

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EDRIAN WRIGHT,

APPELLANT

APPELLATE CASE NO 2017-001151

RECORD ON APPEAL

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SC Court of Appeals

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INDEX

INDEX i

GUILTY PLEA TRANSCRIPT (Dated August 5, 2015)1

MOTION FOR RECONSIDERATION OF SENTENCE.....25

ORDER DENYING MOTION.....26

AMENDED NOTICE OF APPEAL.....28

SENTENCING SHEETS.....31

CERTIFICATE OF COUNSEL33

THE FOLLOWING SEALED DOCUMENTS ARE ON FILE WITH THIS COURT:

**STATE’S MEMORANDUM IN OPPOSITION TO DEFENDANT’S MOTION;
DEFENDANT’S MARCH 1, 2017, MEMORANDUM IN SUPPORT OF DEFENSE
MOTION FOR RECONSIDERATION OF SENTENCE;
DR. SUSAN KNIGHT’S FORENSIC PSYCHOLOGICAL ASSESSMENT.**

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO.: 2014-GS-10-5389

STATE OF SOUTH CAROLINA)
)
VS.)
)
EDRIAN WRIGHT,)
)
DEFENDANT.)
_____)

PLEA

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Wednesday, August 5, 2015, Commencing at 3:33 p.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
Charleston, South Carolina 29417-1865
1-706-231-6028

APPEARANCES OF COUNSEL

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INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	4
CERTIFICATE OF COURT REPORTER	24

EXHIBITS

[None]

State vs. Edrian Wright
Plea
August 5, 2015

PROCEEDINGS

1
2
3
4
5
6
7
8
9
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THE COURT: Are you Edrian Wright?

MR. WRIGHT: Yes, ma'am.

THE COURT: Please swear the defendant.

THE CLERK OF COURT: Sir, raise your right hand
to the best of your ability.

[Whereupon, Mr. Wright is duly sworn by the
clerk of court as follows: do you swear or affirm the
testimony you're about to give the Court will be the
truth, the whole truth, and nothing but the truth, so
help you God]

MR. WRIGHT: So help me God. Yes, sir.

THE CLERK OF COURT: Thank you, sir.

THE COURT: Sir, you are here to plead guilty on
indictment 2014-GS-10-5389, which is a true billed
indictment for burglary in the second degree under the
violent provision. Is that correct?

MR. WRIGHT: Yes, sir. Yes, ma'am.

THE COURT: Is there something wrong,
Ms. Frayer?

MS. FRAYER: Sorry, Your Honor.

We were given a restitution order, once we got
up here, that he hasn't seen.

THE COURT: Take your time. Go over the -- go
over that with him. All right? Let me know when

State vs. Edrian Wright
Plea
August 5, 2015

1 you're ready.

2 [Whereupon, Ms. Frayer and Mr. Wright confer]

3 MS. FRAYER: May I approach, Your Honor?

4 THE COURT: You may.

5 [Whereupon, Ms. Frayer proffers documents to the
6 Court]

7 THE COURT: Is that \$200 restitution?

8 MR. WARING: Yes, Your Honor.

9 THE COURT: Sir, you have the right to a
10 restitution hearing. You have signed the sentencing
11 form indicating that you waive restitution -- a
12 restitution hearing. Is that correct?

13 MR. WRIGHT: Yes, ma'am.

14 THE COURT: Do you agree that you owe that
15 money?

16 MR. WRIGHT: Yes, ma'am.

17 THE COURT: Ms. Frayer, you have gone over that
18 with him?

19 MS. FRAYER: Yes, I have, Your Honor.

20 THE COURT: Tell me about yourself, sir. How
21 old --

22 [Off the record momentarily]

23 THE COURT: Tell me about yourself. How old are
24 you?

25 MR. WRIGHT: Twenty-eight years old.

State vs. Edrian Wright
Plea
August 5, 2015

1 THE COURT: And tell me how far you went in
2 school.

3 MR. WRIGHT: To the eleventh grade.

4 THE COURT: What type of work do you do?

5 MR. WRIGHT: I was previously -- currently
6 working at Cactus Car Wash before I was arrested.

7 THE COURT: And how long have you been in
8 custody?

9 MR. WRIGHT: A year and -- 404 days.

10 THE COURT: 404 days?

11 MR. WRIGHT: Yes, ma'am.

12 THE COURT: Have you ever been treated for the
13 abuse of drugs or alcohol?

14 MR. WRIGHT: Yes, ma'am.

15 THE COURT: Tell me about that.

16 MR. WRIGHT: As I got incarcerated, I joined the
17 Day Otis Program and successfully completed the Peer
18 Program.

19 THE COURT: Have you ever been treated for
20 mental illness?

21 MR. WRIGHT: Yes, ma'am.

22 THE COURT: Tell me about that.

23 MR. WRIGHT: Just dealing with anxiety,
24 depression, at the jail. I asked them to put me on
25 some things that would help me with the depression as

State vs. Edrian Wright
Plea
August 5, 2015

1 well as the anxiety so they gave me buspar, Prozac, as
2 well as Seroquel.

