

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY  
The Honorable Perry M. Buckner, III, Circuit Court Judge

Case No: 2013-GS-38-862

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The State . . . . . Respondent

vs.

Tyrus Dwayne Brown . . . . . Appellant

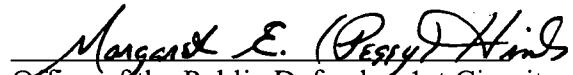
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**NOTICE OF APPEAL**

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Tyrus Brown appeals his guilty plea and sentence in this case. The sentence was imposed by The Honorable Perry M. Buckner, III, on August 15, 2013.

August 21, 2013

  
Office of the Public Defender, 1st Circuit  
Peggy Hinds  
Deputy Public Defender  
P.O. Box 1112  
Orangeburg, SC 29116-1112  
803-531-7090  
Attorney for Appellant

Office of the Solicitor, 1st Circuit  
Tommy B. Scott  
Assistant Solicitor  
P.O. Box 1525  
Orangeburg, SC 29115  
(803) 533-6252  
Attorney for Respondent

STATE OF SOUTH CAROLINA, )  
 )  
COUNTY OF ORANGEBURG. )  
 )  
State of South Carolina, )  
 )  
vs. )  
 )  
 )  
 )  
Tyrus Dwayne Brown )  
Appellant. )

---

IN THE SOUTH CAROLINA COURT OF  
APPEALS

2013-GS-38-862

ACCEPTANCE OF SERVICE

Due and legal service of the within *Notice of Appeal and Explanation of Appeal* by the attorney for the above defendant, in the above entitled action is hereby accepted and a copy retained by Solicitor, David M. Pascoe, Jr., in Orangeburg, South Carolina, this 23 day of August 2013.

DMP/mce  
Solicitor

**RECEIVED**  
AUG 26 2013  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY  
The Honorable Perry M. Buckner, III, Circuit Court Judge

Case No: 2013-GS-38-862

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The State . . . . . Respondent

vs.

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**EXPLANATION OF APPEAL**

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Tyrus Brown appeals his guilty plea and sentence in the aforementioned cases. After his guilty plea, Mr. Brown expressed his desire to appeal his sentence. As his attorney, it is my duty to carry out his request.

August 21, 2013

  
Office of the Public Defender, 1st Circuit  
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P.O. Box 1112  
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803-531-7090  
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Tommy B. Scott  
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P.O. Box 1525  
Orangeburg, SC 29115  
(803) 533-6252  
Attorney for Respondent

**RECEIVED**

AUG 26 2013

**SC Court of Appeals**

2013A3810200176

STATE OF SOUTH CAROLINA

County/  Municipality of

Orangeburg

THE STATE  
against

Tyrus Dwayne Brown

Address: [REDACTED]

[REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 6 Weight: 240

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0380000

Prosecuting Agency: Orangeburg County Sheriff

Prosecuting Officer: Lamonte Edwards - 1036

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

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.

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to defendant Tyrus Dwayne Brown on 5-19-13

[Signature]  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

~~Control Region Magistrate  
1540 Ellis Avenue  
P.O. Box 9000  
Orangeburg, SC 29116~~

Ct. of Gen Sess.  
151 Docket St  
Orangeburg, S.C.

Jacob Gillens Sr. (L.S.)  
Signature of Issuing Judge  
Judge Code: 5558

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
Orangeburg

AFFIDAVIT

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

Personally appeared before me the affiant Lamonte Edwards  
being duly sworn deposes and says that defendant Tyrus Dwayne Brown

did within this county and state on or about 5/18/2013 violate the criminal laws of the

State of South Carolina (or ordinance of  County/  Municipality of Orangeburg)

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree  
WINNIE B. CLARK  
CLERK OF COURT  
ORANGEBURG, SC

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:

Based on investigation by the OCSO that one Tyrus D Brown did commit the offense of Burglary 1st in that he did enter the residence of the victim, Deborah N Blacknell with intent to steal items once within the residence. Tyrus D Brown along with a co-defendant placed electronics and other items belonging to the victim in piles throughout the residence. The defendant also had a silver charm bracelet and brown glove belonging to the victim on his person when taken into custody. This incident took place during nighttime hours. This incident occurred in the County of Orangeburg state of South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
Orangeburg

Affiant's Address P. O. Box 9000  
Orangeburg, SC 29116-  
Affiant's Telephone \_\_\_\_\_

FILED FOR RECORD  
WINNIE B. CLARK  
CLERK OF COURT  
ORANGEBURG, SC

2013 MAY 29 AM 9:10

TEST: TRUE COPY  
Winnie B. Clark  
CLERK OF COURT  
ORANGEBURG COUNTY, SC

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/18/2013 defendant Tyrus Dwayne Brown

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Orangeburg) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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

on 5/19/2013

Judge's Address Post Office Box 154  
Holly Hill, SC 29059  
Judge's Telephone (803)496-9533

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge JACOB Gillens, SR.  
on 5-19-13  
Type and Amount: 50,000.<sup>00</sup> C/S  
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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES

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

\_\_\_\_\_  
\_\_\_\_\_



ATTEST: TRUE COPY

*Winnie B. Clark*

CLERK OF COURT  
ORANGEBURG COUNTY, SC

Jail

DEFENSE OF INDIGENT

APPOINTMENT SHEET

RECEIVED  
JUL -9 2013  
BY: \_\_\_\_\_

IN THE COURT OF GENERAL SESSIONS

STATE OF S.C. VS. Tyrus D Brown

THE ABOVE DEFENDANT, AFTER APPLYING UNDER INDIGENT STATUS HAS BEEN FOUND TO QUALIFY FOR A PUBLIC DEFENDER.

