

The South Carolina Court of Appeals

Oshaun J. Robinson, Respondent,

v.


State of South Carolina, Petitioner.

Appellate Case No. 2020-001361

ORDER

Respondent has filed a motion seeking an appeal bond while his 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.*, Respondent's motion is denied pursuant to Rules 243(k) and 246(a) of the South Carolina Appellate Court Rules. *See* Rule 243(k) ("The [appellate court's] authority to grant bail will be exercised with caution and only in exceptional cases."); *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 armed robbery and ABWIK as "violent" crimes); S.C. Code Ann. § 17-25-45(C)(1) (classifying armed robbery and ABWIK as "most serious" offenses).



FOR THE COURT

FILED
Mar 29 2022

Columbia, South Carolina

cc:

Tara Dawn Shurling, Esquire

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