pending Appeal has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Joanna K. Delany, Esquire

jdelany@sccid.sc.gov

James P. Craig, Esquire

jcraig@craiglawfirm.com

This 2nd Day of November, 2020.

/s Chelsey F. Marto
Chelsey F. Marto
Attorney for Petitioner

From: Chelsey Marto
To: [Delany, Joanna](mailto:Delany_Joanna@jcraig@craiglawfirm.com); ["jcraig@craiglawfirm.com"](mailto:jcraig@craiglawfirm.com); [Kasperski, Katriel](#)
Cc: [Fourthcircuitpcr](#)
Subject: Hinson, Gartharee - Letter Sending Return to Motion for Bond Pending Appeal
Date: Monday, November 2, 2020 3:26:00 PM
Attachments: [HINSON Gartharee- Letter sending Return to Petition for Bond \(02417741xD2C78\).PDF](#)

Good afternoon,

Attached please find the return to the motion for bond pending appeal, to be filed with the court momentarily.

Best,
Chelsey Marto

RECEIVED
Nov 02 2020
SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

November 2, 2020

The Honorable Jenny A. Kitchings
Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
Nov 02 2020
SC Court of Appeals

RE: Gartharee Hinson v. State of South Carolina
Appellate Case No. 2018-001469
Lower Court Case No. 2016-CP-13-00735

Dear Ms. Kitchings:

Enclosed for filing is the original **Return to Petition for Bond Pending Appeal** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General
S.C. Bar No. 104191

CFM/ec
Enclosures

cc: Joanna K. Delany, Esquire
James P. Craig, Esquire