

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

Deadra L. Jefferson, Circuit Court Judge

RECEIVED

JAN 16 2014

S.C. Supreme Court

LATRON BRYANT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001850

APPENDIX

DAVID ALEXANDER
Appellate Defender

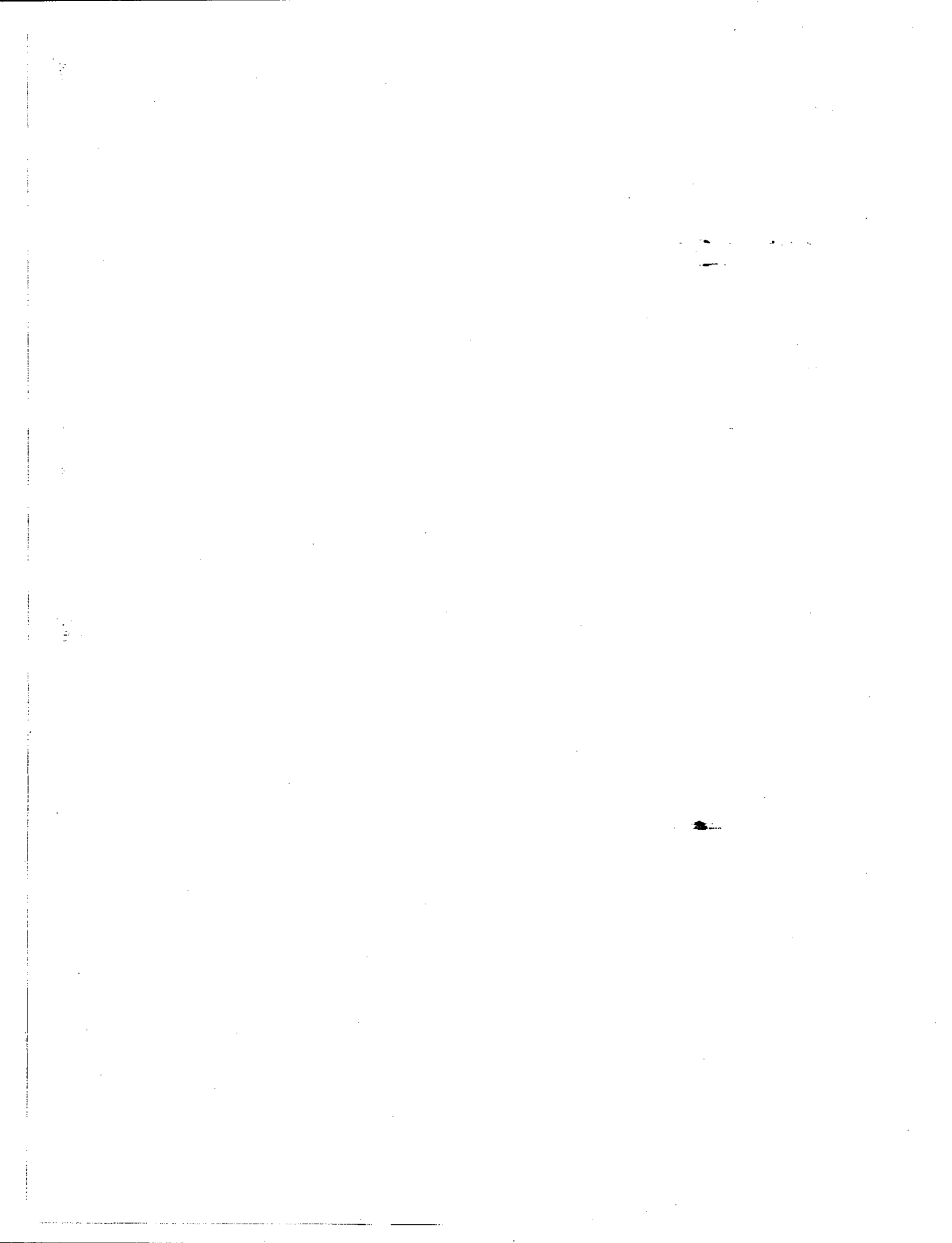
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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT



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STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	11-GS-10-02286
COUNTY OF CHARLESTON)	

STATE OF SOUTH CAROLINA,)	
)	
PLAINTIFF)	
)	
vs.)	TRANSCRIPT OF RECORD
)	ORIGINAL
LATRON ANTWON BRYANT,)	
)	
DEFENDANT.)	

JUNE 21, 2011
 CHARLESTON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE L. CASEY MANNING, JUDGE.

A P P E A R A N C E S:

DALE SAVAGE, ESQ.,
 Attorney for the State.

MARY FORD, ESQ.,
 Attorney for the Defendant.

VIVIAN H. CROSS
 OFFICIAL COURT REPORTER

I-N-D-E-X
JUNE 21, 2011
STATE OF SOUTH CAROLINA v.
LATRON ANTWON BRYANT
(PLEA HEARING)
(11-GS-10-02286)

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E X H I B I T S

IDENTIFICATION

ENTERED

*****NO EXHIBITS OFFERED*****

PROCEEDINGS

(CASE NO.: 11-GS-10-02286)

(JUNE 21, 2011 - 11:50 A.M.)

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MR. SAVAGE: Latron Bryant.

THE COURT: Bryant? (After pause) Yes, sir?

MR. SAVAGE: Thank you, Your Honor; this is State versus Latron Bryant. Uh -- Mr. Bryant is represented by Ms. Mary Ford from the Public Defender's Office and is pleading guilty to Burglary in the First Degree.

THE COURT: All right, uh, Ms. Ford, you represent, uh, Latron Bryant?

MS. FORD: Yes, sir, Your Honor.

THE COURT: Have you explained to Mr. Bryant the charge contained in this indictment, the possible punishment, and his rights, including his constitutional right to a jury trial?

