

WITNESSES

Jonathan M. Davenport

Greenville County Sheriffs Office

4/30/2021

ARREST WARRANT NUMBER

2021A2330204041 / 2021A2330204044

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-23-

GHB

006684

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2021

THE STATE

vs.

SERGIO DEMARIS BYRD

Indictment for

0280 / 0549

TRAFFICKING COCAINE AND POSSESSION
OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

VIOLATION § 44-53-0370 / § 16-23-0490

ENTERED
ACCT. *bm*

RECEIVED

OCT 11 2022

SC Court of Appeals

A. Certified Copy
Paul B. Wiseman
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated *10/11/22*

FILED

OCT 04 2021

Clerk of Court
Greenville County

INDICTMENT FOR
**TRAFFICKING COCAINE AND POSSESSION
OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME**

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

At a Court of General Sessions, convened on the Grand Jurors of Greenville

County present upon their oath:

COUNT ONE:

TRAFFICKING COCAINE


That SERGIO DEMARIS BYRD did in Greenville County, on or about the 30th day of April, 2021, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 100 grams, but less than 200 grams of Cocaine. This is in violation of §44-53-0370 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That SERGIO DEMARIS BYRD did in Greenville County, on or about the 30th day of April, 2021, possess or visibly display a Taurus .357 mag revolver (SN: XF194882) and Howa bolt action rifle .27 (SN: B164771) during the commission or attempted commission of a violent crime, to wit: Trafficking Cocaine. This is in violation of §16-23-0490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR BAR # 103602

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville

STATE VS.

INDICTMENT/CASE#: 2021GS2306684

Sergio Demaris Byrd

AW#: 2021A2330204041

AKA:

Date of Offense: 4/30/2021

Race: BLACK Sex: M Age: 39

S.C. Code § : 44-53-0370(E)(2)

DOB: SS#

CDR Code #: 0280

Address:

City, State, Zip:

DL#: SID#

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SENTENCE SHEET

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*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Trafficking In Cocaine 28-100g - First Offense

in violation of § 44-53-0370(E)(2) of the S.C. Code of Laws, bearing CDR Code # 2359

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. SB (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Grace B. Moroney 103602 SC Bar# Sergio Demaris Byrd Defendant Paul K Neely 101474 SC Bar# NEELY, PAUL Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,

for a determinate term of 10 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

360 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Sergio Demaris Byrd INDICTMENT/CASE#: 2021GS2306684

SPECIAL CONDITIONS: A/W#: 2021A2330204041

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with _____
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning : _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Public Service Employment 0 _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: Sentence is to be now concerned with the Federal Sentence he is currently serving that commenced in December 2020.

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fine:	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$		
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
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<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 293.25

Clerk of Court/ Deputy Clerk: Paul B. Wickens
Court Reporter: Herron

Presiding Judge: [Signature]
Judge Code: 2763
Sentence Date: 9-10-22

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BAR # 103602

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE)
 VS.)
Sergio Demaris Byrd)
 AKA:)
 Race: BLACK Sex: M Age: 39)
 DOB: SS#)
 Address:)
 City, State, Zip:)
 DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS2306684
 A/W#: 2021A2330204041
 Date of Offense: 4/30/2021
 S.C. Code § : 44-53-0370(E)(2)(
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The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Moroney, Grace B. 103602 SC Bar# Paul K Neely 101474 SC Bar#
 Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,

for a determinate term of 10 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

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The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Sergio Demaris Byrd INDICTMENT/CASE#: 2021GS2306684

SPECIAL CONDITIONS: A/W#: 2021A2330204041

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
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Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ Set by SCDPPPS

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Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$	Beginning	\$
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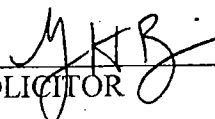
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BAR # 103602

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville

STATE VS.

INDICTMENT/CASE#: 2021GS2306684

AKA: Sergio Demaris Byrd

AW#: 2021A2330204041

Race: BLACK Sex: M Age: 39

Date of Offense: 4/30/2021

DOB: SS#

S.C. Code § : 44-53-0370(E)(2)(

Address: _____

CDR Code #: 0280

City, State, Zip: _____

DL#: _____ ID#: _____

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SENTENCE SHEET

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*CDL Yes No CMV Yes No Hazmat Yes No

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ATTEST:

[Signature] 103602 SC Bar# [Signature] Defendant [Signature] 101474 NEELY, PAUL SC Bar# Attorney for Defendant

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§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 8.25
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 283.25

Clerk of Court/ Deputy Clerk: Paul B. Wickerman
Court Reporter: Herron

Presiding Judge: [Signature]
Judge Code: 2763
Sentence Date: 9-10-22

WITNESSES

Jonathan M. Davenport

Greenville County Sheriffs Office

4/30/2021

ARREST WARRANT NUMBER

2021A2330204041 / 2021A2330204044

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-23-
GHB

006684

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2021

THE STATE

vs.

SERGIO DEMARIS BYRD

Indictment for

0280 / 0549

**TRAFFICKING COCAINE AND POSSESSION
OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME**

VIOLATION § 44-53-0370 / § 16-23-0490

ENTERED
ACOT/bm

RECEIVED

OCT 11 2022

SC Court of Appeals

A Certified Copy
Paul B. Wiseman
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 10/11/22

FILED

OCT 04 2021

**Clerk of Court
Greenville County**

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING COCAINE AND POSSESSION
OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

COUNT ONE:

TRAFFICKING COCAINE

That SERGIO DEMARIS BYRD did in Greenville County, on or about the 30th day of April, 2021, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 100 grams, but less than 200 grams of Cocaine. This is in violation of §44-53-0370 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That SERGIO DEMARIS BYRD did in Greenville County, on or about the 30th day of April, 2021, possess or visibly display a Taurus .357 mag revolver (SN: XF194882) and Howa bolt action rifle .27 (SN: B164771) during the commission or attempted commission of a violent crime, to wit: Trafficking Cocaine. This is in violation of §16-23-0490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

BAR # 103602

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville

STATE

VS.

INDICTMENT/CASE#: 2021GS2306684

Sergio Demaris Byrd

A/W#: 2021A2330204041

Date of Offense: 4/30/2021

S.C. Code § : 44-53-0370(E)(2)(

CDR Code #: 0280

AKA:

Race: BLACK Sex: M Age: 39

DOB: SS#

Address:

City, State, Zip:

DL#: SID#:

RECEIVED

SENTENCE SHEET

OCT 11 2022

SC Court of Appeals

*GDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Trafficking In Cocaine 28-100g - First Offense

in violation of § 44-53-0370(E)(2)(of the S.C. Code of Laws, bearing CDR Code # 2359

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. SB (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Moroney, Grace B. 103602 SC Bar# Defendant NEELY, PAUL 101474 SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,

for a determinate term of 10 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 36 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Sergio Demaris Byrd INDICTMENT/CASE#: 2021GS2306684

SPECIAL CONDITIONS: A/W#: 2021A2330204041

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol testing
- Attend Voc. Rehab. or Job Corp
- No Contact with _____
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Other: Sentence is to be and consumed with
the Federal Sentence he is currently serving
that commenced in December 2020.

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ Set by SCDPPPS

Recipient: _____

*Fine:

	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$		
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
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