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Sep 20 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions
Alex Kinlaw, Jr., Circuit Court Judge

Appellate Case No. 2018-001257

The State,Respondent,

v.

Charles Dent,.....Appellant.

**REPLY TO STATE’S RETURN TO
PETITION FOR COURT TO SET APPEAL BOND**

On September 9, 2021, this Court requested the State file a return to Charles Dent’s petition or for this Court to set an appeal bond. On September 17, 2021, the State filed its return (“State’s Return”). This reply follows.

The State acknowledged the four factors set forth in *In re Michael H.*, 360 S.C. 540, 552, 602 S.E.2d 729, 735 (2004), but it misapplies those factors.

First, the State minimizes the reality that this Court already reversed the trial court, meaning the first factor already weighs heavily in Mr. Dent’s favor. Although stating it plans to file a petition for a writ of certiorari in our supreme court, the State acknowledges the uncertainty of the petition. State’s Return, at 2. Contrary to the State’s assertion that Mr. Dent “does not come before this Court with the cloak of innocence,” *id.*, this Court’s opinion reversing the trial court will restore the presumption of innocence on remand. That Mr. Dent will be called upon to appear in the Court of General Sessions for Beaufort

County was anticipated by the petition for an appeal bond by identifying Mitch and Terri Fife as people who will provide him a residence in South Carolina until this matter is finally resolved.¹

Second, that the mother of the child complaining witness, in an unsworn email, states she and her daughter “not only fear for their own safety if [Mr. Dent] is released, but also fear for the safety of the community as well,” State’s Return, Ex. B, is not supported by the record. Mr. Dent remained on bond prior to his 2018 trial with no harm coming to the child complaining witness, her mother, or any member of the community. Mr. Dent does not even know the current address of his daughter and granddaughter.

Third, there is no evidence Mr. Dent is a flight risk. Prior to his 2018 trial, Mr. Dent lived in Alabama. He appeared for his 2018 trial. After his trial, Mr. Dent sold his home in Alabama. Although the State can theorize Mr. Dent is “a flight risk” and “has an incentive to leave the State of South Carolina and not return,” the State does not point to any circumstance that did not also exist prior to his 2018 trial, for which he appeared.

Fourth, the State acknowledges Mr. Dent’s “commendable” military service and “poor health.” State’s Return, at 3. The State does not acknowledge Mr. Dent’s lack of prior criminal record. The State, nevertheless, asks this Court to “not look past the severity of the allegations against [Mr. Dent] and the fear” of the child complaining witness and her mother. Thus, the State implicitly acknowledges the fourth factor weighs in Mr. Dent’s favor.

¹ Mr. Dent reminds the Court and counsel that some of the issues raised in his petition for rehearing, if successful, would preclude the State from re-trying Mr. Dent on one or more of the charges.

Finally, nothing about the seriousness of the charges or the State's speculation about risk of flight justify denying Mr. Dent an appeal bond. At the most, the matters raised by the State's Return militate in favor of setting a surety bond with appropriate conditions to ensure Mr. Dent's presence at trial.

CONCLUSION

For the reasons set forth in Mr. Dent's petition for this Court to set an appeal bond and this reply, this Court should issue an order setting an appeal bond.

Respectfully Submitted,

By s/E. Charles Grose, Jr.

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Attorney for Charles Dent

September 20, 2021
Greenwood, South Carolina

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Certificate of Service

I certify that I served this pleading on the State of South Carolina, by email, using counsel’s primary email address, listed in the Attorney Information System (AIS),² as reflected below, on the date reflected below:

Jonathan Scott Matthews, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211
smatthews2@scag.gov

By s/E. Charles Grose, Jr.
E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

September 20, 2021
Greenwood, South Carolina

² A copy of the email will be attached to the certificate of service filed with this Court.

Subject: State of South Carolina v. Charles Dent, Appellate Case No. 2018-001257
Date: Monday, September 20, 2021 at 6:19:35 PM Eastern Daylight Time
From: Charles Grose
To: Scott Matthews
CC: Laura Wingard
Attachments: 2021 09 20 Grose to CoA.pdf, Dent - Reply to State's Return to Petition for Appeal Bond.pdf

Scott,

Hope you had a good weekend.

Attached please Mr. Dent's reply to State's return to petition for court to set appeal bond, along with a certificate of service and cover letter, which I am about to file electronically with the SC Court of Appeals. Please let me know if you have any questions.

Best,
Charles

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *State of South Carolina v. Charles Dent*
Appellate Case No. 2018-001257

Dear Ms. Kitchings:

Enclosed please find Mr. Dent's reply to State's return to petition for court to set appeal bond, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,

s/E. Charles Grose, Jr.
E. Charles Grose, Jr.

cc: Mr. Charles Dent
Scott Matthews, Esquire