

ISSUE PRESENTED

Whether petitioner's plea of guilty to first-degree burglary is valid after the state dismissed a related weapons charge?
Also by Petitioner pleading unknowingly to first-degree burglary.

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S.C. SUPREME COURT

ARGUMENT

Petitioner's plea of guilty to first-degree burglary is invalid after state dismissed a related weapon charge. Also by petitioner pleading unknowingly to first-degree burglary.

This incident occurred on Dec. 1, 2010 at Salamander Creek Lane in North Charleston, S.C. APP. 14, 25-15, 1. A neighbor spotted petitioner in the residence and called the police. APP. 15, 1-5. The police arrived and found petitioner inside the residence. APP. 15, 6-14. Petitioner then told the police that he had consent to be in the residence's home and that the gun was his. Attachment: Statement, page 1-2. When asked again by the police, Petitioner said he did broke into the residence's home and that he throw the weapon under the bed. Attachment: Statement, page 3-4. While in Charleston County detention center, Petitioner's attorney Mary Ford told him that there is a good chance that the charge will be drop to a second-degree burglary. Attachment: Letter from attorney, Page 1. Petitioner answer affirmatively when asked by the Judge if the facts were correct. APP. 15, 21-24.

First, the statement that Petitioner wrote is not accurate. Petitioner first stated that he had consent to be in the residence's home. When asked again by the police, Petitioner stated that he did broke into the residence's home. The was not asked again to be sure that ~~it~~ was 100% accurate. In order to convict a defendant of first-degree burglary, the state must prove entry into dwelling without consent. and one of the elements of first-degree burglary. S.C. Code Ann. § 16-11-311(A). Second-degree burglary requires only proof of entry without consent. S.C. Code Ann § 16-11-312(A). The only

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fact that could be used to enhance petitioner's charge from second-degree burglary to first-degree is the evidence of weapon. The state dropped the weapon charge which leave them no evidence of a first-degree burglary but a second-degree burglary. By dropping the related weapon charge, the state admitted that it could not prove that petitioner possessed any weapon during the crime. This evidence could not be legally used against petitioner. The weapon charge was the only evidence to support a first-degree burglary charge. The state had a full and fair opportunity to litigate the weapon charge, but declined to do so. Therefore, with the weapon charge dropped, the state have no other evidence to convict petitioner of a first-degree burglary charge. Petitioner plead guilty unknowingly to first degree burglary. By petitioner receiving a letter from attorney Mary Ford saying petitioner have a good chance at getting the charge drop to a second-degree burglary, made petitioner assume by pleading guilty to the crime it will drop the charge down to a second-degree burglary. This renders petitioner's conviction invalid.

This court should grant the petition with the relief of remanding to the circuit court with the instruction of allowing petitioner to plead guilty to second-degree burglary and be resentenced accordingly.

CONCLUSION

For the reasons that was presented, this court should grant the petition with the ultimate relief of remanding to the circuit court with the instruction of allowing petitioner to plead guilty to second-degree burglary and be resentenced accordingly.

Sincerely,

Lelton Bryant

Lelton Bryant
Petitioner

Date: 2-5-14

Certificate of Service

I, inmate Latron A. Bryant, # 336700, declare under the penalty of perjury, that the original and one copy of this writ of certiorari has been served to petitioner and The Supreme court of South Carolina, by the way of the Lee correction Institution mail room At, 990 wisacky Highway, Bishopville, S.C. 29010.

Clerk of court:

Supreme court of SC.

Daniel E. Shearouse, clerk

P.O. Box 11330

Columbia, S.C. 29211

S/ Latron A. Bryant

Latron A. Bryant, # 336700

Lee correction Institution

Kershaw, North #1209

990 wisacky Highway

Bishopville, S.C. 29010

Bishopville, S.C. 29010

Date: Feb. 5, 2014

Charleston County Sheriff's Office
Advisement of Rights

OCA#: 2010-020395 Date: 12-1-2010
 Name: Bryant, Latron Antwan Race: B Sex: M DOB: 7-31-91
 Address: 2976 Buckfield Dr. N. Charleston, SC 29406 Phone: 303-4623 C
 Employment: Trojan Labor (Temp Service) Phone:
 Social Security #: 248 87 0085 Driver's Lic. # 101584971 SC
 State: SC

Det. Semlarsch has advised me that he is a member of the Charleston County Sheriff's Office, and has further advised me.-----

- LB 1. That I have the absolute right to remain silent and do not have to answer any questions or give a statement and this fact cannot be used against me.
- LB 2. That if I do answer questions or give a statement, anything I say can and will be used against me in a Court of Law.
- LB 3. That I have the right to consult with a lawyer of my choice before I answer questions or give a statement and also to have him present while I am being questioned.
- LB 4. That if I wish to talk to a lawyer or have him present, but am unable to afford to hire a lawyer, one will be appointed to represent me free of charge.
- LB 5. That if I decide to answer questions or give a statement without having a lawyer present representing me, I have the absolute right during this interview to stop answering questions and remain silent.

I FULLY UNDERSTAND EACH OF THESE RIGHTS WHICH HAVE BEEN EXPLAINED TO ME.

