

# The Supreme Court of South Carolina

The State, Respondent,

v.

Stephen Corey Bryant, Appellant.

Appellate Case No. 2008-103130

---

## ORDER

---

By order dated March 3, 2011, we granted a request for a stay of execution in this matter and assigned the Honorable R. Ferrell Cothran, Jr. to petitioner's post-conviction relief action. The order stated that, absent an extension of time by this Court, a final hearing shall be held and a final order issued in this matter within one year of the date of the order.

In November 2011, Judge Cothran informed the Court that petitioner's lead counsel, Melissa J. Armstrong, had a death penalty case scheduled for trial in Horry County in January 2012 and that it may run into February. Judge Cothran stated Ms. Armstrong had requested an extension of time, but felt she would be ready to try petitioner's case in May or June of 2012. Judge Cothran stated he could hear the case the week of June 11, 2012, without the need for reassignment or any rearranging of his court schedule. Accordingly, we granted Judge Cothran an extension of time until September 4, 2012, to hold a final hearing and issue a final order in this matter.

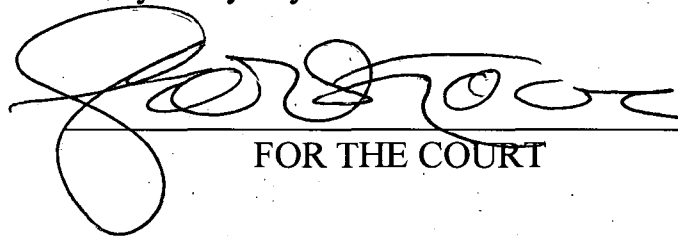
In a status update dated July 13, 2012, Ms. Armstrong informed the Court that petitioner's case was called on June 11, 2012, however, the hearing was continued so that his counsel could address concerns about petitioner's competency to assist them in the matter. Ms. Armstrong informed the Court that she anticipated the case would be rescheduled for a hearing on the merits of petitioner's application in the near future.

However, on August 9, 2012, Judge Cothran informed the Court that Ms.

Armstrong indicated petitioner has competency issues and petitioner has been examined by Dr. Donna Schwartz-Watts. Judge Cothran stated it is not likely the case can be tried before September 4, 2012.

Indeed, Dr. Schwartz-Watts has since submitted an affidavit in which she states that she met with petitioner on three occasions and on two of those dates – May 1, 2012 and June 5, 2012 – she determined petitioner was not competent to proceed with this action. Due to Dr. Schwartz-Watts' concern that petitioner's intermittent incompetence and psychosis could be the result of a neurological impairment, a neurologist was retained and a neuroimaging study was performed on petitioner on August 1, 2012. Dr. Schwartz-Watts states that due to her workload, she is unable to review the results of the neuroimaging study and consult with petitioner's counsel earlier than late August or early September. Dr. Schwartz-Watts states that without the results of the neuroimaging study, any assessment of petitioner's mental functioning would be incomplete.

Based on the issues surrounding petitioner's competency and the fact that it appears those issues are being assessed in a timely and efficient, yet thorough, manner, we grant Judge Cothran a three month extension of time from September 4, 2012, to hold a final hearing and issue a final order in this matter. Ms. Armstrong and Judge Cothran shall provide the Clerk of this and Court Administration with an update on the status of this matter every thirty days from the date of this order.

 C.J.  
FOR THE COURT

Columbia, South Carolina

August 29, 2012

cc:

Cecil Kelly Jackson  
Alan McCrory Wilson  
Robert Michael Dudek  
Donald J. Zelenka  
John W. McIntosh

Melissa J. Armstrong  
The Honorable R. Ferrell Cothran, Jr.

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge

---

RECEIVED

MAR 22 2010

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

STEPHEN COREY BRYANT,

APPELLANT

---

INITIAL BRIEF OF APPELLANT

---

JOSEPH L. SAVITZ, III  
Senior Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1343

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS.....1

TABLE OF AUTHORITIES.....2

STATEMENT OF ISSUE ON APPEAL.....3

STATEMENT OF THE CASE.....4

ARGUMENT.....7

CONCLUSION.....13

TABLE OF AUTHORITIES

**Cases**

*Chaffee v. Aiken*, 294 S.C. 88, 362 S.E.2d 875 (1987)..... 12

*Eddings v. Oklahoma*, 455 U.S. 104 (1982)..... 11

*Ex parte Roy Edward Perkins*, 941 So.2d 242 (Ala. 2006)..... 11

*Lockett v. Ohio*, 438 U.S. 586 (1978)..... 11

*Penry v. Lynaugh*, 492 U.S. 302 (1989)..... 11

*State v. Stewart*, 288 S.C. 232, 341 S.E.2d 789 (1986)..... 11

*State v. Wallace*, 384 S.C. 428, 683 S.E.2d 275 (2009)..... 12

*Wiggins v. Smith*, 539 U.S. 510 (2003)..... 12

**Statutes**

SC Code Section 16-3-20..... 4, 5

**Rules**

Rule 401, SCRE..... 11

Rule 404, SCRE..... 12

STATEMENT OF ISSUE ON APPEAL

The sentencing judge committed reversible error by excluding testimony that Bryant's aunt had been sexually abused by her father (Bryant's paternal grandfather), who the defense alleged also began abusing Bryant at the age of seven, as this evidence was both relevant under Rules 401 and 404, SCRE, and mitigating under the Eighth and Fourteenth Amendments to the United States Constitution.

## STATEMENT OF THE CASE

On July 18, 2008, Stephen Corey Bryant pleaded guilty, in Florence County before Judge Thomas A. Russo, to several criminal indictments issued by Richland and Sumter County grand juries, foremost among them (for purposes of this proceeding) a Sumter County indictment (2006-GS-43-699) charging Bryant with the October 11, 2004, murder and armed robbery of Willard Tietjen. The State had given notice it intended to seek the death penalty for that murder. There were no plea negotiations. August 18, 2008 tr. p. 23 lines, 2-11.