3 THE COURT: And, Ms. Frayer, did you advise
4 Mr. Wright that the burglary in the second degree
5 under the violence provision is classified as a
6 violent offense?

7 MS. FRAYER: Yes, Your Honor. And he has
8 checked on the sentencing sheet, also.

9 THE COURT: But did you advise --

10 MS. FRAYER: Yes, ma'am.

11 THE COURT: -- him of that?

12 And did you advise him that it is a serious
13 offense?

14 MS. FRAYER: Yes, ma'am.

15 THE COURT: And did you -- what did you advise
16 him regarding burglary in the first degree?

17 MS. FRAYER: That it's a violent offense, also,
18 Your Honor, and more serious and it's also fifteen to
19 life.

20 THE COURT: The most serious was not checked on
21 the sentencing sheet. Any objection to the Court
22 making that notation?

23 MR. WARING: No, Your Honor.

24 MS. FRAYER: None, Your Honor.

25 THE COURT: Mr. Wright, do you understand what

State vs. Edrian Wright
Plea
August 5, 2015

1 those classifications mean to you?

2 MR. WRIGHT: Yes, ma'am, I do.

3 THE COURT: Do you still wish to go forward here
4 today?

5 MR. WRIGHT: Yes, ma'am.

6 THE COURT: And this is without recommendations
7 or negotiations?

8 MR. WARING: Your Honor, there is no formal
9 recommendation but the State is requesting twenty
10 years active, concurrent.

11 THE COURT: So you are making a recommendation
12 of twenty years active?

13 MR. WARING: Your Honor, under the case law
14 we're not making a formal recommendation but we are
15 requesting twenty years, so I guess kind of an
16 informal recommendation.

17 THE COURT: Is that your understanding of what
18 the State was going to do here today?

19 MS. FRAYER: Yes, Your Honor.

20 THE COURT: And as with any recommendation, the
21 Court does not have to go along with it. It's merely
22 a recommendation.

23 Sir, you do not have to plead guilty. By
24 pleading guilty, you're giving up certain rights:
25 your right to a jury trial; your right to have a jury

State vs. Edrian Wright
Plea
August 5, 2015

1 determine your guilt beyond a reasonable doubt, based
2 upon the evidence the State presents as well as any
3 evidence you may introduce; your right against self-
4 incrimination; your right to say nothing at all; your
5 right to confront and be confronted by the witnesses
6 against you, as well as the right to call witnesses on
7 your behalf. By pleading guilty here today, you give
8 up any defense you have to either of these charges.

9 Do you understand those rights?

10 MR. WRIGHT: Yes, ma'am, I do.

11 THE COURT: And do you waive those rights at
12 this time?

13 MR. WRIGHT: Yes, ma'am, I do.

14 THE COURT: Understanding the charges that you
15 are facing, the possible punishment, as well as the
16 consequences of this plea, how do you plea to burglary
17 in the first degree?

18 MR. WRIGHT: I plead guilty, Your Honor.

19 THE COURT: How do you plea to burglary in the
20 second degree under the violent provision?

21 MR. WRIGHT: I plead guilty, Your Honor.

22 THE COURT: Are you pleading guilty because you
23 are, in fact, guilty?

24 MR. WRIGHT: Yes, ma'am, I am.

25 THE COURT: Anybody promise you anything --

State vs. Edrian Wright
Plea
August 5, 2015

1. MR. WRIGHT: No, ma'am.

2. THE COURT: -- threaten you, force you to plead
3. guilty?

4. MR. WRIGHT: No, ma'am.

5. [Off the record momentarily]

6. THE COURT: Let me hear the facts.

7. MR. WARING: Thank you, Your Honor.

8. On September 25th, 2013, at 3:40 in the morning,
9. the defendant shattered a window to gain entry to the
10. Nye Laundry. It's a business at 5503 River's Avenue.
11. It was captured on surveillance video. He went behind
12. the counter and took two jars of cash totaling \$80
13. before fleeing the scene. His fingerprints were also
14. lifted from inside the crime scene.

