

CHARLESTON COUNTY PUBLIC DEFENDER
O. T. WALLACE COUNTY OFFICE BUILDING
101 MEETING STREET
CHARLESTON, SOUTH CAROLINA 29401

(843) 958-1850

FAX (843) 958-1860

December 7, 2023

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

RECEIVED

Dec 07 2023

SC Court of Appeals


Re: *State of South Carolina vs. Emeric Tyrone Hamilton*
Indictment: 2023GS1004605
Warrant: 2020A1021000283
Charge: Criminal Sexual Conduct with a Minor, 2nd Degree

Dear Ms. Kitchings:

Enclosed is the Notice of Intent to Appeal in the above-referenced case, together with appropriate Proof of Service upon the Circuit Solicitor and Proof of Filing with the local Clerk of Court. Also enclosed is a Request for Representation on Appeal and a copy of the Court's sentence. The Defendant-Appellant was represented by our office as an indigent, pursuant to the Defense of Indigents Act. By copy of this letter, I am forwarding a duplicate set of these documents to the South Carolina Commission of Appellate Defense.

The Request for Representation on Appeal, and the Affidavit in support thereof, have been signed by me as attorney for the Defendant-Appellant.

Sincerely,


Mary A. Ford Appointed Counsel for Emeric T. Hamilton
Charleston County Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, SC 29401

Enclosures as stated above

cc: South Carolina Commission of Appellate Defense

**CHARLESTON COUNTY PUBLIC DEFENDER
O. T. WALLACE COUNTY OFFICE BUILDING
101 MEETING STREET
CHARLESTON, SOUTH CAROLINA 29401**

(843) 958-1850

FAX (843) 958-1860

December 7, 2023

South Carolina Office of Appellate Defense
Attn: Ms. Paula Murdugh
PO Box 11589
Columbia, South Carolina 29211

Re: *State of South Carolina vs. Emeric Tyrone Hamilton*
Indictment: 2023GS1004605
Warrant: 2020A1021000283
Charges: Criminal Sexual Conduct with a Minor, 2nd Degree

Dear Ms. Murdugh:

Enclosed herein is a duplicate set of the Appeal papers which I have forwarded to the Clerk of the South Carolina Court of Appeals concerning the above-subject defendant. This defendant was represented by our office as an indigent, pursuant to the Defense of Indigents Act. It is requested that your office assume the Appeal of this case.

The name of the Court Reporter is John Cordi. I have enclosed documents usually requested by your office. Documents listed but not applicable to this particular case have been marked "N/A."

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,



Mary A. Ford Appointed Counsel for Emeric T. Hamilton
Charleston County Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, SC 29401

Enclosures as stated above

RECEIVED

Dec 07 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM CHARLESTON COUNTY
Court of General Sessions**

The Honorable Jennifer McCoy, Presiding Judge

**INDICTMENT: 2023GS1004605
WARRANT: 2020A1021000283**

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

EMERIC TYRONE HAMILTON, APPELLANT

NOTICE OF APPEAL

Emeric Tyrone Hamilton appeals his conviction and sentence in this case. The defendant was found guilty of Criminal Sexual Conduct with a Minor, Second Degree, on November 29, 2023. The Honorable Jennifer McCoy sentenced him to Twenty (20) years for Criminal Sexual Conduct with a Minor, Second Degree, on November 29, 2023.



Mary A. Ford, Appointed Counsel for Emeric Tyrone Hamilton
Charleston County Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, SC 29401

Other counsel of record are:
Lauren M. Frierson, Assistant Solicitor
Office of the Solicitor, Ninth Judicial Circuit
O.T. Wallace County Office Building
101 Meeting Street, 4th Floor
Charleston, SC 29401
(843) 958-1900

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM CHARLESTON COUNTY
Court of General Sessions**

The Honorable Jennifer McCoy, Presiding Judge

**INDICTMENT: 2023GS1004605
WARRANT: 2020A1021000283**

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

EMERIC TYRONE HAMILTON, APPELLANT

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, on December 07, 2023.