The indictments related to a series of crimes beginning with a burglary on October 5, 2004, and ending eight days later, October 13, with the last of three murders, which occurred in this order: Cliff Gainey (October 9), Tietjen (October 11) and Christopher Burgess (October 13). Bryant also committed three burglaries (October 4, 8 and 9), an arson (October 9) and shot another man, Clinton Brown, who survived (October 8). Finally, following his arrest, on October 26, 2005, Bryant attacked and seriously injured a guard at the Sumter County detention center. In addition to the murder and armed robbery of Tietjen, Bryant pleaded guilty to two additional counts of murder, two counts of assault and battery with intent to kill, two counts of first-degree burglary and a single counts of second-degree burglary, second-degree arson and possession of a stolen handgun.

On September 2 through 11, 2008, Judge Russo conducted a sentencing proceeding. (The parties would have consented to a guilty plea before the judge with jury sentencing had they not been constrained by SC Code Section 16-3-20 (B). April 3, 2008 tr. p. 13, line 3- tr. p. 21, line 20.) The State relied on a single statutory aggravator to obtain a death sentence:

the murder of Willard Tietjen was committed during the course of an armed robbery. Section 16-3-20 (C)(a)(1)(d).

Bryant did not testify (or offer allocution) at sentencing. The defense case in mitigation depended almost entirely upon the probability that Bryant had been sexually abused by three members of his immediate family, in particular his paternal grandfather, William Bryant, from the age of seven. This abuse, according to defense experts, manifested itself as post-traumatic stress disorder (PTSD), which in turn contributed to Tietjen's murder and the other crimes. The circumstances of Bryant's crimes – particularly the ritualistic aspects of the Tietjen murder – are indicative of a profoundly disturbed mind. Bryant unsuccessfully sought counseling two months prior to his spree. Then he made little effort to avoid apprehension and, in fact, appears to have welcomed it. Upon arrest Bryant told the police, "It's finally over." September 2008 tr. p. 151, line 15 – tr. p. 152, line 2.

There was also evidence Bryant was intoxicated on methamphetamine and marijuana at the time of Tietjen's murder. Based on the evidence of sexual abuse, PTSD and substance abuse, defense counsel argued three statutory mitigating circumstances in closing: (1) "The murder was committed while the defendant was under the influence of mental or emotional disturbance," (2) "The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law will substantially impaired" and (3) "The age or mentality of the defendant at the time of the crime." Section 16-3-20 (C)(b)(2), (6) and (7). Counsel also requested, but did not argue: "The defendant has no significant history of prior criminal conviction involving the use of violence against another person." Section 16-3-20 (C)(b)(1).

The judge sentenced Corey Bryant to death from the bench, having found that he murdered Tietjen while in the commission of an armed robbery. He also imposed concurrent sentences of life for the remaining two murders and first-degree burglaries, fifteen years for second-degree burglary, twenty years on each of the two assaults and batteries with intent to kill and thirty years for armed robbery.

## ARGUMENT

The sentencing judge committed reversible error by excluding testimony that Bryant's aunt had been sexually abused by her father (Bryant's paternal grandfather), who the defense alleged also began abusing Bryant at the age of seven, as this evidence was both relevant under Rules 401 and 404, SCRE, and mitigating under the Eighth and Fourteenth Amendments to the United States Constitution.

At sentencing, the defense attempted to mitigate Corey Bryant's punishment by introducing evidence he had been sexually abused by three male members of his immediate family. In particular, the defense sought to focus upon Bryant's paternal grandfather, William Bryant, who they alleged began to abuse Bryant when he was seven.

Bryant first reported this abuse in August 2004, approximately two months prior to Tietjen's murder. September 2008 tr. p. 736, lines 10-15. On August 19, 2004, he told his grandmother that he had been "physically abused, sexually abused" by her ex-husband, William, an uncle and an older half-brother. September 2008 tr. p. 773, line 16 – tr. p. 776, line 21. Bryant also told his aunt, William's daughter, about the sexual abuse on that same date. September 2008 tr. p. 789, line 16 – tr. p. 790, line 10.

She understood, because William Bryant had also abused her. The issue on appeal arose during defense counsel's effort to question Bryant's aunt about the abuse she had endured:

DEFENSE COUNSEL: [W]hat is your relationship to Corey's grandfather, William Edward Bryant?

WITNESS: He's my biological father.

DEFENSE COUNSEL: And did you ever have any problems specifically with him?

WITNESS: Yes, sir.

September 2008 tr. p. 790, lines 8 – 13. At this point the Solicitor objected “to the relevance of any problems she may have had with family members” because “[t]his is about Stephen Corey Bryant.” September 2008 tr. p. 790, lines 14-16. The judge summarily sustained the objection. September 2008 Tr. p. 790, line 17.

Defense counsel responded:

DEFENSE COUNSEL: Your Honor, I think these problems are of the same nature. I think it goes to the same person committing them and –

THE COURT: It may go to this, but it has no relevance as to Mr. Bryant. I mean, you can testify as to Mr. Bryant.

DEFENSE COUNSEL: Your Honor, we feel it adds credibility to what Mr. Bryant has said about the same type molestation.

THE COURT: And she can testify as to what she may have observed, if she has any personal knowledge, about any abuse to Mr. Bryant, but I don't think it goes to – it's not relevant to Mr. Bryant's case as to what abuse this grandfather may have inflicted on others. It's not a question of how extensive his abuse, but it's the relevancy to this defendant.

September 2008 tr. p. 790, line 18 – tr. p. 791, line 5. Counsel resumed direct examination of Bryant's aunt:

DEFENSE COUNSEL: Let me ask you this. What kind of relationship did you have? Were you close to your father at all?

WITNESS: No. I was as a child for a time, and then things started happening and –

September 2008 Tr. p. 791, lines 8-11. The judge again summarily sustained the Solicitor's objection. September 2008 Tr. p. 791, lines 12-21.

A forensic psychiatrist testified for the defense that Corey Bryant was "functioning in the low-average range of intelligence." September 2008 tr. p. 816, lines 1-3. "In addition, he has all the symptoms seen in post-traumatic stress disorder," she concluded. September 2008 tr. p. 826, lines 5-8. The cause of his PTSD:

Mr. Bryant reported to me that during his childhood, he was sexually abused and that was very significant. He reported to me that he was abused by four people: one being his paternal grandfather, one being his half-brother, one being a paternal uncle and then his mother.