15. With regard to the burg first: on June 25th,
16. 2014, at 12:30 in the morning, the defendant entered
17. apartment at Gullah Avenue, through the front
18. door. The victim, who was a seventy-three-year-old
19. woman, went into her bathroom and discovered the
20. defendant hiding behind a shower curtain. The
21. defendant was also holding her purse. He took \$5 in
22. cash and a cell phone and then fled the scene.

23. This incident was also captured on video
24. surveillance. The defendant was positively identified
25. by the apartment manager and after being arrested the

State vs. Edrian Wright
Plea
August 5, 2015

1 defendant confessed that he only took \$3 and that he
2 was -- that he left when he was told to, Your Honor.

3 His prior record consists of a 2003 trespassing,
4 2007 resisting arrest, unlawful neglect of a child,
5 PWID crack, burglary second, and use of a vehicle
6 without permission. 2010, he's got another burglary
7 second and a parole revocation and trespassing in
8 2013.

9 As mentioned earlier, the State is requesting
10 twenty years.

11 The victim is here and I believe her daughter
12 would like to speak, Your Honor.

13 THE COURT: Be happy to hear from her.

14 MS. BING-SHEPPARD: Good afternoon.

15 THE COURT: Ma'am, I need you to state your full
16 name for the record, and please spell your last name.

17 MS. BING-SHEPPARD: Sure.

18 My name is Karen Bing-Sheppard. B-I-N-G hyphen
19 S-H-E-P-P-A-R-D-.

20 THE COURT: Happy to hear from you.

21 MS. BING-SHEPPARD: Your Honor, thank you for
22 allowing me to speak on behalf of my mom and my
23 family.

24 My mother lives in a low-income senior-citizens
25 apartment complex. The people that live in this

State vs. Edrian Wright
Plea
August 5, 2015

1 building depend on each other. A lot of times they'll
2 help each other out, whether they need to go to the
3 store, need a meal, go to the doctor. One of the
4 things that my mother did was feed those who did not
5 have a meal. She would put all her money together and
6 have folks come over with their containers and feed
7 them.

8 These people are on social security and public
9 assistance and just have a hard time with just trying
10 to maintain a quality of life, so to have someone come
11 and invade her privacy, her home, is disheartening.
12 Okay?

13 My mother, from what we know of my mom, was
14 always a person who was very independent, had a lot of
15 life. And all of that left a year ago when this --
16 when Mr. Wright decided to go and invade her home.
17 Excuse me.

18 THE COURT: Take your time.

19 MS. BING-SHEPPARD: My mother is the matriarch
20 of three adult girls, three grandchildren, and five
21 great-grandchildren. She's now not that person that I
22 described a year ago. She is now frightened, docile,
23 scared to be home, no longer cooks, and is extremely
24 dependent on her family. There are times when I have
25 to leave work to pick her up and pack her clothes up

State vs. Edrian Wright
Plea
August 5, 2015

1 and bring her home to my home. I pray that in time
2 she'll get better. I pray.

3 Mr. Wright has shown himself to be a habitual
4 thief, has no morals, and we just hope that you would
5 consider punishing him to the full extent of the law.

6 THE COURT: Thank you.

7 MS. BING-SHEPPARD: Thank you.

8 THE COURT: Anything further, Mr. Waring?

9 MR. WARING: No, Your Honor.

10 THE COURT: Was he out on bond on the burglary
11 second when the burglary first was committed?

12 MR. WARING: He was, Your Honor.

13 THE COURT: And what was his sentence on the
14 2007 burglary second?

15 MR. WARING: Your Honor, I know he got six years
16 on the one for 2010. The Court's indulgence on the
17 one for --

18 THE COURT: I'm sorry. I didn't see the one
19 in -- six years?

20 MR. WARING: Yes, Your Honor.

21 THE COURT: Mr. Wright, you heard the facts as
22 presented by the State. Are those facts true? Is
23 that what you did?

24 MR. WRIGHT: Yes, Your Honor.

25 THE COURT: And you understand I can sentence

State vs. Edrian Wright
Plea
August 5, 2015

1 you up to fifteen years on the burglary second?

2 MR. WRIGHT: Yes, Your Honor.

3 THE COURT: And I can sentence you from fifteen
4 years up to the remainder of your life in the
5 department of corrections. Do you understand that?

6 MR. WRIGHT: Yes, ma'am.

7 THE COURT: Knowing that, do you still wish to
8 go forward here today?

9 MR. WRIGHT: Yes, ma'am.

10 THE COURT: You understand I don't have to go
11 along with that twenty-year recommendation?

12 MR. WRIGHT: Yes, ma'am.

13 THE COURT: Do you still wish to enter into this
14 plea?

15 MR. WRIGHT: Yes, ma'am.

16 THE COURT: Are you pleading guilty because you
17 committed these offenses?

18 MR. WRIGHT: Yes, ma'am.

19 THE COURT: I find a substantial factual basis
20 for your plea. Your decision to plead guilty has been
21 freely, voluntarily, knowingly, intelligently made.
22 You've indicated to the Court you've had the advice
23 and counsel of a competent attorney with whom you've
24 told the Court you were satisfied. I hereby accept
25 your plea of guilt.