MS. FORD: I have, Your Honor.

THE COURT: In your opinion does Mr. Bryant understand the charge, the punishment, and his rights?

MS. FORD: Yes, sir.

THE COURT: All right; has he indicated to you he wishes to plead guilty or not guilty?

MS. FORD: Guilty.

THE COURT: Do you agree with his decision to plead guilty?

1 MS. FORD: I do, Your Honor.

2 THE COURT: From your investigation of the facts and
3 circumstances surrounding this case, do you feel that The
4 State could produce sufficient evidence to convince a jury
5 here in Charleston County of Mr. Bryant's guilt beyond a
6 reasonable doubt and if he were to stand trial on this charge
7 his conviction would be probable?

8 MS. FORD: Yes, Your Honor.

9 THE COURT: Has Mr. Bryant been ordered to submit to a
10 mental examination to determine his competency to stand
11 trial?

12 MS. FORD: No, Your Honor.

13 THE COURT: Any question in your mind, Ms. Ford, that
14 Mr. Bryant is in fact competent to enter this guilty plea?

15 MS. FORD: No question, Your Honor.

16 THE COURT: You are Latron Bryant, is that correct?

17 MR. BRYANT: Yes, sir.

18 THE COURT: Mr. Bryant, before I can accept your plea of
19 guilty, it's necessary for me to make sure that you are
20 making this plea freely and voluntarily. To do that, sir, I
21 need to ask you a series of questions.

22 At any point during my questioning of you, if you do not
23 understand anything I say, any words that I use, please stop
24 me. I'll be more than happy to repeat to explain anything I
25 say, Mr. Bryant.

1 Additionally, I'll be more than happy to stop this plea
2 and allow you as much time as you feel you may need to
3 consult with you lawyer, Ms. Ford.

4 Do you understand, sir?

5 MR. BRYANT: Yes, sir.

6 THE COURT: How old are you, Mr. Bryant?

7 MR. BRYANT: Twenty -- well, I'm not twenty I'm nineteen
8 going on twenty.

9 COURT REPORTER: I didn't understand.

10 THE COURT: All right, you're born on
11 is that correct?

12 MR. BRYANT: Yes, sir.

13 THE COURT: How far did you go in school?

14 MR. BRYANT: I got my G-E-D.

15 THE COURT: All right, what kind of work do you do?

16 MR. BRYANT: (No response.)

17 THE COURT: What kind of work do you do or have you
18 done?

19 MR. BRYANT: What kind of work? Construction.

20 THE COURT: I beg your pardon?

21 MR. BRYANT: Construction.

22 THE COURT: All right. Mr. Bryant, have you ever been
23 treated for the abuse of alcohol or drugs or for mental
24 illness?

25 MR. BRYANT: No, sir.

1 **THE COURT:** Have you taken any medications, drugs, or
2 alcohol in the past twenty-four hours?

3 **MR. BRYANT:** No, sir.

4 **THE COURT:** Are you today aware of any physical,
5 nervous, or emotional problem that might keep you from
6 understanding what you're doing?

7 **MR. BRYANT:** No, sir.

8 **THE COURT:** You know what you're doing, Mr. Bryant; is
9 that correct?

10 **MR. BRYANT:** Yes, sir.

11 **THE COURT:** Do you agree, Ms. Ford, that Mr. Bryant
12 knows, understands and appreciates what he's doing here this
13 morning?

14 **MS. FORD:** I do, Your Honor.

15 **THE COURT:** Mr. Bryant, you heard you lawyer, Ms. Ford,
16 tell me that she has explained to you the charge contained in
17 this indictment, the possible punishment and your rights,
18 including your right to a jury trial and that you understand
19 these things; is that correct?

20 **MR. BRYANT:** Yes, sir.

21 **THE COURT:** Mr. Bryant, you are before me on indictment
22 number 2011-2286, *The State versus Latron Bryant*. This is an
23 indictment for Burglary in the First Degree.

24 Do you understand this charge, sir?

25 **MR. BRYANT:** Yes, sir.

1 THE COURT: This indictment, Mr. Bryant, alleges that
2 you did, here in Charleston County, on or about December the
3 1st of 2010, enter the dwelling of Sarah Sparrow (phonetic),
4 located at North Charleston,
5 without consent and with the intent to commit a crime
6 therein.

7 Additionally it says that you were armed with a handgun
8 or a knife during the commission of this burglary.

9 Do you understand this allegation, Mr. Bryant?

10 MR. BRYANT: I---

11 THE COURT: Do you understand this allegation; what I
12 just read to you?

13 MR. BRYANT: Yes, sir.

14 THE COURT: This is what you want to plead guilty to?

15 MR. BRYANT: Yes, sir.

16 THE COURT: Mr. Bryant, do you realize that by pleading
17 guilty to Burglary in the First Degree, sir, you can go to
18 jail between fifteen years to life? Do you understand that?

19 MR. BRYANT: Yes, sir.

20 THE COURT: Knowing that, sir -- that you could go to
21 jail for up to life for pleading guilty to Burglary in the
22 First Degree -- do you still wish to plead guilty to it?

23 MR. BRYANT: Yes, sir.

24 THE COURT: Mr. Bryant, when you plead guilty you have
25 to give up certain basic rights.

1 First of all, you have to give up your right to remain
2 silent. Now, this is your right against self-incrimination,
3 Mr. Bryant; your right to say nothing at all. No one can
4 compel you to come into Court to provide evidence or to
5 testify against yourself.

6 Do you understand this, sir?

7 MR. BRYANT: Yes, sir.

8 THE COURT: Secondly, Mr. Bryant, when you plead guilty
9 you have to give up your right to a jury trial. That is,
10 your right for a jury here in Charleston County to decide
11 whether or not you're guilty of this crime beyond a
12 reasonable doubt.