September 2008 tr. p. 814, line 22 – tr. p. 815, line 1. A September 2004 record from a regional mental health center indicated that "[Bryant] was seven years old when he reported he was sexually assaulted by his grandfather but he did not know what age he was when he was sexually assaulted by his mother." September 2008 tr. p. 822, line 16 – tr. p. 823, line 4.

Speaking with Bryant's aunt and grandmother, the psychiatrist also learned that "there had been one of the perpetrators of the sexual abuse [who] had also abused other family members." September 2008 tr. p. 1816, line 20 – tr. p. 1817, line 7. Bryant's post traumatic stress disorder manifested as extreme paranoia involving, among other things, "Masonic practices." September 2008 tr. p. 829, line 7 – tr. p. 830, line 10. (Willard Tietjen was in fact an avid Shriner. September 2008 tr. p. 632, lines 12-16.) "In my opinion," the psychiatrist determined, "these murders are related to his post-traumatic stress disorder." September 2008 tr. p. 831, line 22 – tr. p. 835, line 19.

On cross-examination of the defense psychiatrist, the Solicitor sought to discredit Bryant's evidence in mitigation by insisting that it was all "self-reported" and claiming

“there’s no independent corroboration of that whatsoever.” September 2008 tr. p. 847, line 21- tr. p. 848, line 6; September 2008 tr. p. 853, lines 3 and 4. The Solicitor exploited the very lack of corroboration his objection to the testimony of Bryant’s aunt had created:

[W]hen you get somebody with his history, then it becomes that much more important for you to have to corroborate or verify what they say, because they are inherently not credible for whatever reason.

September 2008 tr. p. 848, lines 7-10. The psychiatrist had to agree that defendants in Bryant’s situation “have reasons not to tell the truth.” September 2008 tr. p. 848, lines 11-17. She believed, however, that Bryant’s account of abuse was corroborated:

[O]ne of his other victims has admitted she was abused by him and I am an expert in sexual disorders, and it’s not very uncommon for some – if there’s abuse within a family, for other children to be abused. It’s very seldom that, if you have an incest perpetrator within the family, that they confine their activity to one individual in the family.

September 2008 tr. p. 853, lines 5-16. She was referring specifically to the excluded testimony of Bryant’s aunt. September 2008 tr. p. 853, line 17-19. On redirect she emphasized the importance of this testimony:

[F]or his aunt to further corroborate that [a] similar thing happened to her and there’s proof of that ... and another person saying something similar with the same perpetrator has a lot of credibility in my opinion to [Bryant’s self-reports].

September 2008 tr. p. 869, line 21 – tr. p. 870, line 3.

An expert in psychopharmacology and another in treating trauma and stress each echoed the testimony of the forensic psychiatrist concerning the probability that Bryant was sexually abused. September 2008 tr. p. 890, line 21 – tr. p. 891, line 3; September 2008 tr. p.

947, line 11 – tr. p. 948, line 7. The Solicitor continued to allege that there was no way the State’s experts could know the abuse Bryant reported had “happened at all.” September 2008 tr. p. 967, line 20 – tr. p. 968, line 8. Finally, he alluded to a hearsay statement in which William Bryant had allegedly denied the allegations. September 2008 tr. p. 971, lines 16-21.

\* \* \*

“[D]uring the sentencing phase of a capital trial, a defendant has the right to present mitigating evidence indicating a dysfunctional family background.” *Ex parte Roy Edward Perkins*, 941 So.2d 242, 249 (Ala. 2006), citing *Penry v. Lynaugh*, 492 U.S. 302 (1989), *Eddings v. Oklahoma*, 455 U.S. 104 (1982), and *Lockett v. Ohio*, 438 U.S. 586 (1978). “[T]he jury must be able to consider and give effect to any mitigating evidence relevant to a defendant’s background and character or the circumstances of the crime.” *Penry*, 492 U.S. at 328.

In *Eddings*, the sentencing judge concluded as a matter of law that he was unable to consider mitigating evidence of the defendant’s troubled family history, emotional disturbance and physical abuse. “[I]t was as if,” the Court concluded, “the trial judge had instructed a jury to disregard the mitigating evidence [the defendant] proffered on his behalf.” 455 U.S. at 414. See, also, *State v. Stewart*, 288 S.C. 232, 341 S.E.2d 789, 790 (1986)(“When the choice is between life and death, the Eighth Amendment bars any sentencing procedure which creates a risk of the death penalty being imposed even though there may be factors that call for a less severe penalty.”)

Moreover, the testimony Bryant’s aunt would have provided is both relevant and admissible under South Carolina law. Rule 401, SCRE, provides that relevant evidence is

“evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable than it would be without the evidence.” Rule 404 (b) allows the admission of evidence of a common scheme or plan. “Such evidence is relevant because proof of one is strong proof of the other.” *State v. Wallace*, 384 S.C. 428, 683 S.E.2d 275, 277 (2009).

The sentencing judge’s error could not have been harmless, as he concluded as a *matter of law* that he was unable to consider the testimony of Bryant’s aunt corroborating Bryant’s claim of sexual abuse by the identical family member. In addition, the Solicitor exploited the very evidentiary lacuna his objection had created by insisting that Bryant had fabricated an account of sexual abuse for purely “legal reasons.” September 2008 tr. p. 848, lines 16 and 17. See *Chaffee v. Aiken*, 294 S.C. 88, 362 S.E.2d 875 (1987).\*

---

\* *Wiggins v. Smith*, 539 U.S. 510 (2003), is interesting in this connection. *Wiggins* notes that “family and social history” are among the topics defense counsel should consider presenting in mitigation. The Supreme Court reversed because “[d]espite these well defined norms... counsel abandoned their investigation of [Wiggins’] background after having acquired only rudimentary knowledge of his history from a narrow set of sources.” 539 U.S. at 524. The dissent in *Wiggins* made essentially the same argument the Solicitor employed in Bryant’s case:

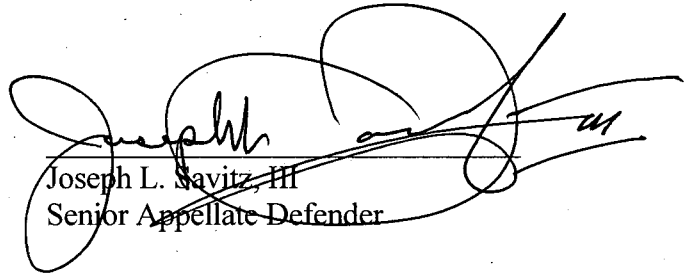
Wiggins’ accounts of his background... are the hearsay statements of a convicted murder and, as the trial testimony in this case demonstrates, a serial liar. ... And, knowing that the information he provided ... would be used to attack his death sentence, Wiggins had every incentive to lie again about the supposed abuse he suffered.