State vs. Edrian Wright
Plea
August 5, 2015

1 Ms. Frayer, I am happy to hear from you.

2 MS. FRAYER: Thank you, Your Honor. And may
3 it please the Court.

4 Mr. Wright is here today taking full
5 responsibility for his actions, but we are asking
6 you to temper justice with mercy.

7 Let me tell you just a little bit about
8 Mr. Wright. I met him in 2013 and began to find
9 out a little bit about his story. He grew up in a
10 home with a mother who he adored and who did the best
11 that she could for him and his brother, Kedrick.

12 But his mom had a terrible secret. She was a
13 crack cocaine addict. He saw her using crack at a
14 very early age, and at one point they were removed
15 from their home by DSS and their mom actually went to
16 prison. His father was not present in the home, and
17 his uncle had to take custody of them.

18 His mother died in 2013, while he was in jail,
19 and it was a part of that loss that caused him to
20 begin his mental health treatment. Mr. Wright is
21 currently taking buspar, Prozac, remrom, Seroquel, for
22 anxiety disorder and depression. He developed a bad
23 drug-addiction problem to crack cocaine like his
24 mother.

25 I had Dr. Susan Wright -- Dr. Susan Knight,

State vs. Edrian Wright
Plea
August 5, 2015

1 sorry, evaluate Mr. Wright for me just to make sure
2 there were no issues with competency due to the mental
3 health onset that occurred while he was incarcerated.
4 She found that he was competent and there was no
5 concerns with him going forward today.

6 Your Honor, he has taken steps to deal with the
7 crack addiction or cocaine base addiction. And while
8 he's been in jail, he's also -- by completing the Day
9 Otis Program and he's also completed the Trident
10 Literacy Association Work Keys Program, earned several
11 certificates in career readiness.

12 And may I approach, Your Honor?

13 THE COURT: -- You may.

14 [Whereupon, Ms. Frayer proffers documents to the
15 Court]

16 MS. FRAYER: He's been in jail, since June 27th
17 of 2014, for 403 days. Immediately upon his arrest
18 for entering Ms. Bing's home, he immediately expressed
19 remorse for his actions to Ms. Bing in the case, which
20 I fussed at him for doing. He wrote letters, two
21 letters, to Ms. Bing. He didn't know her name, but he
22 did send her letters apologizing and asking her for
23 forgiveness. He admitted to her that he was wrong,
24 immediately, and tried to explain his actions. But
25 most of all, he asked her for her forgiveness.

State vs. Edrian Wright
Plea
August 5, 2015

1 Mr. Wright, while he's been in jail, has sought
2 out inpatient treatment centers. Turning Point in
3 Greenwood has accepted him. Bethel Colony of Mercy is
4 another place that he tried to apply to, not because I
5 told him to, but because he wants help for his crack
6 addiction.

7 Your Honor, the State is asking you to sentence
8 him to twenty years here today. We are asking that
9 you consider in sentencing the fact that no weapons or
10 anything were presented in this case, no violence, no
11 indication of violence. He does --

12 He admits that he went into the home without an
13 invitation by Ms. Bing and he went in there because at
14 the time he was homeless and looking for a place to
15 stay. He admits that he did take her cell phone and
16 her \$3. And that's why he's willing to pay the
17 restitution. We've been asking the State for the
18 restitution total so that could have been paid prior
19 to this plea, and we just got that today.

20 Mr. Bing -- Mr. Wright does have his fiancé,
21 Ms. Shaw, is in the courtroom with him, and Ms. Mary
22 Beaufort, who's been his spiritual mother, counseling
23 him at the jail, visiting with him, trying to keep him
24 from -- just keep him calm, but with the meds -- with
25 the mental health meds and keep him focused.

State vs. Edrian Wright
Plea
August 5, 2015

1 He was on the docket to plea on yesterday, Your
2 Honor. And I'm putting this on the record because he
3 was here on yesterday. He was brought over to plea on
4 yesterday but I was informed -- Mr. Wright informed me
5 that the medical staff had given him his meds at 5:50
6 a.m. and again at nine o'clock a.m., when he's
7 supposed to receive his medications in the morning and
8 the evening time. At that time he was -- I contacted
9 the jail and they had taken him to the ER for
10 evaluation. He was returned to the jail just shortly
11 before 6:30 p.m. and they checked him out and said he
12 was okay to proceed today. I just want to put that on
13 the record, Your Honor.