LaShonda C. Ravenell
Paralegal to Mary A. Ford
Charleston County Public Defender
O. T. Wallace County Office Building
101 Meeting Street, 5th Floor
Charleston, SC 29401
(843) 958-1850

Dated: 12/7/2023

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM CHARLESTON COUNTY
Court of General Sessions**

The Honorable Jennifer McCoy, Presiding Judge

**INDICTMENT: 2023GS1004605
WARRANT: 2020A1021000283**


STATE OF SOUTH CAROLINA, RESPONDENT

VS.

EMERIC TYRONE HAMILTON, APPELLANT

NOTICE OF APPEAL

Emeric Tyrone Hamilton appeals his conviction and sentence in this case. The defendant was found guilty of Criminal Sexual Conduct with a Minor, Second Degree, on November 29, 2023. The Honorable Jennifer McCoy sentenced him to Twenty (20) years for Criminal Sexual Conduct with a Minor, Second Degree, on November 29, 2023.


Mary A. Ford, Appointed Counsel for Emeric Tyrone Hamilton
Charleston County Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, SC 29401

Other counsel of record are:
Lauren M. Frierson, Assistant Solicitor
Office of the Solicitor, Ninth Judicial Circuit
O.T. Wallace County Office Building
101 Meeting Street, 4th Floor
Charleston, SC 29401
(843) 958-1900

BY _____
JULIE J. ARMSTRONG
CLERK OF COURT
2023 DEC -7 PM 3:22

FILED

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM CHARLESTON COUNTY
Court of General Sessions**

The Honorable Jennifer McCoy, Presiding Judge

**INDICTMENT: 2023GS1004605
WARRANT: 2020A1021000283**

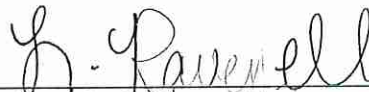
STATE OF SOUTH CAROLINA, RESPONDENT

VS.

EMERIC TYRONE HAMILTON, APPELLANT

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, on December 07, 2023.



LaShonda C. Ravenell
Paralegal to Mary A. Ford
Charleston County Public Defender
O. T. Wallace County Office Building
101 Meeting Street, 5th Floor
Charleston, SC 29401
(843) 958-1850

Dated: 12/7/2023

2023 DEC -7 PM 3:22
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

STATE OF SOUTH CAROLINA)	IN THE SOUTH CAROLINA COURT OF APPEALS
)	
COUNTY OF CHARLESTON)	Indictment: 2023GS1004605
)	Warrant: 2020A1021000283
)	Charge: Criminal Sexual Conduct with a Minor, 2 nd Degree
)	
)	
STATE OF SOUTH CAROLINA)	
)	
vs.)	REQUEST FOR REPRESENTATION
)	ON APPEAL
EMERIC TYRONE HAMILTON)	
)	
Defendant)	
_____)	

On behalf of the request of the above-named Defendant, to be represented by the South Carolina Commission of Appellate Defense, the undersigned attorney would show unto this Honorable Court that:

1. She is the attorney for the defendant-appellant in the above captioned case. The defendant has requested to file an appeal with the Clerk of Court, and she is filing on his behalf.
2. The defendant-appellant was represented by the Charleston County Public Defender's Office as an indigent, pursuant to the Defense of Indigent Act.
3. The defendant-appellant has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.
4. A timely Notice of Intention to Appeal has been filed on the defendant's-appellant's behalf.
5. The defendant-appellant has been informed that nothing requires that office to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the defendant-appellant requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal to the South Carolina Court of Appeals.


Mary A. Ford # 73776
 Appointed Counsel for
 Emeric Tyrone Hamilton

Charleston, South Carolina

Dated: 12/7/23

Judge Haselden
on 5/19/2000
Type and Amount: no bond.
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: WADP
DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, noli. pros., etc.)

Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2020 MAY 22 AM 11:20

FILED

Personally appeared before me, a magistrate of this County, Det. T. Crider who first being duly sworn, deposes and says that:

EMERIC TYRONE HAMILTON

did within this County and State on April 19, 2018 did violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
Criminal Sexual Conduct w/ Minor 2nd Degree
Violation Section 16-3-655 (B)(1)

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on April 19, 2018 while at 2934 Alabama Drive, which is located in the City of North Charleston, Charleston County and State of South Carolina aforesaid the above named defendant, **Emeric Tyrone Hamilton** did violate section **16-3-655 (B)(1)** of the South Carolina State Code of Laws of 1976 as amended; **Criminal Sexual Conduct w/ Minor 2nd Degree** in that he did willfully, unlawfully and feloniously commit sexual battery against the victim, who was eleven years of age, while he was forty-five years old.

That on April 19, 2018 at approximately 2100 hours officers with the North Charleston Police Department met with the victim and her mother in reference to the victim being found in the Waylyn neighborhood after being reported as a runaway. The victim's mother told officers that she was told by an unidentified subject that the victim had "something nasty" done to her by an unknown male. The victim would not disclose any information to the officers about what had happened.

Shortly after leaving, officers were called back to meet with the victim and her mother because the victim was now revealing that she was sexually assaulted. When officers arrived back on scene the victim was being treated by EMS. The victim's mother stated that when she picked her daughter up in the area of Lexington Avenue and Alabama Drive the victim pointed out this "thirty-year old black male" so she approached him and asked him what he did to her daughter. The male reported to the victim's mother that he didn't know anything about her daughter and that she needed to get off his property.

An officer(Pfc. S. Fortier) interviewed the victim while she was in the back of EMS and she stated that she was walking in the road when the defendant grabbed her and pulled her into his residence, as listed above. The victim stated that the defendant took her to a back bedroom despite her telling him to stop multiple times. The defendant closed the door took off all her clothes and then took off all of his clothes. The victim says that the defendant put his penis into her vagina and that he sexually assaulted her twice. In speaking with the officer the victim stated the defendant smelled like the alcohol, tried to make her smoke marijuana, and that the suspect had just gotten out of jail. The victim was able to describe the residence and point it out to the officers.


Further information was gathered about the defendant on October 29, 2019 so the case was reexamined. The victim's mother was asked to come in on October 30, 2019 to look at six-pack line ups that were put together. The victim's mother was able to identify the defendant as being the person the victim pointed out the night of the sexual assault and as being the person she confronted about sexually assaulting her daughter. It was found that the defendant had just been released from Al Cannon Detention Center on April 18, 2019 at 2215 hours.

The victim was taken down to The Medical University of South Carolina for a sexual assault exam(SANE). The sexual assault kit was picked up by J. Ong formerly of the North Charleston Crime Scene Division on April 23, 2018 and then sent to The South Carolina Law Enforcement Division. On September 28, 2018 a Forensic Services Laboratory Report was sent out and according to the serology analysis there was semen present in the victim's rectal swabs. There was suspected saliva present on the bilateral buttocks.

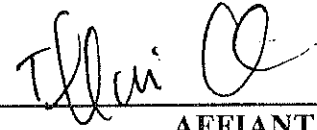
On January 23, 2020 I received a CODIS Hit Notification stating that the DNA(semen) found had a high stringency match between the DNA profile entered into CODIS as 18-09664-1.3S and the DNA profile contained within the South Carolina State DNA Database identified as belonging to the defendant. There was also a mixture of saliva from two individuals found on the bilateral buttocks but the DNA profile of the major contributor has been identified as 18-09664.1.3S, which belongs to the defendant.

This information was gained through the investigation of Detective Tiffani Crider and Pfc. Sarah Fortier of the North Charleston Police Department and they are witnesses to prove the same in such case, which is made and provided against the peace and dignity of the State of South Carolina.

Sworn to and Subscribed before me
this 3 day of Mar
2020.