Id. at 555-6 (Justices Scalia and Thomas dissenting).

Conclusion

Based on the foregoing argument, Stephen Corey Bryant asks the Court to reverse his death sentence and remand for resentencing.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Joseph L. Savitz, III', is written over the typed name and title.

Joseph L. Savitz, III  
Senior Appellate Defender

ATTORNEY FOR APPELLANT.

This 22nd day of March, 2010.

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

STEPHEN COREY BRYANT,

APPELLANT

---

**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

---

Appellant proposes the following be included in the Record on Appeal:

- (1) Guilty plea transcript
- (2) Sentencing phase transcript
- (3) Pre-guilty plea transcript
- (4) True-billed indictment(s)
- (5) Sentencing forms

I certify that this designation contains no matter which is irrelevant to this appeal.

March 22nd, 2010



Joseph L. Savitz, III  
Senior Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1343

**STATE OF SOUTH CAROLINA  
In the Supreme Court**

---

**Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge**

---

**2004-GS-40-10096 (Richland County)  
2006-GS-43-696, 2006-GS-43-699 thru 702**

**THE STATE OF SOUTH CAROLINA,**

**Respondent,**

**v.**

**STEPHEN COREY BRYANT,**

**Appellant.**

---

**INITIAL BRIEF OF RESPONDENT**

---

**HENRY D. McMASTER**  
Attorney General

**JOHN W. McINTOSH**  
Chief Deputy Attorney General

**DONALD J. ZELENKA**  
Assistant Deputy Attorney General

P.O. Box 11549  
Columbia, SC 29211  
(803) 734-3601

**C. KELLY JACKSON**  
Solicitor, Third Judicial Circuit

141 N. Main Street  
Sumter, SC 29150  
(803) 436-2185

**RECEIVED**

**AUG 10 2010**

**S.C. SUPREME COURT**

**ATTORNEYS FOR RESPONDENT**

**TABLE OF CONTENTS**

TABLE OF CONTENTS ..... I

TABLE OF AUTHORITIES ..... ii

APPELLANT’S STATEMENT OF ISSUE ON APPEAL ..... 1

RESPONDENTS STATEMENT OF THE CASE ..... 2

    The Guilty Plea ..... 3

    The Sentencing Proceeding ..... 4

    The Crimes of Stephen Bryant ..... 6

ARGUMENT ..... 15

**Where testimony was admitted in mitigation that Appellant Bryant had recently claimed to have been sexually abused by his grandfather when he was a child, the trial court did not err in excluding collateral testimony from his aunt that she had problems with the same person as not relevant mitigation evidence.** ..... 15

CONCLUSION ..... 36

RESPONDENTS DESIGNATION OF MATTER

CERTIFICATE OF SERVICE

## TABLE OF AUTHORITIES

### FEDERAL CASES

Alley v. Bell, 307 F.3d 380, 392, 399 (6th Cir.2002) .....	21
Blystone v. Pennsylvania, 494 U.S. 299 (1990) .....	21
Boyd v. French, 147 F.3d 319, 326 (4th Cir.1998) .....	20
Eddings v. Oklahoma, 455 U.S. 104 (1982) .....	16,17, 18
Franklin v. Lynaugh, 487 U.S. 164, 174, 108 S.Ct. 2320, 101 L.Ed.2d 155 (1988) ....	21
Green v. Georgia, 442 U.S. 95, 97, 99 S.Ct. 2150, 60 L.Ed.2d 738 (1979) .....	18-20
Hutchins v. Garrison, 724 F.2d 1425, 1437 (4th Cir.1983) .....	22
Johnson v. Texas, 509 U.S. 350, 362, 113 S.Ct. 2658, 125 L.Ed.2d 290 (1993) .....	18
Lockett v. Ohio, 438 U.S. 586 (1978) .....	16, 17, 20, 22
McGehee v. Norris, 588 F.3d 1185, 1197 (8th Cir. 2009) .....	23
McKoy v. North Carolina, 494 U.S. 433,(1990) .....	19
Mills v. Maryland, 486 U.S. 367, at 374-375, 108 S.Ct. 1860 (1988) .....	16
Oregon v. Guzek, 546 U.S. 517, 126 S.Ct. 1226, 163 L.Ed.2d 1112 (2006) .....	21
Owens v. Guida ,549 F.3d 399, 419 (6th Cir. 2008) .....	21
Rompilla v. Beard, 545 U.S. 374, 391-92, 125 S.Ct. 2456, 162 L.Ed.2d 360 (2005) ...	23
Skipper v. S.C., 476 U.S. 1 (1986) .....	16,18
Smith v. Spisak , 130 S.Ct. 676, 681 -682 (2010) .....	16
Sweet v. Delo, 125 F.3d 1144, 1158 (8th Cir.1997) .....	19, 23
Tennard v. Dretke, 542 U.S. 274, 284, 124 S.Ct. 2562, 159 L.Ed.2d 384 (2004) ...	19, 33
United States v. Purkey, 428 F.3d 738, 756 (8th Cir.2005) .....	20

Wiggins v. Smith, 539 U.S. 510, 517, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003) . . . 16, 23

Williams (Terry) v. Taylor, 529 U.S. 362, 395-96, 120 S.Ct. 1495, 146 L.Ed.2d 389  
(2000) . . . . . 23

**STATE CASES**

Council v. State, 380 S.C. 159, 670 S.E.2d 356 (2008) . . . . . 16, 33

State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006) . . . . . 16

State v. Mercer, 381 S.C. 149, 161, 672 S.E.2d 556, 562 (2009) . . . . . 16

State v. Rice, 375 S.C. 302, 314, 652 S.E.2d 409, 415 (Ct.App.2007) . . . . . 16

## **APPELLANT'S STATEMENT OF ISSUE ON APPEAL**

The sentencing judge committed reversible error by excluding testimony that Bryant's aunt had been sexually abused by her father (Bryant's paternal grandfather), who the defense alleged also began abusing Bryant at the age of seven, as this evidence was both relevant under Rules 401 and 404, SCRE, and mitigating under the Eighth and Fourteenth Amendments to the United States Constitution.