14 I spoke with him downstairs before coming up.
15 We went over the charges that he's charged with. We
16 talked about if he wanted to go forward today with
17 these charges and he told me that he was ready to
18 proceed.

19 On the burg second charge from 2013, Your Honor,
20 he did a total of ninety-two days on that charge, Your
21 Honor. And, again, for today, he did a total of 404
22 days for the 2014 charge.

23 Mr. Wright does wish to address Your Honor. And
24 he's taken the time to write something out because I
25 didn't want him to ramble on and on so I asked him if

State vs. Edrian Wright
Plea
August 5, 2015

1 he would write something out to address the Court, if
2 you would give him that opportunity.

3 THE COURT: Happy to hear from you.

4 MR. WRIGHT: Thank you, Your Honor.

5 Your Honor, words do not exist that would allow
6 me to express the just [phonetic] of my remorse for
7 what I did to Ms. Bing. I knew that what I did was
8 wrong. And do I know it was wrong when I did it? My
9 judgment was clouded and impaired by my addiction and
10 substance abuse.

11 There was no way for Ms. Bing to know that I
12 would never have hurt her. And I understand I have
13 violated her sense of security and safety. I have
14 thought about my mistake at great length and I will
15 continue to think about it and her throughout the rest
16 of my life here on earth. I will forever be
17 profoundly sorry to her. I hope she can understand
18 the full measure of my remorse, because God knows that
19 I am sorry.

20 I understand that the solicitor has recommended
21 that -- excuse me. I understand that the State of
22 South Carolina has recommended that I be sentenced to
23 twenty years. Being only twenty-eight years old, I
24 have almost no frame of reference for what that amount
25 of time means; however, I do know that it means that I

State vs. Edrian Wright
Plea
August 5, 2015

1 will not have a chance to make amends for my wrong,
2 future opportunities to do good and be successful, as
3 well as a productive member of society. It means that
4 I will not see my kids grow to be adults. It means
5 that those that I have known and loved will relocate
6 and move on, grow up, grow old, and possibly die while
7 I'm waiting.

8 I do not want the State to throw away my life,
9 saying that it doesn't matter and that I am less of a
10 human because of the mistake I made due to my
11 substance abuse and circumstances, when all of these
12 things are self-evident to -- which caused me to make
13 the poor decisions that I have made. I have the
14 initiative for my help in substance abuse by
15 successfully completing the Day Otis Program while I
16 was incarcerated.

17 I grew up -- I grew up in a home without a
18 father. I will spare you all the stories of
19 debilitating poverty, the descriptions of violence,
20 substance abuse and neglect.

21 My mother, my best friend, did the best she
22 could in raising me and my brother. I lost her
23 October the 2nd, 2013, when I was twenty-seven years
24 old. She was forty-six. I will miss her forever.
25 Although I have struggled with substance abuse, self-

State vs. Edrian Wright
Plea
August 5, 2015

1 medicating my grief, that is not who I am. Like you-
2 all, I have hopes for my future, also. I feel pain
3 and depressed. I am warm and friendly. I have a
4 conscientious love for knowledge --

5 If you could know me other than before my
6 mistakes, you will know that I aspire to make amends
7 for my wrong. I want to contribute in a meaningful
8 way to mankind, and I believe that I could play the
9 starring role in my story of my redemption. In fact, I
10 know I can do it. But I need you-all to help me. I
11 need you-all to believe in my capacity to do good,
12 embrace our shared humanity, and trust that I am
13 capable of redemption, Your Honor.

14 MS. FRAYER: Your Honor, I don't believe that
15 they --

16 Did you-all --

17 -- had anything to say. I think that they were
18 just here to show their support for him today.

19 THE COURT: Thank you.

20 All right. Anything else? Ms. Frayer, anything
21 else?

22 MS. FRAYER: No, Your Honor.

23 THE COURT: Anything else, Mr. Wright?

24 MR. WRIGHT: Yes, ma'am.

25 Your Honor, like I said, I made a mistake due to

State vs. Edrian Wright
Plea
August 5, 2015

1 my drug addiction, Your Honor. I want to help -- you
2 know, I really do want help, Your Honor. It's been
3 ruining my life ever since I was nineteen, my drug
4 addiction. I really want help, Your Honor, you know.

