

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM AIKEN COUNTY
THE HONORABLE J. Derham Cole

June 14, 2013
Indictment # 2012GS0200423

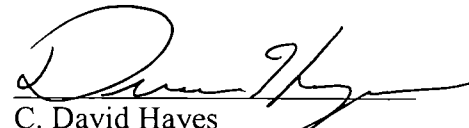
THE STATE OF SOUTH CAROLINA -- Respondent

~~Miss~~
VS.

Tyrik Gerard Bright - Appellant

NOTICE OF INTENT TO APPEAL

Tyrik Gerard Bright had a trial and was convicted of Burglary 2nd on June 12, 2013 before the Honorable J. Derham Cole in Aiken, South Carolina. He appeals his conviction and sentence.


C. David Hayes
Attorney for Defendant

Other Counsel of record is:

Nicholas McCarley
Assistant Solicitor
Second Judicial Circuit
P.O. Drawer 3368
Aiken, SC 29802

RECEIVED
JUN 21 2013

SC Court of Appeals

NOTICE OF INTENT TO APPEAL

State of South Carolina

Vs:

Tyrik Bright- Appellant

2012GS0200423

CERTIFICATE OF SERVICE

I, Lekehia Curry, do hereby certify that I have this day served the original of Appellate's Notice to Appeal upon the South Carolina Court of Appeals, and copies of Appellate's Notice of Intent to Appeal to the Clerk of Court of Aiken County, and to J. Strom Thurmond, Solicitor, Second Judicial Circuit, by placing same in the United States Mail properly addressed and with correct postage affixed thereto:


South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Clerk of Court
Aiken County Judicial Circuit
Post Office Box 583
Aiken, SC 29802

The State of South Carolina Office of the Solicitor
Second Judicial Circuit
Post Office Box 3368
Aiken, SC 29802

Dated this 14th day of June, 2013


Lekehia C. Curry
Secretary to Appellant's Attorney
Post Office Drawer 2247
Aiken, SC 29802
803-642-1732

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JUN 21 2013

SC Court of Appeals

Public Defender for the Second Judicial Circuit

410 Barnwell Avenue N.W.

Post Office Drawer 2247

Aiken, South Carolina 29802

(803)642-1732 Office (803)642-1739 Fax

June 14, 2013

South Carolina Commission
On Indigent Defense
Attention: Lorie French
P. O. Box 11589
Columbia, SC 29211

RE: NOTICE OF INTENT TO APPEAL
Tyrik Gerard Bright
2012GS0200423

Dear Mrs. French:

Please find enclosed copies of Notice of Intent to Appeal, Indictment 2012GS0200423, Arrest Warrant I-093853, defendant's affidavit of indigency and defendant's sentence sheet.

Tyrik Bright had a trial and was convicted of Burglary 2nd. The defendant was sentenced on June 12, 2013 before the Honorable J. Derham Cole. Ms. Cheri L. Young served as the Court Reporter. Her address is P. O. Box 1154, Aiken, SC 29802.

I am available to discuss this case if you so desire.

Sincerely,



C. David Hayes
Assistant Public Defender

LCC:cdh
Enclosure

RECEIVED

JUN 21 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY SECOND DEGREE
§ 16-11-0312(B)

At a Court of General Sessions, convened on March 12, 2012, the Grand Jurors of Aiken County present upon their oath:

That TYRIK GERARD BRIGHT did in Aiken County on or about December 24, 2011, wilfully and unlawfully enter without consent and with the intent to commit a crime therein, a building, to wit: All Star Rentals located at 156 Williamsburg Street N.E., Aiken, South Carolina and the defendant having two prior Burglary convictions. All in violation of §16-11-312 of the 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.



J. STROM THURMOND, SOLICITOR

WITNESSES

DOCKET NO. 2012GSS0200423

Aiken Department Of Public Safety

The State of South Carolina

Anthony K Glover

County of Aiken

Law Enforcement Case #: 12-20131

JWW

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

MARCH TERM 2012

1093853

Liz Godard
CCCP & G.S.
Carolyn Finney
Deputy Clerk

THE STATE

VS.

TYRIK GERARD BRIGHT

ACTION OF GRAND JURY

True Bill

CDR #: 0086

Indictment for

BURGLARY SECOND DEGREE

§ 16-11-0312(B)

VERDICT

GUILTY

Foreperson of Grand Jury
Date: March 8, 2012

Wesley Caldwell

Foreperson of Petit Jury

Date: 6/12/13

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

JUN 14, 2013

Liz Godard
CCCP & GA, Aiken County, SC

Deputy Clerk

ARREST WARRANT

I-093853

STATE OF SOUTH CAROLINA
County/ Municipality of
City of Aiken

12-20131

THE STATE
against

Tyrik Gerard Bright

Address: 824 Barnwell Avenue Ne
AIKEN, SC 29801-

Phone: _____
Sex: M Race: B Height: 5 8 Weight: 150
DL State: SC DL #: 090339910
DOB: 10/30/1980 Agency ORI #: SC0020100
Prosecuting Agency: Aiken Public Safety
Prosecuting Officer: Anthony K Glover
Offense: BURGULARY 2ND

Code/Ordinance Sec: 16-11-0312(2)
Offense Code: 0086

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused _____
is to be arrested and brought before me to be
dealt with according to the law.

