

The South Carolina Court of Appeals

The State, Respondent,

v.

Kayla Marie Cook, Appellant.

Appellate Case No. 2019-001417

ORDER

Appellant has filed a motion seeking an appeal bond while her direct appeal is pending review. The State has filed a return in opposition to the motion.

After careful review of the parties' filings and the factors outlined in *Nichols v. Patterson* and *In re Michael H.*, Appellant's motion is denied pursuant to Rule 246(a) of the South Carolina Appellate Court Rules. *See Nichols*, 202 S.C. 352, 25 S.E.2d 155, 156 (1943) ("In the exercise of this discretion the trial Judge should take into consideration the existence of the probability of a reversal, the enormity of the charge, the danger that if freed the accused will commit a crime of like character, the probability of a forfeiture of the bail and escape, [and] the character and reputation of the accused and his surrounding circumstances"); *In Re Michael H.*, 360 S.C. 540, 553, 602 S.E.2d 729, 736 (2004) ("The factors to be considered in admitting a person to bail pending appeal include the probability of reversal, the nature of the crime, the possibility of escape, and the character and circumstances of the appellant."); *see also* S.C. Code Ann. § 16-1-60 (classifying homicide by child abuse as a violent offense); S.C. Code Ann. § 17-25-45(C)(1) (classifying homicide by child abuse as a most serious offense); S.C. Code Ann. § 16-3-85(C)(1) (providing homicide by child abuse where the defendant directly causes the death of a child is punishable by no less than twenty years' imprisonment).

Stephen P. McDonald

J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
Susan Barber Hackett, Esquire
Amber Modestine Steele Hendrick, Esquire
Mark Reynolds Farthing, Esquire
Daniel J. Westbrook, Esquire
Kayla M. Cook, 381148

FILED
Mar 04 2021