## **RESPONDENT'S STATEMENT OF THE CASE**

The Appellant, Stephen Corey Bryant, was indicted at the July 20, 2006 term of the Court of General Sessions for burglary in the second degree (2006-GS-43-696) [Oct. 5, 2004 incident involving Robert T. Dennis]; burglary in the first degree (2006-GS-43-697) [Oct. 8, 2004 incident involving James Ammons]; murder; burglary in the first degree; arson in the second degree; possession of a stolen handgun (2006-GS-43-698)[Oct. 9, 2004 incident resulting in homicide of Clifton Dale Gainey]; murder; armed robbery; possession of stolen handgun (2006-GS-43-599) [Oct. 11, 2004 incident involving death of Willard Tietjen]; murder and possession of stolen handgun (2006-GS-43-700) [Oct. 13, 2004 incident involving death of Clarence Burgess]; assault and battery with intent to kill (2006-GS-43-701 [involving Oct. 26, 2005 incident against Correctional Officer Larry Justice at Sumter-Lee Detention Center]; threatening life of public employee (2006-GS-43-702) [involving March 9, 2005 incident toward Correctional Officer Thornwell Jones of the Sumter-Lee Regional Detention Center]. ROA \_\_. On December 14, 2004, the Appellant was indicted at the Court of General Sessions for Richland County for Assault and battery with intent to kill (2004-GS-40-10096)[October 8, 2004 incident upon Clifton Brown]. ROA \_\_.

The State made written notice of intent to seek the death penalty which was served on arraignment before the Honorable Clifton Newman on April 27, 2007 on the Tietjen incident, 2006-GS-43-699. April 27, 2007 Tr. p. 4-8. The Appellant was initially represented by Jack D. Howle, Jr., Esquire, of the Sumter County Bar. He was subsequently appointed James H. Babb to represent him as second counsel. On July 8, 2008, counsel Babb was removed upon motion and replaced by John D. Clarke of the Sumter County Bar. The

notice of intent to seek the death penalty was served upon counsel Clarke at the July 18, 2008 proceeding. July 18, 2008 Tr. 7.

Motion hearings were held December 14, 2004, December 13, 2005, April 27, 2007, May 14, 2007, April 3, 2008, April 18, 2008, and July 18, 2008.

On April 11, 2008, the Appellant made a petition for writ of certiorari in the original jurisdiction of the South Carolina Supreme Court. On April 23, 2008, the Supreme Court of South Carolina issued an Order staying the trial, scheduled to begin April 28, 2008, pending decision on the petition for writ of certiorari. On May 1, 2008, the State opposed the petition. On May 30, 2008, the Supreme Court of South Carolina entered its Order, that “petition for writ of certiorari in the original jurisdiction is denied.” Subsequently, on July 10, 2008, the Court denied a “motion for order reinstating a stay of trial.”

**a. The Guilty Plea**

On August 18, 2008, the Appellant appeared before the Honorable Thomas A. Russo for a guilty plea. The Appellant was represented by court-appointed counsel, Jack Howle and John Clarke. The State was represented by Third Circuit Solicitor C. Kelly Jackson and Assistant Solicitor Dudley Saleeby. Counsel James H. Babb was also present. Plea Tr. p. 26. The record revealed that there were no plea negotiations as to sentence in the case. Plea Tr. 17, 23-24, 56-57. The Appellant entered guilty pleas to the following crimes:

1. burglary in the second degree [2006-GS-43-696].
2. burglary in the first degree [2006-GS-43-697].
3. assault and battery with intent to kill [2004-GS-40-10096] [Richland County].

4. murder [2006-GS-43-698].
5. murder [2006-GS-43-699].
6. murder [2006-GS-43-700].
7. assault and battery with intent to kill [2006-GS-43-701].
8. threatening the life of a public employee [2006-GS-43-702].
9. armed robbery [2006-GS-43-699].
10. possession of stolen handgun [2006-GS-43-699].
11. burglary first degree [2006.GS-43-698].

Plea Tr. 12-16. The plea court determined that there was a sufficient factual basis for each of the guilty pleas. Plea Tr. 26-59. The Appellant affirmed the State's factual basis as correct as to each crime. Plea Tr. p. 31, p. 35, l. 23; p. 38, l. 17; p. 43, l. 23; p. 46, l. 15; p. 52, l. 14; p. 54, ll. 16-18; p. 55, l. 25. Judge Russo deferred sentencing.

**b. Sentencing Proceedings - September 2-5, 8, 9, 11, 2008**

On September 2, 2008 the sentencing proceeding began before Judge Russo pursuant to Sect. 16-3 20(c)(a)(d) on indictment 2006-GS-43-699 involving the murder of Willard Tietjen. The State had filed and served the Notice of Intent to seek the death penalty asserting the condition precedent of the statutory aggravating circumstances "murder was committed while in the commission of a robbery while armed with a deadly weapon." The State presented its evidence in aggravation through September 8, 2008. Sentencing Tr. pp. 1-730.

The defense presented its evidence in mitigation. Sentencing Tr. pp. 734-1000. The

Appellant waived his right to testify.<sup>1</sup> Tr. pp. 1002-1004. The State and defense made closing arguments to the Court. Tr. pp. 1005-1035.

Judge Russo sentenced the Appellant on September 11, 2005. He sentenced Bryant to thirty (30) days on 2006-GS-43-702 (threatening life of a public employee); twenty (20) years on 2004-GS- 40-10096 (assault and battery with intent to kill); twenty (20) years on 2006-GS-43-701 (assault and battery with intent to kill); life imprisonment on 2006-GS-43-700 (murder); life imprisonment on 2006-GS-43-697 (burglary in the first degree); fifteen (15) years on 2006-GS-43-696 (burglary in the second degree); twenty-five (25) years on 2006-GS-43-698 (arson in the second degree); and life ( (burglary in the first degree); and life (murder).

