

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

J. Derham Cole , Circuit Court Judge

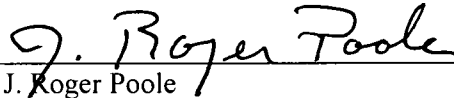
Case No(s): 2011-GS-42-01934

The State Respondent,
v.
Brian Scott Stapleton..... Appellant.

NOTICE OF APPEAL

Brian Scott Stapleton appeals his/her conviction and sentence in this case. The sentence was imposed by by the Honorable J. Derham Cole on June 20, 2013. This appeal is taken from this conviction and sentence.

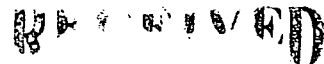
June 26, 2013



J. Roger Poole
Bar No.: 4499
Seventh Judicial Circuit Public Defender Office
366 N Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:

SusanSReese, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent



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SC Court of Appeals

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.....

EXPLANATION OF APPEAL PURSUANT TO RULE 203(D)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Brian Scott Stapleton files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable J. Derham Cole on June 20, 2013. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

June 26, 2013

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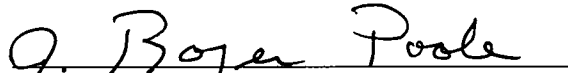
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.....

PROOF OF SERVICE

I certify that I served the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on June 28, 2013 addressed to its attorney of record, Susan S Reese, Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

June 26, 2013


J. Roger Poole
Bar No.: 4499

Seventh Judicial Circuit Public Defender Office
366 N Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

DECEMBER 11 2013

JUL 01 2013

SC COURT OF APPEALS

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

MAR 25 2011

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

That Brian Scott Stapleton, did in Spartanburg County, between the dates of January 8, 2011 and January 9, 2011 commit the crime of Criminal Sexual Conduct with a minor, in that the defendant did commit a sexual battery upon the minor victim, Brianna Nicole Justice, who was under eleven (11) years of age at the time of the said incident. Said incident occurred in Spartanburg County, South Carolina, in violation of §16-03-655 (1), *CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

INDICTMENT/CASE#: 2011GS4201934

Brian Scott Stapleton

A/W#: M751997

AKA:

Date of Offense: 1/9/2011

Race: Sex: M Age: 32

S.C. Code §: 16-03-0655(A)

DOB: SS:

CDR Code #: 0385

Address: 7132 Center Drive

City, State, Zip: Spartanburg SC 29303

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Criminal sexual conduct - First degree (0-30 years + sex offender registration)

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury

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

ATTEST: REESE, SUSAN S 6772 SC Bar#

Defendant: Xavian B. Stapleton

Attorney for Defendant: J. Payer Poole 4499 SC Bar#

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

for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of days/months/years 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.

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 the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal

Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter: B. Moffitt

SCCA/217 (03/2011)

SENTENCE SHEET

Alford

CONVICTED OF or PLEADS

(0-30 years + registry)

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

Mandatory GPS(CSC w/minor 1st or Lewd Act) § 17-25-45

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TOTAL \$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter: B. Moffitt

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2053

Sentence Date: 2013

SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET
SUITE 3000
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561
FAX (864) 596-2284
FAX (864) 562-4412

June 26, 2013

The Honorable Jenny A. Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Brian Scott Stapleton
Case No(s): 2011-GS-42-01934

Dear Ms Kitchings:

Enclosed for filing is the original Notice of Appeal in the above case. Also enclosed are the Proof of Service of the Notice of Appeal on the Respondent, the Explanation of Appeal and Proof of Service, and a copy of the indictment, verdict, and sentence to be challenged on appeal.

Sincerely yours,

J. Roger Poole
J. Roger Poole

Enclosures

cc: Office of Seventh Judicial Circuit Solicitor
Office of Attorney General
Office of Appellate Defense

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JUL 01 2013

SC COURT OF APPEALS

Seventh Judicial Circuit Public Defender

366 N Church Street, Suite 3000
Spartanburg, South Carolina 29303

**RETURN SERVICE
REQUESTED**

**PRESORTED
FIRST CLASS**



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The Honorable Jenny A. Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC COURT OF APPEALS

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