13 A jury would base its decision on whatever evidence The
14 State would introduce at trial against you and also on
15 whatever evidence you and your lawyer, Ms. Ford, may wish to
16 introduce.

17 Now, Mr. Bryant, I emphasize 'may wish to introduce,'
18 sir, because in a trial you'd be presumed innocent; would not
19 have to prove anything and you could not be convicted unless
20 The State convinced all twelve jurors of your guilt beyond a
21 reasonable doubt. The jury's decision would have to be
22 unanimous; all twelve would have to agree that you broke into
23 this house.

24 Do you understand that, sir?

25 MR. BRYANT: Yes, sir.

STATE v. LATRON A. BRYANT
PLEA HEARING

1 THE COURT: Thirdly, Mr. Bryant, when you plead guilty
2 you give up your right to confront and to be confronted by
3 the witnesses against you. That is, your right to see, hear
4 and cross-examine any witnesses The State may call to testify
5 against you during a trial.

6 In addition, Mr. Bryant, by pleading guilty you give up
7 your right to subpoena and call witnesses on your own behalf.
8 That is, someone who may testify for you.

9 Do you understand this, sir?

10 MR. BRYANT: Yes, sir.

11 THE COURT: Now, do you understand these rights I just
12 mentioned to you, Mr. Bryant?

13 MR. BRYANT: Yes, sir.

14 THE COURT: Do you understand, sir, that when you plead
15 guilty you have to give up these constitutional rights?

16 MR. BRYANT: Yes, sir.

17 THE COURT: Now, is that what you want to do?

18 MR. BRYANT: Yes, sir.

19 THE COURT: Do you want to give up your constitutional
20 rights?

21 MR. BRYANT: Yes, sir.

22 THE COURT: Now, you realize you will not receive a jury
23 trial on this charge by pleading guilty to it?

24 MR. BRYANT: Yes, sir.

25 THE COURT: And once again, Mr. Bryant, you're pleading

1 guilty to Burglary in the First Degree. That carries a
2 prison term of fifteen years to life. You're giving up all
3 your constitutional rights.

4 Now, sir, considering what I just said to you, I'll ask
5 you once again, how do you wish to plea to this charge?
6 Guilty or not guilty?

7 MR. BRYANT: Guilty.

8 THE COURT: Mr. Bryant, do you realize that when you
9 plead guilty you admit the truth of the allegation contained
10 in this indictment against you? Do you understand that?

11 MR. BRYANT: Yes, sir.

12 THE COURT: I tell you that, Mr. Bryant, because you may
13 have some defenses to this charge. Of course, I have no way
14 of knowing that, but do you realize that by pleading guilty
15 here today you give up any defenses you might have? Do you
16 understand that?

17 MR. BRYANT: Yes, sir.

18 THE COURT: Additionally I tell you that, Mr. Bryant,
19 because when you were arrested by The Charleston County
20 Sheriff's Department you may have given some type of
21 incriminating statement. That is, made some admission or
22 confession about your guilt.

23 You need to realize that by pleading guilty here today
24 you waive your right to later on challenge or contest that
25 you gave any statements, whether or not they were taken or

1 obtained from you freely and voluntarily in accordance with
2 your constitutional rights. Do you understand that?

3 MR. BRYANT: Yes, sir.

4 THE COURT: Now, Mr. Bryant, I'll ask you once again,
5 did you commit this offense?

6 MR. BRYANT: Yes, sir.

7 THE COURT: So once again, Mr. Bryant, are you telling
8 me you're pleading guilty to indictment 2011-2286, Burglary
9 in the First Degree, sir, because you did in fact, here in
10 Charleston County, on or about December the 1st of 2010 break
11 into Sarah Sparrow's house located at 2929 Salamander Creek
12 Lane, North Charleston, South Carolina? You're pleading
13 guilty because you broke into this house, is that correct?

14 MR. BRYANT: Yes, sir.

15 THE COURT: And you were armed with a knife or some sort
16 of a handgun at the time that you committed the offense.

17 Uh, what are the plea negotiations, Solicitor? It
18 appears to be none.

19 MR. SAVAGE: Yeah, The State is, uh, dropping the gun
20 charge associated with this.

21 THE COURT: Anything additional, Ms. Ford, that needs to
22 be added to the record in connection with any plea
23 negotiations or any recommendations?

24 MS. FORD: No, Your Honor.

25 THE COURT: Do you still wish to continue to plead

1 guilty, Mr. Bryant?

2 MR. BRYANT: Yes, sir.

3 THE COURT: Now, sir, has anyone promised you anything
4 or has anyone held out any hope of reward in order to get you
5 to plead guilty?

6 MR. BRYANT: No, sir.

7 THE COURT: Has anyone threatened you or used force to
8 get you to plead guilty?

9 MR. BRYANT: No, sir.

10 THE COURT: Has anyone used any pressure or intimidation
11 to cause you to plead guilty?

12 MR. BRYANT: No, sir.

13 THE COURT: Have you had enough time to make up your
14 mind as to whether or not you want to plead guilty?

15 MR. BRYANT: Yes, sir.

16 THE COURT: Are you pleading guilty of your own free
17 will and accord?

18 MR. BRYANT: Yes, sir.

19 THE COURT: Now, Mr. Bryant, are you satisfied with the
20 manner in which your lawyer here, Ms. Ford, the way she has
21 advised and represented you on this charge?

22 MR. BRYANT: Yes, sir.

23 THE COURT: Have you talked with her for as long and as
24 often as you feel it necessary for her to properly represent
25 you?