5 THE COURT: Did you tell probation in 2007 you
6 wanted help?

7 MR. WRIGHT: Yes, ma'am, Your Honor.

8 THE COURT: And you didn't get help then?

9 MR. WRIGHT: No, ma'am. But I --

10 THE COURT: And you didn't get help -- please
11 don't interrupt me. And you didn't get help in 2010
12 from probation or --

13 MR. WRIGHT: Didn't have probation in 2010.

14 THE COURT: When you were sent to prison, there
15 was no help then?

16 MR. WRIGHT: No, ma'am.

17 THE COURT: And after you were released, there
18 was no one there to help you? Is that what you're
19 telling me?

20 MR. WRIGHT: Yes, ma'am. That's exactly what
21 I'm telling you.

22 THE COURT: Anything further?

23 MR. WARING: No, Your Honor.

24 THE COURT: It's the order of the Court on 2014-
25 GS-10-5389 that you be committed to the State

State vs. Edrian Wright
Plea
August 5, 2015

1 Department of Corrections for a term of fifteen years.
2 I'll give you credit for 404 days. I'm ordering ATU
3 and mental health evaluation and to follow the
4 recommendation.

5 It's the order of the Court on 2015-GS-10-1986
6 that you be committed to the State Department of
7 Corrections for a term of thirty years.

8 Good luck to you, sir. They will run
9 concurrent.

10 MR. WARING: Thank you, Your Honor.

11 [PLEA CONCLUDES AT 3:55 P.M.]

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State vs. Edrian Wright
Plea

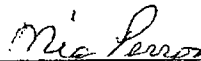
C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the hearing held before the Honorable Kristi L. Harrington, on Wednesday, August 5, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 12th day of November, 2015.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

Plaintiff,

vs.

Edrian D. Wright,

Defendant.

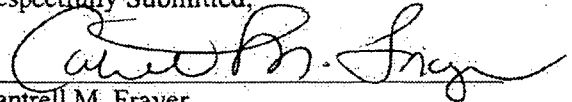
) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
) Warrant No.: 2013A1010205271,
) 2014A1021000669
) Charge.: Burglary 2nd (violent), Burglary 1st

MOTION FOR RECONSIDERATION
OF SENTENCE

PLEASE TAKE NOTICE that the above-captioned defendant, by and through the undersigned attorney, moves this Honorable Court for a reconsideration of the sentence imposed upon the defendant on August 5, 2015 by the Honorable Kristi Harrington, pursuant to the above-mentioned charges.

The within motion will be made upon the grounds that the sentence imposed is unnecessarily severe under the circumstances, additional mitigation that is being prepared, and upon such other and further grounds as may be hereinafter presented. The Defendant respectfully requests that the Court not rule upon this Motion without a hearing.

Respectfully Submitted,



Cantrell M. Frayer
Assistant Public Defender
Attorney for Edrian Donyae Wright

Charleston, South Carolina

Dated: August 11, 2015

FILED
2015 AUG 11 AM 11:24
JULIE J. ARMSTRONG
CLERK OF COURT
BY *[Signature]*

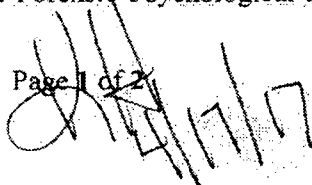
STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
 STATE OF SOUTH CAROLINA)
)
)
 v.)
)
 EDRIAN WRIGHT,)
)
 Defendant.)
 _____)

IN THE COURT OF GENERAL SESSIONS
 FOR THE NINTH JUDICIAL CIRCUIT
 Case No.: 2014-GS-10-5389; 2015-GS-10-1986

ORDER

THIS MATTER IS BEFORE THE COURT on Defendant Edrian Wright's Motion to Reconsider Sentence.

On August 5, 2015, Defendant entered a guilty plea on Indictment 2014-GS-10-5389, Burglary, Second Degree (Violent) and Indictment 2015-GS-10-1986, Burglary, First Degree. The sentencing sheet indicated the plea was without recommendation, but the State requested an active twenty year sentence on the record. This Court accepted Defendant's plea and sentenced him to fifteen years on Indictment 2014-GS-10-5389 and thirty years on Indictment 2015-GS-10-1986, to run concurrent, with credit for time served. This Court also ordered the Alcohol Treatment Unit and a mental health evaluation with orders to follow the resulting recommendation. The Defendant also agreed to pay restitution on Indictment 2014-GS-08-5389. On August 11, 2015, Defendant's attorney, Cantrell Frayer, filed a Motion to Reconsider Sentence. Ms. Frayer informed the Court that she had retained an expert to assist with mitigation and would submit a Memorandum in Support of her Motion following receipt of this expert report. The State submitted a Memorandum in Opposition to Defendant's Motion on December 13, 2015. On March 1, 2017, Defendant's counsel, Ms. Megan Ehrlich, submitted a Memorandum in Support of Defense Motion for Reconsideration of Sentence, including a Forensic Psychological Assessment prepared by [redacted].

