

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM COLLETON COUNTY  
Court of General Sessions

PERRY M. BUCKNER, III, Circuit Court Judge

Case Nos. 2011-GS-15-0686

  
The State,

Respondent,

v.

Marlon Dwight Brabham,

Appellant.

AMENDED NOTICE OF APPEAL

1. Marlon Dwight Brabham, appeals his sentence in this case. The sentence was imposed by the Honorable Perry M. Buckner, III, on February 27, 2012. This appeal is being filed on the grounds that the sentence imposed in this case was excessive and in violation of the Appellant's constitutional rights. Appellant asserts that the judge ruling was excessive and that he did not follow the more reasonable recommendation of the Assistant Solicitor of a sentence in the judge's discretion suspended upon the completion of 15 month with credit for time served to run concurrent with his current sentence on Indictment Numbers: 2010-GS-10-088524; 2011-GS-10-5839; and 2011-GS-10-5841. In addition, a term of probation in the judge's discretion with the special condition of the probation to be that the Defendant does not have contact with the victims. The Appellant feels that the Trial Judge's sentence of 5 years suspended upon the service of 24 months to run concurrent with his current sentence on Indictment Numbers: 2010-GS-10-088524; 2011-GS-10-5839; and 2011-GS-10-5841. In addition, 3 years of probation with drug testing and a special condition of his probation is that the Defendant does not have contact with the victims and that he participates in Assign a Highway Colleton was too harsh. Appellant received a copy of the decision on February 27, 2012.

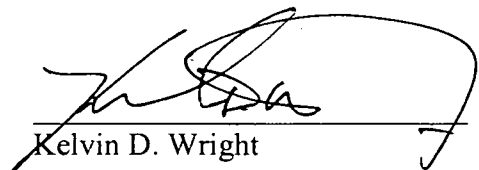
Signature Page Follows

**RECEIVED**  
MAR 07 2012  
SC Court of Appeals

COLLETON COUNTY  
GENERAL SESSIONS COURT  
2012 MAR -2 PM 3:03

Page 2 of 2  
Notice of Appeal  
Marlon Dwight Brabham

March 2, 2012



Kelvin D. Wright  
Bar Number 73932  
Bright Matthews Law Firm, LLC  
215 West Washington Street  
Walterboro, South Carolina 29488  
(843) 549-6028

Attorney for Appellant

Other Counsel of Record:  
Charles Anthony Ballish Regueiro  
Assistant Solicitor, Fourteenth Judicial Circuit  
Post Office Box 1725  
Walterboro, South Carolina 29488  
(843) 549-2875

Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM COLLETON COUNTY  
Court of General Sessions

PERRY M. BUCKNER, III, Circuit Court Judge

Case Nos. 2011-GS-15-0686

The State,

Respondent,

v.

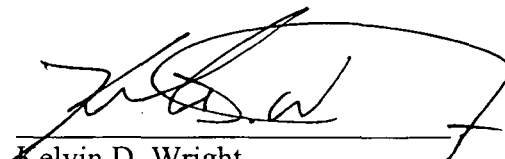
Marlon Dwight Brabham,

Appellant.

PROOF OF SERVICE

I, certify that I have served the Amended Notice of Appeal by depositing one copy of this document in the United State Mail, first class postage prepaid, on March 2, 2012, addressed to Charles Anthony Ballish Regueiro, Assistant Solicitor, Fourteen Judicial Circuit, Post Office Box 1725, Walterboro, SC 29488.

March 2, 2012



Kelvin D. Wright  
Bright Matthews Law Firm  
215 West Washington Street  
Post Office Box 499  
Walterboro, South Carolina 29488  
(843) 549-6028  
Attorney for Appellant

COLLETON COUNTY  
GENERAL SESSIONS COURT  
2012 MAR -2 PM 3:03

**RECEIVED**  
MAR 07 2012  
SC Court of Appeals

COUNTY OF Colleton
STATE VS. Marlon Brabham

INDICTMENT/CASE#: 2011GS1500686
A/W#: M104465
Date of Offense: 9/20/2011
S.C. Code §: 16-11-0313
CDR Code #: 0427

AKA:
Race: B Sex: M Age: 38
DOB: 12-08-1972 SS#: 248-45-8927
Address: 906 Proctor St.
City, State, Zip: Walterboro, SC 29488
DL#: SID#:

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Greg Jod

CONVICTED OF or PLEADS

in violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427
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: Ballish, Charles SC Bar# 77853 Defendant Attorney for Defendant SC Bar# 73932

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 24 days/months/years and/or payment of \$ 3

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: 2011-GS-10-5839, 2011-GS-10-8524, 2011-GS-10-5841
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 PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

\*Fine:

Table with 3 columns: Description, Rate, Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 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, § 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, 3% to County (if paid in installments) \$18.90, TOTAL \$648.90

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: No CONTACT WITH

VICTIM DIRECT ON

INDICT - ASSIGN

A HIGHWAY COLLECTION

Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk Patricia C. Grant

Court Reporter: Rebecca A. Hill

Presiding Judge

Judge Code: 0122

Sentence Date: 2/27/12

° BRIGHT MATTHEWS LAW FIRM, LLC

215 West Washington Street  
Post Office Box 499  
Walterboro, South Carolina 29488  
Phone (843) 549-6028  
Facsimile (843) 549-6107

Margie Bright Matthews  
Margie@BrightMatthewsLaw.com

Kelvin D. Wright  
Wright@BrightMatthewsLaw.com

Sabrina L. Williams  
Williams@BrightMatthewsLaw.com

March 2, 2012

The Honorable Tanya Gee  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: **State of South Carolina, Respondent, v. Marlon Dwight Brabham, Appellant**  
Case No. : 2011-GS-15-0686

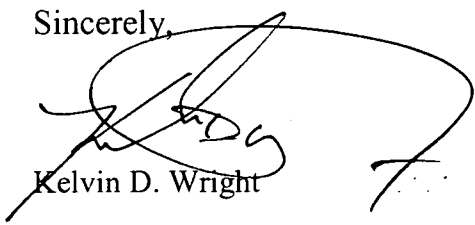
Dear Mrs. Gee:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1). Proof of service of the notice of appeal on the respondent.
- (2). A copy of the order which is to be challenged on appeal.

With kindest regards, I am

Sincerely,

  
Kelvin D. Wright

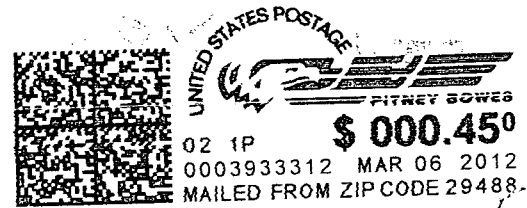
/kdw

**RECEIVED**  
MAR 07 2012  
**SC Court of Appeals**

03/06/12 10:00 AM

RECEIVED

BRIGHT MATTHEWS LAW FIRM, LLC  
215 West Washington Street  
P. O. Box 499  
Walteboro, SC 29488



The Honorable Tanya Gee  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

29211+1829