1 MR. BRYANT: Yes, sir.

2 THE COURT: Do you need any more time to talk to her?

3 MR. BRYANT: No, sir.

4 THE COURT: Have you understood your talks with her?

5 MR. BRYANT: Yes, sir.

6 THE COURT: Mr. Bryant, has Ms. Ford done everything for
7 you you feel she should do or could do on your behalf in
8 advising and representing you on this charge?

9 MR. BRYANT: Yes, sir.

10 THE COURT: Has she done anything you feel she should
11 not have done?

12 MR. BRYANT: No, sir.

13 THE COURT: Are you completely satisfied with her
14 services?

15 MR. BRYANT: Yes, sir.

16 THE COURT: Any complaints, Mr. Bryant, against anyone
17 at the Charleston County Sheriff's Department?

18 MR. BRYANT: (No response.)

19 THE COURT: Any complaints against anyone at the
20 Charleston County Sheriff's Department?

21 MR. BRYANT: No, sir.

22 THE COURT: Any complaints against anyone working here
23 in the Solicitor's Office?

24 MR. BRYANT: No, sir.

25 THE COURT: Have you understood my questions,

1 Mr. Bryant?

2 MR. BRYANT: Yes, sir.

3 THE COURT: Is there anything you want to ask me about
4 what I just went over with you? Anything at all?

5 MR. BRYANT: No, sir.

6 THE COURT: Mr. Bryant, do you realize you have -- you
7 have a right to appeal this guilty plea and whatever sentence
8 I may impose upon you, but if you're going to appeal you need
9 to file a Notice of Intent to Appeal within ten days from
10 today's date? Do you understand that, sir?

11 MR. BRYANT: Yes, sir.

12 THE COURT: Also, Mr. Bryant, once you're in Department
13 of Corrections, if you later on feel or find that you have
14 some complaints against the Charleston County Sheriff's
15 Department, against your lawyer, Ms. Ford, or against the
16 Solicitor's Office or anybody else involved in your case, you
17 need to make those complaints known by filing a post
18 conviction relief application within one year of today's
19 date. Do you understand that, sir?

20 MR. BRYANT: Yes, sir.

21 THE COURT: Very well; Solicitor, be happy to hear about
22 it.

23 MR. SAVAGE: Thank you, Your Honor; may it please The
24 Court.

25 This incident occurred on December 1st 2010 at 2929

1 Salamander Creek Lane in North Charleston. Uh -- a neighbor
2 called the police, um, because they spotted the Defendant at
3 the residence and did not recognize him. They gave the
4 description that he was wearing a black jacket, uh, dark
5 jeans and a white striped baseball cap.

6 Police responded to that location and they saw the
7 Defendant inside the residence and, uh, he was wearing
8 clothes that matched that description.

9 Uh -- the Defendant -- uh, they brought in the K-9 Unit;
10 the Defendant came out of the residence there, um, and
11 admitted to police that he'd broken into the residence. And,
12 police recovered a knife and a pistol from a back bedroom of
13 the house and the Defendant admitted that he placed those
14 objects there, and that's the basis for the charge.

15 He has a prior record of 2009 Possession of a Stolen
16 Motor Vehicle, and two counts of Burglary in the Second
17 Degree.

18 **THE COURT:** All right. Is this your prior record, uh,
19 Mr. Bryant?

20 **MR. BRYANT:** Yes, sir.

21 **THE COURT:** And what the Solicitor told me in terms of
22 how this matter unfolded, is that substantially accurate and
23 correct?

24 **MR. BRYANT:** Yes, sir.

25 **THE COURT:** That's how it happened? Do you agree,

1 Ms. Ford?

2 MS. FORD: Yes, Your Honor.

3 THE COURT: Very well, sir, I find that there is a
4 substantial factual basis for your plea, Mr. Bryant.

5 I further find your decision to plead guilty to be
6 freely, voluntarily, knowingly and intelligently made.

7 That you've had the advise of competent Counsel whom you
8 indicate to me you're completely satisfied with.

9 Therefore, I will accept this plea.

10 Ms. Ford, I'll be happy to hear from you.

11 MS. FORD: Thank you, Your Honor; may it please The
12 Court.

13 THE COURT: I'm gonna give him the fifteen years; does
14 that help you any?

15 MS. FORD: It -- it does, Your Honor. That's almost as
16 long as he's been living so---

17 THE COURT: I understand.

18 MS. FORD: ---that's a substantial amount of time.

19 THE COURT: Do you understand that, Mr. Bryant, I'm
20 gonna give you the minimum sentence?

21 MR. BRYANT: (Nod.)

22 THE COURT: On indictment 2011-2286, *State versus Latron*
23 *Bryant*, uh, Burglary First, sentenced to fifteen years.

24 Give him credit for time served.

25 Good luck to you, Mr. Bryant.

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MS. FORD: Thank you, Your Honor.

MR. SAVAGE: Thank you.

(WHEREUPON, HEARING ENDED AT 12:00 NOON.)

*****END OF REQUESTED TRANSCRIPT*****

FORM 5

STATE OF SOUTH CAROLINA)
)
County of Charleston)

2012-CP-10-2359
IN THE COURT OF COMMON PLEAS

Latron A. Bryant #336700)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

FILED
2012 APR -9 PM 3:58
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Charleston county

2. Name and location of Court which imposed sentence Julie J. Armstrong;
100 Broad St. Suite 106, Charleston, S.C. 29401-2258

3. Name(s) of co-defendant(s) (if any) N/A

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) Burglary First Degree

- (b) _____
- (c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) _____
- (b) _____
- (c) _____

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

NO _____

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

- i. N/A _____
- ii. _____
- iii. _____

(b) the result in each such Court to which you appealed:

- i. N/A _____
- ii. _____
- iii. _____

(c) the date of each such result:

- i. N/A _____
- ii. _____
- iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. N/A _____
- ii. _____
- iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) I was not acknowledge of such thing at the time.