Page 1 of 2


FILED

MAY 09 2017

**JULIE J. ARMSTRONG
 CLERK, C.P. & G.S.**

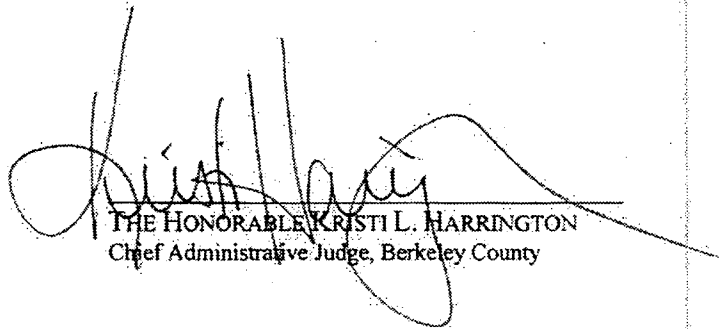
Susan C. Knight. Dr. Knight's report indicated that Defendant suffered from drug addiction and mental health issues. Dr. Knight's report ultimately opined that Defendant was responsible for his own actions, but early developmental factors were considered a "catalyst for subsequent life events." Dr. Knight recommended substance abuse treatment.

At the sentencing hearing, this Court was presented with the Defendant's criminal record and heard testimony from the victim's family. In mitigation, the Defendant's attorney discussed the Defendant's family history, drug abuse, and mental health issues, which are the same issues that are noted by Dr. Knight's report. The Defendant spoke on his own behalf and ultimately admitted his own guilt. The sentence imposed by this Court was within the statutory limits and was constructed in contemplation of all evidence presented. The Court's sentence also included alcohol treatment and a mental health evaluation to address Defendant's issues.

After careful consideration of Defendant Wright's Motion, Memorandum and Exhibits, and the State's Response to Defendant's Motion, the Court finds that the Defendant has failed to present grounds sufficient to warrant reconsideration of the sentence.

THEREFORE, IT IS HEREBY ORDERED that Defendant Edrian Wright's Motion to Reconsider Sentence is DENIED.

IT IS ORDERED!



THE HONORABLE KRISTI L. HARRINGTON
Chief Administrative Judge, Berkeley County

April 17, 2017
Moncks Corner, South Carolina

FILED

MAY 09 2017

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Kristi L. Harrington, Circuit Court Judge

INDICTMENT NO.: 2014GS1005389; 2015GS1001986

THE STATE, RESPONDENT,

v.

EDRIAN WRIGHT APPELLANT,

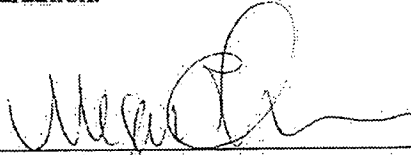
AMENDED NOTICE OF APPEAL

FILED
2017 MAY 19 PM 4:06
CLERK OF COURT

Edrian Wright appeals his plea and sentence in this case. The defendant entered a guilty plea on August 5, 2015 in front of the Honorable Kristi L. Harrington. The sentence was imposed by the Honorable Kristi L. Harrington on August 5, 2015. A motion to reconsider his sentence was filed on August 11, 2015, and Judge Harrington denied that motion in an order filed on May 9, 2017

Pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, Counsel for the Appellant provides the following explanation showing the issues which can be reviewed on appeal: Counsel for the Appellant is filing this Amended Notice of Appeal in response to the Defendant's express wish to exercise his right to appeal. Counsel was instructed by the Appellant to initiate these appellate proceedings, and is of the belief that he is ethically bound to assist the Appellant in doing so. The grounds for

the Defendant's appeal are that the sentence imposed by the Court was unnecessarily severe and the Court did not meaningfully consider the mitigating evidence submitted on behalf of the Defendant in the Memorandum in Support of the Motion to Reconsider Sentence and forensic psychological evaluation.



