

FAX

To: JONNY KITCHINGS
Company: SC CT OF APPEALS
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Phone:

RECEIVED

APR 07 2014

From: Beaufort County Public Defender
Fax: (843) 255-9494
Phone: (843) 255-5805
E-mail: maxineh@bcgov.net

SC Court of Appeals

NOTES:

BYAS - 2014-000673 - SENTENCING SHEET ATTACHED



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1690
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www.sccourts.org

April 02, 2014

Ms. Jessica M Saxon, Esquire
1905 Duke Street
PO Box 525
Beaufort SC 29907-9901

Re: The State v. Pernell Byas
Appellate Case No. 2014-000673

RECEIVED
APR 07 2014
SC Court of Appeals

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by a redacted copy of the order(s) and/or sentencing sheet(s) challenged on appeal.

Very truly yours,

Jenny Abbott Kitchings

CLERK

cc: Samantha Amber Prinsen, Esquire
Salley W. Elliott, Esquire
Robert Michael Dudek, Esquire

STATE OF SOUTH CAROLINA

5 yrs

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE VS.
Pernell Byas

AKA:

Race: AFRICAN AME Sex: M Age: 52

DOB: SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Sex Offender Registry Violation, fail to register - 3rd & sub. offense

INDICTMENT/CASE#: 2013GS0701580

A/W#: 2013A0710400320

Date of Offense: 9/12/2013

S.C. Code §: 23-03-0470(A)

CDR Code #: 2435

SENTENCE SHEET

in violation of § 23-03-0470(A) of the S.C. Code of Laws, bearing CDR Code # 2435

☒ 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. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Prinsen, Samantha

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 4 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 181 days☐ 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 PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 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

\$	
\$	
\$100	\$100.00
\$100	\$100.00
\$12	\$12.00
\$25	\$25.00
\$500	\$500.00
\$25	\$25.00
\$150	\$150.00
\$50	\$50.00
\$40/ea	\$40.00
\$5	\$5.00
\$	\$3.90
\$	\$133.90

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2160

3-18-14

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) JUDICIAL CIRCUIT
State of South Carolina) CASE NO.: 2013A0710400320
Plaintiff,) APPOINTMENT OF COUNSEL
-vs-) (Select one.)
Pernell Detroit Byas) ☒ ORDER
☒ Defendant ☐ Juvenile.) ☐ AMENDED ORDER

Offense(s): Sex / Sex Offender Registry Violation, fail to register - 3rd & sub. offense

It appears that the above named person is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- ☐ the public defender now represents another person involved herein and that a conflict would arise if that office represents the above-named individual.
- ☐ the public defender has indicated a possible conflict of interest or other good cause warranting the appointment of counsel based on:
- ☐ the public defender or court-appointed counsel has indicated that the named individual has now retained private counsel and is no longer entitled to appointed counsel.
- ☐ court-appointed counsel has claimed an exemption or has demonstrated good cause pursuant to Rule 608 warranting the appointment of new counsel based on:
- ☐ court-appointed counsel has obtained substitute counsel named below pursuant to Rule 608(h)(2); only the member who originally received the appointment and who sought substitute counsel shall receive credit for the appointment.

X Appointed Public Defender 10/3/2013

Therefore, it is ordered that Esquire hereby is appointed as (Select only one.)

☒ counsel ☐ lead counsel (if capital PCR case)

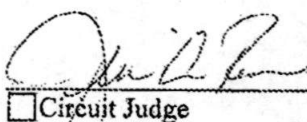
for the above-named person. Counsel previously appointed is/are hereby relieved as counsel.

☐ (If Death Penalty PCR Case) It is further ordered that, Esquire, is hereby appointed as second counsel in this capital case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED

March 26, 2014


☐ Circuit Judge ☒ Clerk of Court

Plaintiff Attorney:

Solicitor	

Defendant Attorney:

Public Defender	

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

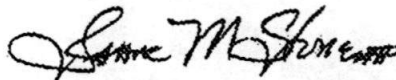
INDICTMENT
2013GS0701580

At a Court of General Sessions, convened on October 31, 2013, the Grand Jurors of Beaufort County present upon their oath:

Sex Offender Registry Violation, Fail to Register - 3rd & Sub.

That in Beaufort County, South Carolina, on or about September 12, 2013, the Defendant, Pernell Byas, did fail to register as a sex offender with the Beaufort County Sheriff's Department after being instructed to do so, as required by Section 23-3-400, et. seq. of the Code of Laws of South Carolina, (1976, as amended); in violation of Section 23-3-470 of the Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

K Light - BCSO

DOCKET NO. 2013GS0701580

The State of South Carolina

County of Beaufort

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

Defendant

COURT OF GENERAL SESSIONS

October Term 2013

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

ARREST WARRANT NUMBER

2013A0710400320

THE STATE

vs.

Pernell Byas

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

OCT 31 2013

VERDICT

Indictment for

Sex Offender Registry Violation, Fail to Register
- 3rd & Sub.

Defendant

Witness:

Foreperson of Petit Jury

Date:

INDICT

SC Code: 23-03-0470(A)
CDR Code: 2435

C.C.C. PLS. and G.S.