- (b) _____
- (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) I was sentence for the wrong charge.
- (b) I was given to much time
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) on an additional page
- (b) on an additional page
- (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. N/A
 - ii. _____
 - iii. _____

11.
(a). I was sentence for the wrong charge; when I got locked up I was charge with only a Burglary First Degree. During my guilty plea court the prosecutor bring up a possession of a firearm during the commission of a violent crime which I was never indicted for, and that charge was droped in court. Since the Burglary was a first degree because I had a gun and the gun charge was taken out of the burglary first degree charge during court and was droped. The burglary first degree should been droped to a 2nd degree burglary as well, since the actions falls under the Burglary Second Degree Act.

11.
(b). I was given to much time; I was suppose to be sentence under the Burglary Second Degree Act.

- iv. _____
- (c) the disposition thereof:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____

- (d) the date of each such disposition:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____

- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
NO

15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
 - i. N/A
 - ii. _____
 - iii. _____
 - (b) the proceedings in which each ground was raised:
 - i. N/A
 - ii. _____
 - iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) on an additional page
- (b) on an additional page
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES
- (b) your trial, if any? _____
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. Mary A. Ford, O.T. Wallace county office Building, 1st Meeting St., 5 floor, Charleston, S.C. 29401-2214

- ii. _____
- _____
- iii. _____
- _____

(b) the proceedings at which each such attorney represented you:

- i. #17(a) and (c)
- _____
- _____
- ii. _____
- _____
- _____
- iii. _____
- _____
- _____

16.

(a). I was sentence for the wrong charges I did not know how to go about by presenting this case.

16.

(B). I was given to much time; I did not know how to go about by presenting this case.

19. State clearly the relief you seek in filing this application:

To give some of this sentence I got back.

20. Are you now under sentence from any other court that you have not challenged?

no

Revised 3/2003

STATE OF SOUTH CAROLINA)
)
County of Charleston)

VERIFICATION

I, Latron A. Bryant, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Latron Bryant

SWORN to and subscribed before me this 4 day of April, 2012.

Debra Sims (L.S.)
Notary Public

My Commission Expires: 11-4-2015

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
)
)
 Latron A. Bryant, #336700,)
)
) Applicant,)
)
) v.)
)
 State of South Carolina,)
)
) Respondent.)

IN THE COURT OF COMMON PLEAS

2012-CP-10-2359

RETURN

BY _____
BA

FILED
 2013 JAN 25 AM 11:47
 JULIE J. ARMSTRONG
 CLERK OF COURT

The Respondent, making its Return to the application for post-conviction relief (PCR) filed April 9, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. The Applicant was indicted at the April 2011 term of the Charleston County Grand Jury for first degree burglary (2011-GS-10-2286). The Applicant was represented by Mary Ford, Esquire.

On June 21, 2011, the Applicant pled guilty as indicted. The Honorable L. Casey Manning sentenced the Applicant to confinement for a period of 15 years. The Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein are the records of the Charleston County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina Department of Corrections. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Sentenced for the wrong charge."
2. "Given too much time."

III.

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -160 (2003). An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy.... S.C. Code Ann. § 17-27-20 (1976).

Even if the facts alleged by the Applicant are true, the facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds.

The Respondent construes the Applicant's application to allege that the Applicant's sentence was too harsh. A trial court has broad discretion in imposing criminal sentences within

the limits prescribed by law. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976); Clark v. State, 259 S.C. 378, 192 S.E.2d 209 (1972). The courts normally have no jurisdiction to correct a sentence given within statutory limits. To be entitled to relief, the Applicant must prove that the alleged excessive sentence was the result of partiality, prejudice, oppression or corrupt motive, or that the sentence constitutes cruel and unusual punishment per se. Clark, Id.; State v. Cogdell, 273 S.C. 563, 257 S.E.2d 748 (1979). The Applicant's allegation that his sentence is too harsh lacks merit. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

[Signature on the following page.]

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

ASHLEIGH R. WILSON
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

Jan 23, 2013

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
)
)
 LATRON A. BRYANT, #336700)
)
 Applicant,)
)
 Vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

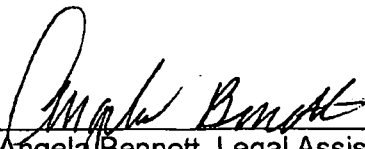
2012-CP-10-2359

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

J. Matthew Dillon, Esquire
805 Creekside Drive
Mt. Pleasant, South Carolina 29464

DATED this 23rd day of January, 2013



 Angela Bennett, Legal Assistant
 For Respondent

FILED
 2013 JAN 25 AM 11:47
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY _____

STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	
)	
Latron Bryant,)	CASE NO. 2012-CP-10-2359
)	
PLAINTIFF,)	TRANSCRIPT OF RECORD
)	
VS.)	
)	
State of South Carolina,)	
)	
DEFENDANT.)	
)	

July 23, 2013

Charleston, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson

A P P E A R A N C E S:

Matthew Dillon, Esquire
For the Plaintiff

Ashleigh R. Wilson, Esquire
For the State

I N D E X:

PCR Hearing - Bryant vs. State -- 3

EXHIBITS: None Proffered

CERTIFICATION OF TRANSCRIPT -- 11

Look for an original signature in blue ink on the certification sheet to verify that the court reporter has certified the transcript you are viewing.

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 THE COURT: This is Latron Bryant versus the State,
2 2012-2359. It is an application for post-conviction relief.
3 Mr. Dillon represents the applicant. Ms. Wilson represents
4 the State. And this is before the court on a motion.

5 MS. WILSON: Yes, Your Honor, it is the State's motion
6 to dismiss for failure to state a claim. Just to give you a
7 little procedural history, Mr. Bryant pled guilty to
8 burglary first-degree on June 21st, 2011. And he was
9 sentenced by Judge Manning to a 15-year minimum sentence for
10 burglary first-degree.