Latron Bryant

Witnesses:

Eth 9962
[Signature] 10056

WAIVER OF RIGHTS

LB I fully understand each of these rights which have been explained to me, and having these in mind, I wish to waive these rights and answer questions. No threats, force or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

Latron Bryant

Witnesses:

Eth 9962
[Signature] 10056

CHARLESTON COUNTY SHERIFF'S OFFICE STATEMENT

OCA # 2010-020395

DATE 12-1-2010

STATEMENT OF Bryant, Latron Antwan
ADDRESS 2976 Buckfield DR. N. Chas. SC 29406 PHONE # 303-4623C
EMPLOYER: Trojan Labor (Temp Service) PHONE #
RACE: B SEX: M DATE OF BIRTH: 7-31-91

This statement was written by Det. Semitsch at my request
x [Signature] Latron Bryant

When the Deputies found me inside the residence at 2929 Salamander Creek Lane I was there with Kate's permission. I met Kate at the Kush Lounge last night and she drove me to her house. Kate and I slept in her bed and when I woke up she was gone. I assumed she went to work. I donot know where Kate works or her phone number. Kate left the house around 10 am. I got up and rode my bike to the store (Hess on Hwy 78) and then came back to Kate's house. When I woke up I couldnt find my gun. My gun is a black in color 38 special. I carry a gun because I was shot in the right leg about 2 weeks ago.

Latron Bryant

Q: What kind of car does Kate drive?

A: Red Chrysler

Q: Who else was with Kate?

A: her friend, but I dont know her name

Q: Describe Kate?

A: White female, long blond hair, about 5'9, skinny

Q: What was in your pockets when the Deputies came there?

A: Two Ipods, charger, cell phone, money, two lighters those are all my property and my wallet.

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES: [Signature] #9962
[Signature] 10056

[Signature] Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT [Signature] Signature

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # 2010-020395

DATE 12-1-2016

STATEMENT OF Bryant, Latron Antwan

ADDRESS: _____ PHONE # _____

EMPLOYER: See Page #1 PHONE # _____

RACE: _____ SEX: _____ DATE OF BIRTH: _____

Q: Where did you get the gun and the shoulder holster you were wearing?

A: I bought them on the street from a guy. I know the guys name but I won't say.

Q: Why was your gun not in the holster?

A: Kate took it out ^{es} last night and didn't know where she put it.

Break - 10 mins

Statement continued on Page 3

Latron Bryant

Latron Bryant

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES: *[Signature]* #9962

[Signature] 10086

Latron Bryant Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT *Latron Bryant* Signature

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # 2010 - 020395

DATE 12-1-2010

STATEMENT OF Bryant, Latron Antwan
ADDRESS 2976 Buckfield Dr. N. Chas SC 29406 PHONE # 303-4623
EMPLOYER: Trojan Labor (Temp Service) PHONE # _____
RACE: B SEX: M DATE OF BIRTH: 7-31-91

Q: Did you break into the house today at 2929 Salamander Creek Lane?

A: Yes

Q: How did you get into the house?

A: Rear sliding door was unlocked

Q: When you went inside the residence what did you do?

A: looked around house

Q: Did you take anything from the house and put it in your pockets?

A: Yes, two iPods and charger, camera

Q: Did you have a shoulder holster and gun on?

A: yes, I was shot a few weeks ago and I wear it for protection.

Q: What kind of gun is it?

A: Black in color 38 special.

Q: What did you do when the Deputies arrived on scene?

A: I was walking through the kitchen and I saw the Deputies. I ran to the back bedroom and through the gun under the bed.

Q: Did you also have a knife and a private investigator badge?

A: Yes

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES:

[Signature] 12/1/10

[Signature] 10/5/10

[Signature]
Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

[Signature]
Signature

X Latron Bryant

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # 2010-020395

DATE 12-1-2010

STATEMENT OF Bryant, Latron Antwan

ADDRESS _____ PHONE # _____

EMPLOYER: See Page #1 PHONE # _____

RACE: _____ SEX: _____ DATE OF BIRTH: _____

Q: Did you also throw the knife and badge under bed?

A: Yes

Q: What color was badge?

A: Gold

Q: Do you know who lives at house?

A: No

Q: Did you have permission to be at house?

A: No

Q: ~~Can~~ Will you submit to a voluntary DNA swab of your mouth?

A: NO

Q: Is there anything else you want to say?

A: NO

Latron Bryant

[Large diagonal scribble]

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES:
[Signature] 9962
[Signature] 10456

Latron Bryant
Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT *Latron Bryant*
Signature

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # 2010-020395

DATE 12-1-10

STATEMENT OF Sarah Sparrow

ADDRESS: [REDACTED]
EMPLOY: [REDACTED]
RACE: [REDACTED]

On December 1, 2010 at 11:35 am, I received a phone call from Sheriff Rywelski. He explained our house had been broken into, and they had caught the burglar in the house. In his possession they found my silver iPad in a black case which was attached to a black arm band. Also, they found many cords to electronics and my pink laptop was out of its carrying case and opened on my bed. The burglar also had the iPad's pink case in his pocket. The Sheriff asked me to describe what my iPad looked like while I was on the phone with him, and after my description matched, he told me he'd leave all items of mine in the house.

X *Sarah Sparrow*

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES:

[Signature]
Alexandra L. Natleson

Sarah Sparrow
Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

X *Sarah Sparrow*
Signature

CHARLESTON COUNTY PUBLIC DEFENDER

O.T. WALLACE COUNTY OFFICE BUILDING

101 MEETING STREET, FIFTH FLOOR

CHARLESTON, SOUTH CAROLINA 29401-2214

(843) 958-1850

TO

Laron Bryant

1272615

DATE

1/20/11

SUBJECT

Pelien

Mr. Bryant,

I got the cop to agree at your
pelien that he is fine with a Burg 20.

He didn't want to amend it at the pelien
because no one knows how the victims feel.

Ultimately, the solicitor will have to make the
decision about the 20 - but we have a good start.

When I get discovery, I'll send it to you. I'll ask for
a hard soon. I wish you well, thank you

essence North ~~1945~~ 1909
is being
12, S.E. 29010

THE SUPREME COURT OF SOUTH CAROLINA
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211