Date: _____ (L.S.)
Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant Tyrik G. Bright
on 12-29-2011

C.B. Doherty #397
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Aiken Municipal Court
251 Laurens St., N.W.
Aiken, SC 29801

ORIGINAL

STATE OF SOUTH CAROLINA 2012) 65-02-00423
 County/ Municipality of
City of Aiken

Personally appeared before me the affiant Anthony K Glover
being duly sworn deposes and says that defendant Tyrik Gerard Bright
did within this county and state on 12/24/2011
State of South Carolina (or ordinance of County/ Municipality of
City of Aiken)
in the following particulars:

DESCRIPTION OF OFFENSE: BURGULARY 2ND

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Upon information and belief, the defendant, Tyrik G. Bright, did on 12/24/2011 commit the offense of Burglary 2nd
Degree in the following: Mr. Bright did enter into a closed business All Star Rentals located at 156 Williamsburg Street
NE during the nighttime by breaking a window and prying the back door open. While inside the business, Mr. Bright
took a Sony Viao laptop (\$1000), a microwave oven (\$300), three HP 2010 21 inch desktop computer monitors (\$900
total), three Gobo LED Projectors (\$540 total), and two Black and Decker Drills (\$100) without the legal authority to
do so. Mr. Bright has three prior convictions for Burglary on 6/27/2005, on 7/03/2006, and 4/26/2007. This incident
occurred at 156 Williamsburg Street NE within the city limits of Aiken, SC and being in violation of the SC Code of
Laws as amended.

Signature of Affiant
Anthony K Glover
Affiant's Address 251 LAURENS ST NW
AIKEN, SC 29801-
Affiant's Telephone (803)642-7620 x 0000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS STATE

It appearing from the above affidavit that there are reasonable grounds to believe that
on 12/24/2011 defendant Tyrik Gerard Bright
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of
City of Aiken)
as set forth in
DESCRIPTION OF OFFENSE: BURGULARY 2ND

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant and to bring her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant within a reasonable time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 12/29/2011
Anthony K Glover
Signature of Issuing Judge (L.S.)
Judge Code: 003

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

BAIL set by

WITNESSES

Judge

J. Gandy

on

12/30/11

Type and Amount:

\$80,000 cash

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

JAMIGING

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken VS. STATE

Tyrik Gerard Bright

AKA:

Race: Sex: M Age: 32

DOB: 10-30-1980 SS#: 249-45-8773

Address: 824 Barnwell Ave

City, State, Zip: Aiken, SC 29801-4416

DL#: 090339910 SID#: SC01240271

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

INDICTMENT/CASE#: 2012GS0200423

A/W#: 1093853

Date of Offense: 12/29/2011

S.C. Code § : 16-11-0312(B)

CDR Code #: 0086

SENTENCE SHEET

0-15 years

CONVICTED OF or PLEADS

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

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

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

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

ATTEST: McCarley, Nicholas Randolph SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 12 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:

Table with 3 columns: Description, Amount, Total. Includes items like Assessments 107.5%, Conv. Surcharge, DUI Surcharge, etc.

PTUP days/hours Public Service Employment

Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive pmts. of \$ beginning \$ paid to Public defender and Other:

Appointed PD or appointed attorney, § 47.12 requires \$500 be paid to the Public Defender during probation.

Presiding Judge Judge Code: 2053 Sentence Date: June 12, 2013

Clerk of Court/ Deputy Clerk

Court Reporter: Chen Yang

Vertical stamp: STATE OF SOUTH CAROLINA COUNTY OF AIKEN Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that foregoing constitutes true and correct copy of the original documents which have been filed in my office this JUN 13, 2013

7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): _____
 PAID FOR? YES _____ NO _____ AMOUNT OF PAYMENT(S) \$ _____
 8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? yes w/mom
 9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.?
 _____ AMOUNT \$ _____

I do solemnly swear that the information reported by me for this application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was in any way respect, entitled to, in possession, remainder or reversion, and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned, or otherwise disposed of any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the Court, part or all of such a claim is reduced to judgment by appropriate Order of the Court, after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Public Defender's Office for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

[Signature]
 Applicant

Sworn to before me this 27 day of Feb, 20 13

[Signature] Notary Public for South Carolina. My commission expires: 11/4/2030

RACE: D SEX: M AGE: 32
 SSN: 249 45 8773
 DATE OF BIRTH: 10 30 - 80
 ADDRESS: 824 Barnwell Ave
 CITY & STATE: Aiken SC 29801
 TELEPHONE: _____

IN JAIL OUT ON BOND
 DATE OF ARREST: 2-26-13
 BOND AMOUNT: _____
 BONDSMAN: _____
 CO-DEFENDANTS: _____

The applicant's request for counsel is hereby
 GRANTED
 DENIED

[Signature]
 Judge/ Clerk or Deputy Clerk
 DATE: 2-27-13

NOTICE TO APPELLATE DEFENSE

To: Division of Appellate Defense/ Office of Attorney General

From: L. Bellamy

Date: July 5, 2013

Re: Notice of Filing of Notice of Appeal

Case Name: The State v. Tyrik Gerard Bright

Case Number: 2012-GS-02-00423

County: Aiken

Date of Filing: June 21, 2013

Filed by: C. David Hayes

Judge: The Honorable J. Derham Cole

Hearing Date: June 12, 2013

Guilty plea: No