Samuel M. Coleman

Signature of Judge



AFFIANT

Address: 2500 CITY HALL LANE
N.CHAS S.C. 29406
Phone: 843-554-5700

ORIGINAL

DOCKET NO. 2023-GS-10-04605

The State of South Carolina
County of Charleston

LBM/0368277
WITNESSES

North Charleston Police Department

C. Ross

AGENCY CASE NUMBER

2018-011240

ARREST WARRANT NUMBER

2020A1021000283

DATE OF ARREST

05/18/2020

ACTION OF GRAND JURY

TRUE BILL

W. E. Howard
Foreperson of Grand Jury

Date:

SEP 12 2023

VERDICT

GUILTY

ke RO

Foreperson of Petit Jury

11/29/23

Date:

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2023

THE STATE

VS.

EMERIC TYRONE HAMILTON
B/M DOB: 02-17-1973

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE

SC Code: § 16-03-0655(B)(1)
CDR Code: 0396

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened September 2023, the Grand Jurors of Charleston County present upon their oath:

Criminal Sexual Conduct With A Minor, Second Degree

That in Charleston County, South Carolina, on or about April 19, 2018, the Defendant, Emeric Tyrone Hamilton, did commit or attempted to commit, a sexual battery to wit: vaginal intercourse upon a minor, Jay'naia Harrison, who was fourteen years of age or less but who was at least eleven years of age in violation of Sections 16-3-655(B)(1) 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.


LAUREN M. FRIERSON
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON)

STATE)

INDICTMENT/CASE#: 2023-GS-10-04605

VS.)

EMERIC TYRONE HAMILTON)

A/W#: 2020A1021000283

AKA: Tyrone Hamilton, Emeric T Hamilton)

Date of Offense: 04/19/2018

Race: Black Sex: M Age: 50)

S.C. Code §: 16-03-0655(B)(1)

DOB: 02/17/1973 SS#: 248-21-8844)

CDR Code #: 0396

Address: 2934 Alabama Drive)

City, State,)

SENTENCE SHEET

Zip: North Charleston, SC 29405-7373)

DL#* 004046283 SID# SC00796594)

*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: Criminal Sexual Conduct With A Minor, Second Degree (C-20)

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

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. (def.'s initials)

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

ATTEST:

	77023		73776
Lauren M. Frierson, Assistant Solicitor	SC Bar #	Defendant	Attorney for Defendant SC Bar #

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

for a determinate term of 20 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.

34 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.

SPECIAL CONDITIONS:

STATE EMERIC TYRONE
VS. HAMILTON

INDICTMENT/CASE#: 2023-GS-10-04605

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 Victim
- 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 _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: **Deferred** **Def. Waives Hearing** **Ordered**

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

Payment Terms: _____ 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
§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		\$
§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		\$ 3.75
<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			\$ 128.75

Clerk of Court/Deputy Clerk: John Cord
Court Reporter: _____

Presiding Judge: [Signature]
Judge Code: 2764
Sentence Date: 11/29/2023

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
STATE OF SOUTH CAROLINA)
)
)
)
vs.)
)
EMERIC TYRONE HAMILTON)

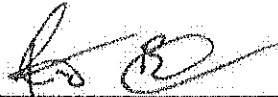
IN THE COURT OF GENERAL SESSIONS
INDICTMENT No(s): 2023GS1004605

VERDICT FORM

1. As to the charge of **CRIMINAL SEXUAL CONDUCT WITH A MINOR SECOND DEGREE**, we the jury unanimously find the Defendant (Check One):

Not Guilty.
 Guilty.

I certify that this is the unanimous decision of the jury.



Foreperson

November 29, 2023
Charleston, South Carolina

When you have completed your deliberations, please notify the bailiff.

APPELLATE DEFENSE CHECKLIST

The documents forwarded with this letter have had a check mark placed by them. Documents not applicable to this case have been marked N/A. All other documents will be forwarded at a later date.

1. Copy of Appeal papers sent to S.C. Court of Appeals
2. Copy of Warrants and accompanying Affidavits
3. Copy of Indictments
4. Copy of written Motions
- N/A 5. Copy of written Request to Charge
- N/A 6. Copy of Defendant's Statement
- N/A 7. Copy of Written Exhibits introduced at trial
8. Copy of Sentencing Sheet