IT IS THEREFORE ORDERED THAT

(CIRCLE ONE OF THE FOLLOWING)

- PEGGY HINDS
- R. DOUGLAS MELLARD
- JILLIAN ULLMAN
- BREEN STEVENS

2013 JUN 28 AM 11:15  
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CLERK OF COURT  
ORANGEBURG COUNTY, SC

IS HEREBY APPOINTED TO REPRESENT SAID DEFENDANT THIS

28 DAY OF June, 2013

2013 AUG 23 AM 10:39  
FILED FOR RECORD  
WINNIE B. CLARK  
CLERK OF COURT  
ORANGEBURG COUNTY, SC

Winnifera B. Clark  
CLERK OF COURT

CHARGES(S): 2013A3810200176

APPOINTMENT MADE IN PERSON/IN  JAIL (CIRCLE ONE)

\$40.00 FEE PAID/  DUE (CIRCLE ONE)

FIRST APPEARANCE DATE: \_\_\_\_\_

ATTEST: TRUE COPY  
Winnifera B. Clark  
CLERK OF COURT  
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg
STATE VS.
Tyrus Dwayne Brown

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS38-0862
A/W#: 2013A3810200176
Date of Offense: 5/18/2013
S.C. Code § : 16-11-311
CDR Code #: 0079

AKA:
Race: BLACK Sex: M Age: 32
DOB:
Address:
City, State, Zip:
DL#:
SID#:
\*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: Burglary (Non - Violent) - Second Degree

CONVICTED OF or PLEADS

in violation of § 16-11-312 of the S.C. Code of Laws, bearing CDR Code # 0080
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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: Scott, III, Thomas B 15881 Defendant Attorney for Defendant 11759 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 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
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

PTUP
days/hours Public Service Employment

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL \$133.90

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 weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: RECOMMEND ATV WHILE INCARCERATED

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WITH CLERK OF COURT
ORANGEBURG, SC

APPOINTED TRUE COPY
Appointed PD or appointed other counsel,
§ 47-12 requires \$500 be paid to Clerk
during probation.
CLERK OF COURT
ORANGEBURG COUNTY, SC
Presiding Judge
Judge Code: 0122
Sentence Date: 8/15/2013

Clerk of Court/ Deputy Clerk V. Glenn
Court Reporter: Hilda Jordan
SCCA/217 (03/2011)

**WITNESSES**

Lamonte Edwards

Orangeburg County Sheriff

**ARREST WARRANT NUMBER**

2013A3810200176

Arrested: May 19, 2013

**ACTION OF GRAND JURY**  
**TRUE BILL**  
*[Signature]*  
 AUG 07 2013  
 Date  
 Foreperson of Grand Jury  
 Date: August 7, 2013

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2013GS38-0862

**The State of South Carolina**

County of ORANGEBURG

2013 AUG 23 AM 10:39

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WINNIE B. CLARK  
CLERK OF COURT  
ORANGEBURG, SC

**COURT OF GENERAL SESSIONS**

August 12, 2013 TERM

**THE STATE**

vs.

Tyrus Dwayne Brown

**Indictment for**

**BURGLARY - FIRST DEGREE**

SC Code: 16-11-311

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.

COPIES: 10  
Winnie B. Clark  
CLERK OF COURT  
ORANGEBURG COUNTY SC

FILED FOR RECORD  
WINNIE B. CLARK  
CLERK OF COURT  
ORANGEBURG, SC

2013 AUG - 7 AM 10: 59



# Office of the Public Defender

First Judicial Circuit



107 W. 6th North Street  
Suite 100  
Summerville, SC 29483  
(843) 821-9800  
FAX (843) 871-0523

5200 East Jim Bilton Boulevard  
Dorchester County Courthouse  
St. George, SC 29477  
(843) 832-0154

372 St. Paul Street  
Covington Bldg., Rooms 8-9  
PO Box 1112  
Orangeburg, SC 29116-1112  
(803) 531-7090  
FAX (803) 531-0977

716 Huff Drive  
St. Matthews, SC 29135  
(803) 874-2100  
FAX (803) 874-2400

**MARK A. LEIENDECKER**  
Circuit Public Defender

## VIA CERTIFICATE OF MAILING

The Honorable Jenny A. Kitchings  
Clerk of Court  
SC Court of Appeals  
PO Box 11629  
Columbia, SC 29201

**Re: State v. Tyrus Dwayne Brown**  
Charge(s): Burglary 1st  
Warrant/Ticket No(s): 2013A3810200176

Dear Ms. Kitchings:

Enclosed please find the original Notice of Appeal, Explanation of Appeal and proof of service together with two copies. Also enclosed you will find certified true copies of the warrant(s), assignment sheet, sentencing sheet(s), and the indictment(s) in this case.

Please file the original and have the copies clocked in and returned to me in the enclosed, stamped, self-addressed envelope. As you can see, the defendant is indigent and accordingly there should be no docketing fee.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

ORANGEBURG COUNTY PUBLIC DEFENDER

A handwritten signature in black ink that reads "Margaret E. (Peggy) Hinds". The signature is written in a cursive, flowing style.

Peggy Hinds, Esq.  
Deputy Public Defender

MEH/ldk  
Enclosures: As stated.  
cc: Ms. Lorieane Whitt French

**RECEIVED**

AUG 26 2013

**SC Court of Appeals**