

FAX

To: JONNY KITCHINGS
Company: SC CT OF APPEALS
Fax: 8037341839
Phone:

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

RECEIVED

APR 07 2014

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 11829
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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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: [REDACTED] SS#: [REDACTED]
 Address:
 City, State, Zip:
 DL#: SID#:

INDICTMENT/CASE#: 2013GS0701580
 A/W#: 2013A0710400320
 Date of Offense: 9/12/2013
 S.C. Code § : 23-03-0470(A)
 CDR Code #: 2435

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

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

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: [Signature] 100977 Defendant [Signature] Attorney for Defendant 8749 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. 187 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)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 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: [Signature]
 Court Reporter: Wanda Lowe
 SCCA/217 (03/2011)

Presiding Judge: [Signature]
 Judge Code: 2160
 Sentence Date: 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)

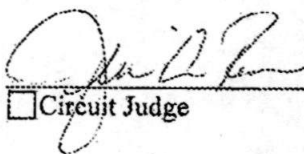
for the above-named person. Counsel previously appointed is/are hereby relieved as counsel.

(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.secid.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)

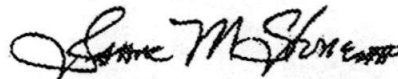
INDICTMENT
2013GS0701580

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

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

Defendant

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

Defendant

Witness:

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

DOCKET NO. 2013GS0701580

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

October Term 2013

THE STATE

vs.

Pernell Byas

Indictment for

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

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

WITNESSES

K Light - BCSO

ARREST WARRANT NUMBER

2013A0710400320

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury OCT 31 2013

VERDICT

Foreperson of Petit Jury

Date:
INDICT