On 2006-GS-43-699, five (5) years (possession of stolen handgun); thirty (30) years (armed robbery); and life (murder). Judge Russo found beyond a reasonable doubt the existence of the statutory aggravating circumstance of “the defendant committed the murder while in the commission of a robbery while armed with a deadly weapon.” Tr. p. 1049, l. 22 - p. 1050, l. 8. On the incident involving the death of Willard Tietjen, Judge Russo sentenced Bryant to “death by electrocution or lethal injection.” Tr. p. 1051, l. 4-7.

The Appellant, through counsel served and filed a timely Notice of Appeal on September 19, 2008.

---

<sup>1</sup> The Appellant did make a spontaneous interruption of the State’s closing argument. Tr. p. 1006, l. 12.

## The Crimes of Stephen Corey Bryant

### **1. The Burglary of the Residence of Robert Dennis on October 5, 2004 [Tuesday].**

It began on October 4, 2004. Bryant comes upon the home of Robert Dennis. It has an iron gate, no trespassing signs, and dirt road access to his property which rests in an isolated, remote area. Tr. pp. 186-189, 196. Bryant walks down the half mile dirt road to the Dennis home and tells Dennis that his truck was stuck at the top of his driveway. Dennis offers help and although uneasy takes him to the area and extracts the truck out of the bog. Tr. pp. 189-190. Dennis gets his name "Carlos Bryan" and a false address. Dennis also writes down a description of the truck - a 1990 GMC two-tone blue truck. Plea Tr. pp. 29-30; Tr. p. 191, ll. 1-12.

On October 5, 2004, Dennis leaves his home and returns later that day and finds his home office burglarized. Tr. pp. 192-194. There was entry through a window, with computer items and checkbook stolen from his office. Tr. pp. 192-193. Although no fingerprints were found, with the exception of glove prints, a shoeprint was raised outside the window which was sent to SLED.

A subsequent search warrant of Bryant's home found a right shoe that matched the shoeprint. In addition, Dennis identified Bryant as the visitor from October 4<sup>th</sup> which his photograph was on television and newspaper and contacted the police. Plea Tr. pp. 30-31; Tr. p. 195, l. 18 - p. 196, l. 9.

## **2. The Burglary of James Ammons on October 8, 2004 [Friday].**

James Ammons, like Dennis lived in an isolated and remote area outside of Sumter. Tr. pp. 199-200. The morning of October 8<sup>th</sup>, Ammons takes his daughter to school and then travels into Sumter for errands. Tr. p. 204. At that time, Ammons had allowed a friend, T. J. Hansen, to go deer-hunting on his property, but he got his truck stuck in the mud.

His friend goes to Ammons' home around 11:30 a.m., notices the sliding door open and enters to seek help or use the telephone. However, he finds the telephone is dead. He walks to another neighbors house and calls Ammons on his cell phone. Tr. pp. 204-205, 211-216.

Ammons and his friend then returned to Ammons' home around 1:30 p.m. Tr. p. 205. The sliding door is open, the television is off rather than on as he left it, and Ammons goes into his bedroom and finds the mattress moved, a .40 caliber Smith and Wesson pistol stolen along with ammunition and registration papers. Ammons then calls 9-1-1. Plea Tr. pp. 32-33; Tr. pp. 205-209.

Subsequently, as a result of the search on October 13<sup>th</sup>, the gun, case, ownership papers and the box of ammunition are recovered from Bryant's house. Plea Tr. pp. 33-34; Tr. pp. 207-210. Bryant gave a series of statements just claiming the gun was found in a dumpster and then asserted he found it at a home in Pinewood where he stopped when he was low on gas, slid open the door, and took the gun. Plea Tr. pp. 33-34; Tr. pp. 216-217. In a third statement, he admitted to cutting the telephone wires before he

entered the home. Plea Tr. p. 35; Tr. p. 217.

**3. Assault on Clinton Brown in Richland County [October 8, 2004].**

Clinton Brown was fishing with an acquaintance at the Billy Tolar Boating Landing off the Wateree River, Tr. pp. 247-248. Brown saw Bryant come up and speak to them and then leave. The other fisherman leaves. Tr. pp. 250-253. At one point Bryant returns, comes from behind Brown and shoots him in the back. Bryant then leaves, offering no assistance. Tr. pp. 254-255.

Brown, bleeding, initially passes out. He comes to and struggles up to his truck and drives to Tuomey Hospital where he remains for over one week. Plea Tr. pp. 35-38; Tr. pp. 254-256, 259-262.

The bullet recovered from Brown ultimately matches the stolen Smith and Wesson. Bryant admits the shooting to a Third-Party [Roy Lee Lambert], the next day. Tr. pp. 273-276. Law enforcement was then contacted by that person. Plea Tr. p. 38. Lambert buys a knife from Bryant and sees a Smith and Wesson that Lambert offers to find a buyer, but Bryant says "its got blood on it." Tr. p. 275.<sup>2</sup>

**4. The murder of Cliff Gainey on October 9, 2004.**

Unlike the others, Appellant and Cliff Gainey knew each other. They were co-workers in construction, went fishing together and spent weekends with each other's family. Plea Tr. p. 40. On October 9, 2004, Bryant picked up Gainey from the mobile home he rented from his boss. They end up at a convenience store buying beer. [This is

---

<sup>2</sup> Bryant gave statements asserting that he pulled the trigger and the bullet hit him in the back. Tr. pp. 280-281. He stated the victim charged him so he fired back with a second shot, but claimed he did not know if it hit him. Tr. p. 281.

seen on store's camera.] They drive off arriving on Bells Mill Road. Bryant shoots Gainey three (3) times, leaves body and drives off. A passerby, William Morton sees a truck with its lights initially off speed away and then sees the body. After checking vitals he calls 9-1-1. Tr. pp. 285-286. There is no identification on the body and he remains unidentified for nearly two days. Tr. pp. 290-291, 301.

After shooting Gainey, Bryant then returns to Gainey's mobile home. He steals a television, VCR, sound system and aquarium. Tr. p. 317. Upon leaving, he sets fire to the couch. Plea Tr. pp. 40-41.