11 He was represented by Mary Ford. April 9, 2012, he
12 filed an application for post-conviction relief. The
13 State filed a return in January 2013. And they amended a
14 return to ---

15 THE COURT: You need to slow down for the court
16 reporter.

17 MS. WILSON: Oh, sorry.

18 THE COURT: Yeah.

19 THE COURT: I'm sorry. He filed an application for
20 post-conviction relief on April 9th, 2012. And then the
21 State filed a return January 23rd, 2013.

22 And then we went and amended the return to be a
23 return and motion to dismiss for failure to state a claim on
24 May 30th, 2012; and a conditional order of dismissal to
25 summarily dismiss it was sent to Judge Young.

1 It was also signed. And after receiving -- after
2 receiving that from the judge, Judge Young contacted me and
3 told me to put it -- set it for a hearing. So it is the
4 State's motion to dismiss. That is what this is.

5 THE COURT: So did he withdraw or vacate his order?

6 MS. WILSON: No, Your Honor. It was just in between
7 the time for the COD and the final order. So whatever you
8 decide would be the equivalent to the final order. Because
9 the conditional order of dismissal gives, you know, his
10 rights ---

11 THE COURT: Oh, he requested a hearing?

12 MS. WILSON: Yes. Yes, Your Honor.

13 THE COURT: Oh, okay. I missed that part of the
14 equation.

15 MS. WILSON: Sorry.

16 THE COURT: Okay.

17 MS. WILSON: Yeah, he requested a hearing. And so
18 that's why it was scheduled ---

19 THE COURT: Okay. I gotcha.

20 MS. WILSON: And it's the State's position that this
21 case -- this application is summarily dismissed for failure
22 to state a claim.

23 It is the State's position that this -- Mr. Bryant's
24 allegation is improper for post-conviction relief because it
25 is challenging the State's decision to indict Mr. Bryant

1 for burglary-first while allowing him to -- while allowing
2 him -- or while null prosing a possession of a weapon during
3 the commission of a violent crime charge.

4 And it is my understanding that it is Mr. Bryant's
5 contention that he was improperly sentenced to burg-first
6 since that -- that I believe under the element that Mr.
7 Bryant was sentenced it was because he had a weapon or -- I
8 think he had a weapon -- he had a gun and a knife. So
9 because he had a deadly weapon.

10 So he is saying because the State dismissed the
11 possession of a weapon that they didn't meet the --
12 they weren't able to be meet the element for the weapon
13 or the knife therefore he shouldn't have been charged
14 with burglary-first, he should have been charged with
15 burglary-second.

16 And the State's -- it is the State's position that
17 that's -- that is not an allegation that is proper for
18 post-conviction relief because for post-conviction to
19 challenge a sentence you have to say that the sentence was
20 in violation of the Constitution, the court was without
21 jurisdiction, the sentence expired and the defendant is
22 being held unlawfully or it's erroneous pursuant to any law
23 or statute. And his allegations about his sentence are not
24 in line with that. And that was outlined in PCR statute
25 under SC Code Section 17-27-20.

1 It is also the State's position that even if the court
2 were to find that this issue is proper for PCR it should be
3 dismissed because, one, solicitors have discretion in what
4 they charge defendants with and if you waive your right to
5 challenge to make sure the -- or the conviction that
6 you're -- that you are charged with then you would plead
7 guilty.

8 Also, it was to the defendant's benefit when the State
9 agreed during the plea negotiations to drop the possession
10 of a weapon during the commission of a violent crime because
11 it could have been -- he could have been sentenced to five
12 years consecutive time.

13 And also the facts presented by the State at the plea
14 indicate that burglary-first is a proper charge because they
15 indicate that Mr. Bryant when arrested it said that he
16 entered the home with a gun and a knife that he had left in
17 the home.

18 Also it is just -- it is just the State's position that
19 this is apparent because the defendant isn't challenging
20 whether he had a gun; he is just challenging the dismissal
21 of the gun charge basically.

22 And he confessed to having a gun and knife. And he
23 also agreed with the facts during his guilty plea. So we
24 just request that you summarily dismiss this application for
25 failure to state a claim.

1 THE COURT: Mr. Dillon.

2 MR. DILLON: Yes, Your Honor. Mr. Bryant's position is
3 that since the gun charge was dismissed by the State at the
4 sentencing hearing that it does not support a plea to the
5 first-degree burglary charge, that he should then have been
6 allowed to have pled to second-degree burglary. So that is
7 the essence of his argument.

8 THE COURT: Okay. You have explained to him that one
9 is not contingent on the other, that they are two separate
10 acts and ---

11 MR. DILLON: I have. I ---

12 THE COURT: Well, possession of a firearm during the
13 commission of a violent crime is contingent in some ways
14 because you have to be found guilty of one to have the other
15 or admit to one to have the other.

16 MR. DILLON: Yes, we have. And he is up ---

17 THE COURT: But that ---

18 MR. DILLON: He is up to league. We have communicated
19 by mail a lot and I have sent him some case laws and things
20 which I have tried to communicate with him about the nature
21 of the proceeding.

22 THE COURT: Okay. And so you have explained to him
23 that one charge is not contingent on the other, that they
24 are two separate offenses With separate elements?

25 MR. DILLON: Your Honor, I tried to -- I have tried to

1 explain that the first-degree burglary does not require a
2 gun charge at the same time.