Megan S. Ehrlich
 SC Bar No. 075164
 Attorney for Appellant Edrian Wright
 Charleston County Public Defender
 O. T. Wallace County Office Building
 101 Meeting Street
 Charleston, SC 29401
 (843) 958-1850

Other counsel of record are:
 T. Richard Waring
 Assistant Solicitor
 O.T. Wallace County Office Building
 101 Meeting Street, 4th Floor
 Charleston, SC 29401
 (843) 958-1900
 Attorney for Respondent

BY

DEPARTMENT OF PROBATION
 CLERK OF COURT

2017 MAY 19 PM 4:06

FILED

RECEIVED

MAY 24 2017

APPELLATE DEFENSE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Kristi L. Harrington, Circuit Court Judge

INDICTMENT NO.: 2014GS1005389; 2015GS1001986

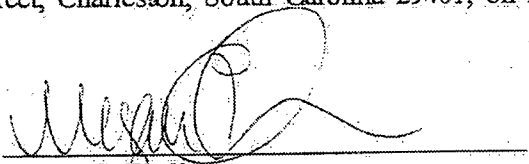
THE STATE, RESPONDENT,

v.

EDRIAN WRIGHT APPELLANT,

AMENDED PROOF OF SERVICE

I certify that I have served the Notice of Appeal on T. Richard Waring, Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, on May 19, 2017.



Megan S. Ehrlich
SC Bar No. 075164
Attorney for Appellant Edrian Wright
Charleston County Public Defender
O. T. Wallace County Office Building
101 Meeting Street
Charleston, SC 29401
(843) 958-1850

FILED
2017 MAY 19 PM 4:05
CLERK OF COURT

COUNTY OF CHARLESTON
STATE VS

EDRIAN WRIGHT

AKA:
Race: Black Sex M Age 28
DOB: SS#
Address Woodbine Ave
City, State, Zip North Charleston, SC 29406
DL# SID# SC01513565

INDICTMENT/CASE# 2014GS1005389
A/W: 2013A1010205271
Date of Offense: 09/25/2013
S.C. Code §: 16-11-0312(B)
CDR Code #: 0086

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 Burglary Second Degree (Violent)
In violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (def's initials)
The plea is Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State

ATTEST
Richard Waring 100465 SC Bar # 100465 Defendant
Edrian Wright Attorney for Defendant SC Bar # 68444

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 15 days/months/year 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 Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2015-C-S-10-1986
 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. 404 days
 The Defendant is to be placed on 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 \$ days/hours Public Service Employment
Payment Terms: Obtain GED

Set by SCDPPPS
Attend Voc. Rehab. Or Job Corp.
May serve W/E beginning

Recipient:
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd in equal consecutive weekly/monthly
pmts. of \$ Beginning
\$ Paid to Public Defender Fund

*Fine: \$

§14-1-206 (Assessments 107.5%)	\$	<u> </u>
§14-1-211 (A)(1)(Conv Surcharge)	\$100	<u>\$100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	<u> </u>
§56-5-2995 (DUI Assessment)	\$12	<u> </u>
§56-1-286 (DUI Breath Test)	\$25	<u> </u>
Proviso 47.9 (Public Def/Prob)	\$500	<u> </u>
§14-1-212 (Law Enforce Funding)	\$25	<u>\$25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	<u> </u>
§50-21-114 (BUJ Breath Test Fee)	\$50	<u> </u>
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	<u> </u>
Proviso 90.5 (SCCJA Surcharge)	\$5	<u>\$5.00</u>
3% to County (if paid in installments)	\$	<u>\$3.90</u>
TOTAL		<u>\$133.90</u>

Other: ATU health evaluation
mental health evaluation
& follow recommendation

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

Clerk of Court/Deputy Clerk
Court Reporter

Presiding Judge:
Judge Code:
Sentence Date: 8/28/15

COUNTY OF CHARLESTON
STATE VS.

EDRIAN WRIGHT

AKA:
Race: Black Sex: M Age: 28
DOB: _____ SS#: _____
Address: Woodbine Ave
City, State, Zip: North Charleston, SC 29406
DL#: _____ SID#: SC01513565

INDICTMENT/CASE# 2015GS1001986
A/W 2014A1021000669
Date of Offense 06/25/2014
S C Code § 16-11-0311
CDR Code # 0079

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: Burglary First Degree

In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury _____ (def's initials)
The plea is Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State

ATTEST
Richard Waring 100465 x Edrian Wright Carey M. Ingers 68444
T. Richard Waring, Assistant Solicitor 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 30 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 Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2014-C-5-10-5389
 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. 404 days
 The Defendant is to be placed on 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% fec. \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED

Set by SCDPPPS _____

Recipient		\$
*Fine		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv Surcharge)	\$100	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§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	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/Deputy Clerk [Signature]
Court Reporter Sara Perry

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: ATU

Appointed PD or appointed other counsel,
§47-12 requires \$500 be paid to Clerk
during probation.

Presiding Judge: [Signature]
Judge Code: 205
Sentence Date: 8/25/15

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Robert M. Pachak

Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 22nd day of March, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Robert M. Pachak

Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 22nd day of March, 2018.

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MAR 22 2018
SC Court of Appeals