At 8:30, Gainey's ex-wife Linda Coker arrives with son and calls the fire department. They determine it is not accidental and determine it began prior to 8:25 due to the damage of a clock. Tr. pp. 323-330. The family had been by previously at 7:30. Tr. pp. 307-311.

Connecting Bryant to the murder was the positive comparison of the shell casings at the scene, the video of the convenience store with Gainey, and the results of the search warrant of Bryant's home where television, DVD, VCR, sound system and aquarium were found. Tr. pp. 336-337. Further, Bryant's girlfriend Judy Justice, had been given a key from Bryant that was the key to Gainey's mobile home. Tr. pp. 337-338.

Bryant also gave a statement claiming he threw the wallet into a dumpster, showed weapon to the victim, and took the items from Gainey's home. Guilty Plea Tr. pp. 42-43; Tr. pp. 340-344. In his last statement, he admitted shooting Gainey after he took a leak and then turned toward him when "I started freaking out." Tr. p. 344.

**5. The murder of Willard Tietjen on October 11, 2004 [Monday].**

Between 11:00 a.m. and 5:30 p.m., Willard Tietjen, a disabled 62 year old, was murdered in his home. He lived with his wife, Mildred in a remote and isolated ranch house. Plea Tr. pp. 44-45.

Tietjen, suffering from a bad heart condition and early onset of Alzheimer's, was a man of habit who stayed around his home due to his conditions. Tr. pp. 426-427, 473. His wife after leaving for work after breakfast, would begin calling on him around 4:30 p.m. Plea Tr. p. 45; Tr. p. 432.

On October 11<sup>th</sup>, Tietjen spoke around 11:00 a.m. with a friend, Robert Summers. Plea Tr. 46; Tr. pp. 433-434, 484-486. Subsequently, without apparent forced entry, Stephen Bryant entered Tietjen's home. [In Bryant's statement, he says he knocked on Tietjen's door, asked for help because his truck had broken down and that Tietjen invited him inside]. Plea Tr. p. 46.

Tietjen is shot nine (9) times by Bryant in the dining room. Plea Tr. p. 46.

Bryant proceeds to go through Tietjen's wallet and takes cash and some cards. Plea Tr. p. 46. He throws cards around the living room floor. Bryant pull's Tietjen's masonic ring off his finger. Bryant methodically goes through each room in the house looking for items to steal. Plea Tr. pp. 46-47.

He takes power tools, a knife, a medallion, a jug of change, hand tools, a bag to carry them in, walkie-talkies, cell-phone, silver certificates, jewelry, an ammo box, and other items. Plea Tr. p. 47, ll. 3-10.

Bryant then takes a drink from the refrigerator, smokes cigarettes, and a cigar.

Plea Tr. p. 47. In addition, Bryant writes a note,<sup>3</sup> goes on the computer. Plea Tr. p. 47.

Bryant is still in the home when Mrs. Tietjen makes her daily call to the land line to check on her husband. Tr. p. 435. She then calls Tietjen's cell phone and Bryant answers and says "T.J. is dead" and admits killing her husband. Plea Tr. p. 47; Tr. p. 436, 1. 20 - p. 437. She hangs up and calls 9-1-1. She calls again and Bryant repeats "I told you T.J. is dead, and don't call again." Tr. p. 438; also Tr. pp. 659-660, 698. Tietjen's daughter Kimberly Dees calls the cell phone also and Bryant again admits killing her father. Tr. pp. 477-668. Kimberly's husband [Robert Dees] calls, and the same sad inculpatory statement is given. Plea Tr. p. 47; Tr. pp. 481-482. These calls occur between 5:15 and 5:30. Law enforcement was called after.

Forensic testing connects the shell casings and bullets from the Tietjen scene with the stolen handgun. Plea Tr. p. 48. Bryant's DNA is found on cigarette material within the house. One was a partially smoked cigarette retrieved from the right eye of the victim. Tr. pp. 594-595. It is also found on a pair of socks. Tr. p. 595. Handwriting analysis finds the note consistent with Bryant's writing. Plea Tr. p. 48; Tr. p. 583. A videotape of the Bi-Lo store shows Bryant using the change machine. Id. Tr. pp. 562-563, 569.

Items of stolen property were recovered and connected to Bryant. Tr. pp. 546-552. Bryant sells the stolen knife to Roy Lambert who Bryant had admitted shooting Brown who turns it into police. Tr. pp. 274-276, 572-573.

---

<sup>3</sup> The contents of the note/letter stated: "no more sick computer porn for this sick f\_\_\_\_r. By the way, just keeping my promise to all. Good luck finding me. LMFAO." The note also stated "I find it funny, victim number five in two weeks." Tr. pp. 516-518.

Bryant also gives inculpatory statements Tr. pp. 607-615. He admitted the Tietjen robbery and taking items while still armed. He described acts done within the house and laid claim as the sole perpetrator. He then carried law enforcement to locations where he had deposited items. He admitted conversations with Tietjen's family. Plea Tr. p. 49, ll. 2-10.

Mrs. Tietjen testified that her husband told her Friday, October 8<sup>th</sup>, a man came by the house looking for Kimberly Smith. She said her husband tried to assist the person with the use of the telephone book. Tr. pp. 430-431. When she had returned home on the 8<sup>th</sup>, she saw a truck in the driveway that she had assumed was a deer-hunter's truck. She recalled it to be a GMC and similar color to a photograph of the truck identified as Bryant's. Tr. pp. 430-431.

Dr. Joel Sexton, the forensic pathologist, testified about the extensive injuries to Mr. Tietjen. Tr. p. 109. The victim had nine (9) gunshot wounds and burns to the eyes and his beard. Tr. pp. 108-113. Two of the shots to the head were fatal. Tr. p. 112, ll. 1-21.

**6. The murder of Christopher Burgess two days later [October 13, 2004] [Wednesday].**

Thirty-five (35) year old Christopher Burgess rode a bicycle at 1:30 a.m. to the Foxville Road area in Manchester Forest. Guilty Plea Tr. p. 50. He comes upon an Officer Benjamin Stiles and then continues on toward the mall. Tr. pp. 345-348.