3 THE COURT: Okay. And ---

4 MR. DILLON: But that that is ---

5 THE COURT: --- and you have also explained to him that
6 you don't even really have to have a gun that is working,
7 that is can be inoperational, that all -- under the statute
8 you really only have to have the representation of one. You
9 don't even have to have one to be convicted of burglary in
10 the first-degree. Lots of elements of burglary in the
11 first-degree. You can be convicted of burglary in the
12 first-degree if you did it in the night time. Did you
13 explain to him you don't have to prove all of those; you
14 only have to prove ---

15 MR. DILLON: Your Honor, I have explained ---

16 THE COURT: --- one of them?

17 MR. DILLON: --- those things I thought were -- that
18 were ---

19 THE COURT: Yes.

20 MR. DILLON: I have not explained all of the different
21 possibilities of the first-degree charge.

22 THE COURT: Okay. Anything further, Mr. Dillon?

23 MR. DILLON: No, Your Honor.

24 THE COURT: Anything further from the State?

25 MS. WILSON: Nothing further from the State, Your

1 Honor.

2 THE COURT: The court will grant the relief that has
3 been requested. Ms. Wilson, if you would provide the court
4 with a proposed order.

5 MS. WILSON: Yes, Your Honor.

6 THE COURT: There is no stated relief. But in addition
7 to that, even if it were grounds for relief it wouldn't be
8 valid. So I need you to address both in the order
9 alternatively.

10 MS. WILSON: Yes, Your Honor.

11 THE COURT: And if you could provide that to me within
12 15 days that would be greatly appreciated. And also copy
13 Mr. Dillon on that order so that he can make any suggestions
14 if he would like as to the drafting of it.

15 Okay. Thank you all very much. And Mr. Dillon ---

16 MR. DILLON: Your Honor, one last thing?

17 THE COURT: Yes, sir.

18 MR. DILLON: Mr. Bryant's mother and siblings have been
19 here since I was here at 9:30 this morning. Would there be
20 any way that since he is held a good distance away here at
21 Lee Correctional that at least his mother can visit with him
22 in the counsel room outside the room?

23 THE COURT: They are not going to allow it. And I
24 don't have any authority to allow it. I'm sorry.

25 MR. DILLON: Thank you, Your Honor.

1 THE COURT: But we do appreciate your time and your
2 patience with the transport issues we have had today.


3 (Whereupon the hearing concluded.)

(NOTE: A transcript which has been certified by the court reporter will bear an original signature on the below certification sheet. Please contact the court reporter for additional certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the captioned case, relative to appeal, in the Family Court for Charleston County, South Carolina, on July 23, 2013.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



PHYLLIS NORTON, CVR
(Signature in blue ink.)

Date: September 13, 2013

Certified Transcript Provided For: SCC 10

Certification Reference # 091313 OR16

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
)
)
)
Latron Bryant, #336700,)
)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS

2012-CP-10-2359

ORDER OF DISMISSAL

FILED
2013 AUG 27 AM 11:03
JULIE J. ARISTARONG
CLERK OF COURT
BY _____

Presiding Judge: The Honorable Deadra L. Jefferson
Applicant's Attorney: J. Matthew Dillon, Esquire
Respondent's Attorney: Ashleigh R. Wilson, Esquire
Trial Counsel: Mary A. Ford, Esquire
Date of Hearing: July 23, 2013
Court Reporter: Phyllis Norton

This matter is before the Court on an application for post-conviction relief filed April 9, 2012. The Respondent filed its Return on January 23, 2013. The Respondent filed an amended Return and Motion to Dismiss on May 30, 2013. The Respondent also submitted a Conditional Order of Dismissal to the Honorable Roger M. Young for dismissal of the application. The Applicant filed a response to the Respondent's Motion to Dismiss dated June 19, 2013 and requested a hearing be held on the Respondent motion. A hearing on the Respondent's Motion to Dismiss was held on July 23, 2013.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Charleston County. The Applicant was indicted at the April 2011 term the Charleston County Grand Jury for Burglary- First

1 of 4
[Handwritten signature]

Degree (2011-GS-10-2286). Mary Ford, Esquire, represented the Applicant. The Applicant pled guilty as indicted. The Honorable L. Casey Manning sentenced the Applicant to confinement for fifteen (15) years. The Applicant did not appeal the plea or sentence.

ALLEGATIONS

In his application for post-conviction relief, the Applicant alleged he is being held in custody unlawfully for the following reasons:

1. Sentenced for the wrong charge.
2. Given too much time.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the arguments presented at the PCR hearing. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

The Respondent has filed a Motion to Dismiss the Applicant's application for post-conviction relief for failing to state a claim. This Court finds this application is summarily dismissed for failing to state a claim cognizable under the post-conviction relief statute. An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or

2 2014
AKG

6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy.... S.C. Code Ann. § 17-27-20 (1976).

This Court finds that even if the facts alleged by the Applicant are true, the facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds.

This Court also finds the Applicant's allegation is without merit. In the Applicant's Response to the Respondent's Motion to Dismiss, he states the basis for his claim is "his contention that since the gun charge was dropped, he should have plead to second degree burglary, not first degree burglary." This Court finds a plea of guilty to Burglary-First Degree does not require a correlating conviction for possession of a weapon during the commission of a violent crime. This Court also finds and the record reflects the Applicant was aware that the weapons charge (2011-GS-10-2999) was being dismissed by the State in exchanged for the Applicant's guilty plea. (Tr. 11:15-23). This Court finds the facts as presented by the State during the plea proceeding indicate that Burglary-First Degree was the proper charge for the Applicant. (Tr. 14:25-15:17). The record also reflects the Applicant agreed with the facts of the burglary as presented at the guilty plea proceeding. (Tr. 15:21-24). This Court finds the Applicant waived his right to challenge the nature of the charge against him by pleading guilty.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Therefore, this application for PCR must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty


3 *3 of 4*
[Signature]

(30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely served and filed.

IT IS THEREFORE ORDERED:

- 1. That the application for post-conviction relief be denied and dismissed with prejudice; and
- 2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 20th day of August, 2013.



 The Honorable Debra L. Jefferson
 Presiding Judge, Ninth Judicial Circuit

Charleston, South Carolina.

4
 4/4
 2/19

JKS20101206223

WITNESSES

SEMLITSCH

Charleston County Sheriff

DOCKET NO. 2011GSI002286

The State of South Carolina

County of Charleston

AGENCY CASE NUMBER

2010020395B

COURT OF GENERAL SESSIONS

April Term 2011

ARREST WARRANT NUMBER

K640932

THE STATE

DATE OF ARREST

December 1, 2010

vs.

ACTION OF GRAND JURY

R

LATRON ANTWON BRYANT
DOB: 1991-07-31
B/M

TRIE BILL

Foreperson of Grand Jury

Date:

APR 04 2011

VERDICT

Indictment for

Burglary, 1st Degree

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on April 4, 2011 the Grand Jurors of Charleston County present upon their oath:

Burglary, 1st Degree

That in Charleston County, South Carolina, on or about December 1, 2010, the Defendant LATRON ANTWON BRYANT, did enter the dwelling of Sarah Sparrow, located at North Charleston, South Carolina, without consent and with the intent to commit a crime therein. That, in addition, the defendant was armed with a handgun and knife; in violation of Section 16-11-311 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.


JENNIFER KNEECE SHEALY
ASSISTANT SOLICITOR

ARREST WARRANT

K-640932

STATE OF SOUTH CAROLINA

County/ Municipality of

CHARLESTON

THE STATE

against

LATRON ANTOWN BRYANT

Address:

Phone: M R

DOB: _____

Agency Unit: CCSO

Prosecuting Agency: SEMLITSCH

Prosecuting Officer: BURGLARY 1ST DEGREE

Offense: _____

Code/Ordinance Sec: 16-11-311

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 law.

Signature of Judge _____ (L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant _____ on _____

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO: _____

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
CHARLESTON)

AFFIDAVIT

G. YORK

LATRON ANTOWN BRYANT

Personally appeared before me the affiant _____ who being duly sworn deposes and says that defendant _____ did within this county and state on _____ 12-1-10 violate the criminal laws of the State of South Carolina (or ordinance of _____ County/ _____ Municipality of _____ CHARLESTON) in the following particulars:

DESCRIPTION OF OFFENSE:

BURGLARY 1ST DEGREE
16-11-311

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:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

Affiant's Address: _____

Affiant's Telephone: _____

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
CHARLESTON)

ARREST WARRANT

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

Il appearing from the above affidavit that there are reasonable grounds to believe that on _____ 12-1-10 defendant _____ LATRON ANTOWN BRYANT did violate the criminal laws of the State of South Carolina (or ordinance of _____ County/ _____ Municipality of _____ CHARLESTON) as set forth below:

DESCRIPTION OF OFFENSE:

BURGLARY 1ST DEGREE

Having found probable cause and the above affidavit 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 his execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on _____ December 2, 2010

Judge's Address _____

Signature of Issuing Judge _____ (L.S.)

Judge Code: 7004/CAR

Judge's Telephone _____

Issuing Court: _____

Magistrate

Municipal

Circuit

106-

ORIGINAL

Form Approved by
S.C. Attorney General
Sept 27, 2005
SCCR 618

Charleston County Sheriff's Office
Criminal Investigations Division
Phone (843) 554-2475



3505 Pinehaven Drive
Charleston Heights, SC 29405
FAX (843) 554-9744

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

AFFIDAVIT

OCA #2010-020395

Personally appeared before me, a magistrate of this County, on D. York, who, first being duly sworn, deposes and says that

LATRON ANTWON BRYANT

did within this County and State on or about the 1st day of December, 2010, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
BURGLARY FIRST DEGREE
16-11-311

The affiant states that 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 or about December 1, 2010, while at North Charleston, in the County and State aforesaid, the above named Defendant, Latron Antwon Bryant, did commit offense of violation section 16-11-311 of the South Carolina Code of Laws, 1976 as amended, **BURGLARY FIRST DEGREE**, in that he did willfully, unlawfully, and feloniously break and enter the residence of the Victims with the intent to commit a crime therein, to wit: larceny.

That on December 1, 2010, members of the Charleston County Sheriff's Office received a call from the witness stating she saw the Defendant, who she did not recognize, at the Victim's residence. Dep. Quinn responded to the residence and observed the Defendant inside the residence. The Defendant then ran down a hallway further into the residence. Dep. Quinn ordered the Defendant to come out. The Defendant then came into the living room and got down on the floor where he was placed under arrest. Upon searching the Defendant, he had several electronic items in his pockets which were identified as the Victim's property. The Defendant was wearing a shoulder holster and located in the back bedroom was a handgun, knife and private investigators badge.

The Defendant was interviewed at the Detective Office by Det. Semlitsch. The Defendant was advised of the Miranda warning and provided a signed statement regarding this incident. The Defendant stated he broke into the Victim's residence through the rear sliding door. The Defendant stated he did not have permission to enter the Victims residence. The Defendant admitted to putting the electronic items belonging to the Victims in his pockets. The Defendant stated the black in color .38 special pistol located at the residence was his and he had it in his shoulder holster until he saw the Deputy outside. The Defendant stated he then ran to the back bedroom and put his pistol, his knife and his private investigators badge under the bed.

This information was obtained through the signed statement of the Defendant, the Victims, the Witness and the investigation of Det. Semlitsch of the Charleston County Sheriff's Office who are witnesses to prove the same against the form of the statute and the peace and dignity of the State.

Sworn to and Subscribed before me
this 2nd day of Dec., 2010

[Signature]
Signature of Judge

D. York
Charleston County Sheriff's Office
Charleston Heights, SC 29405