Around 4:20 a.m., Burgess ends up at a convenience store, the Kangaroo Market Express [where he is seen on video with Bryant]. [Tr. p. 353, Exhibit 103]. Towanda

Govan, an employee, knew both Burgess and Bryant by their coming into the store. Tr. p. 351. On that date, Govan recalled Chris coming in first and Bryant came in later and she saw them shake hands. Tr. p. 352. She said it was around 4:20 a.m. Tr. pp. 354-355.

After some conversation, Burgess leaves with Bryant after his bike is put into Bryant's truck. Guilty Plea Tr. p. 50. They eventually end up in the Foxville Road area. Similar to the Gainey incident, Bryant shoots Burgess and leaves the unconcealed body in the road bed.

Around 6:15 a.m., a deer hunter, Tony Jackson, sees the body in the roadway and calls 9-1-1. Tr. pp. 358-360, p. 365.

Burgess had two (2) gunshot wounds - one through his left cheek that entered his brain and a second through his back that went through his heart and exited. Plea Tr. p. 51.

The removed bullet and shell casing matched the stolen handgun. Plea. Tr. p. 51. The videotape of the convenience store show Bryant and Burgess together. Items that had been previously seen by law enforcement in Bryant's truck during an interview before this incident are found at the scene. Guilty Plea Tr. pp. 51-52. Burgess' bicycle is recovered from the truck when the warrant is served. Guilty Plea Tr. p. 51.

In Bryant's statements, he admits shooting Burgess with the Smith and Wesson, knew the location and described the body. Guilty Plea Tr. p. 52; Tr. pp. 376-379. Bryant declared in his statements that Burgess started making demands where he wanted him to take him which "pissed me off" and he feared he would take his truck from him, so he reached under the seat, grabbed the gun and shot him. Tr. p. 378, ll. 4-9, p. 379, ll. 5-12.

**7. Threatening the life of Correctional Officer Thornwell Joe Jones at the Sumter-Lee Regional Detention Center on March 9, 2005.**

Subsequent to his arrest, Bryant became a pre-trial detainee at the Sumter-Lee Regional Detention Center. On March 9, 2005, Correctional Officer Cpl. Thornwell Jones and a nurse were passing out food trays and medication to the inmates. Guilty Plea Tr. p. 53. When they arrived at Bryant's cell, Bryant declares: "I's coming out of my cell when you open the door and I'm going to F\_\_\_\_ you up." Guilty Plea Tr. p. 53; Tr. p. 383.<sup>4</sup> They open the door and Bryant appears - hands balled up and ready to fight. Tr. pp. 383-384. The officers took it seriously and Bryant finally stood down without striking the officer. Guilty Plea. Tr. pp. 53-54; Tr. pp. 383-384.

Jones testified that he did not have problems with him after that date. Tr. p. 387.

**8. The assault with intent to kill Correctional Officer Larry Justice on October 26, 2005.**

On October 26, 2005, Officer Larry Justice is retrieving dinner trays at the Sumter-Lee Regional Detention Center maximum security area. Tr. pp. 392-93. He approaches Bryant's single cell and Bryant places his tray in the bag. Tr. p. 392. At that point Bryant sucker punches Justice multiple times whose head is knocked against a wall and falls to the ground. Tr. pp. 393, 413. While in a fetal position, Bryant is kicking and beating Officer Justice on the face and chest. Guilty Plea Tr. p. 55; Tr. pp. 413-414. An officer witnesses this and calls for assistance. Tr. pp. 413-416. Bryant then withdraws

---

<sup>4</sup> During the hearing, he testified that Appellant stated when I open his door he was "going to come out and go to my f\_\_\_\_g ass because he ain't got nothing to lose." Tr. p. 383, ll. 14-16.

and goes into this cell. Tr. pp. 416-417.

Officer Justice suffers a broken eye socket, broken nose, crushed sinus bones and a brain aneurysm. Guilty Plea Tr. p. 55; Tr. pp. 394-396. He has not worked since the incident. Tr. p. 401, l. 19. He suffers headaches, nosebleeds, and he is required to walk with a cane to control his balance. Guilty Plea Tr. p. 55; Tr. pp. 395-396.

### ARGUMENT

**Where testimony was admitted in mitigation that Appellant Bryant had recently claimed to have been sexually abused by his grandfather when he was a child, the trial court did not err in excluding collateral testimony from his aunt that she had problems with the same person as not relevant mitigation evidence.**

In his brief, Appellant asserts the sentencing judge committed error in excluding testimony from Appellant's aunt that she had problems of molestation from her father (the Appellant's grandfather) because the Appellant had claimed in 2004 that he had been sexually abused by his grandfather and this similar alleged act added credibility to the Appellant's assertion to her. The trial court rejected the proffer upon objection, concluding the evidence had no relevance to the Petitioner. As the court stated: "its not relevant to Bryant's case as to what abuse this grandfather may have inflicted on others. Its not a question of how extensive his abuse, but is relevancy to others". Tr. pp. 790-791. Respondent submits the trial court did not abuse its discretion in excluding this limited evidence from Appellant's aunt as to whether she had been abused by the grandfather, but allowed evidence of Appellant's claim that he had been abused by him and her own knowledge of whether he had been abused.

## STANDARD OF REVIEW

In criminal cases an appellate court sits to review errors of law only. *State v. Baccus*, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). Evidentiary rulings are within the sound discretion of the trial court, and such rulings will not be reversed absent an abuse of discretion or the commission of legal error that prejudices the defendant. *State v. Rice*, 375 S.C. 302, 314, 652 S.E.2d 409, 415 (Ct.App.2007). The trial court abuses its discretion when the ruling is based on an error of law or factual conclusion that is without evidentiary support. *Id.* at 315, 652 S.E.2d at 415.

First, the Constitution forbids imposition of the death penalty if the sentencing judge or jury is “ “precluded from considering, *as a mitigating factor*, any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death.” ’ ’ 486 U.S., at 374, 108 S.Ct. 1860 (quoting *Eddings v. Oklahoma*, 455 U.S. 104, 110, 102 S.Ct. 869, 71 L.Ed.2d 1 (1982), in turn quoting *Lockett v. Ohio*, 438 U.S. 586, 604, 98 S.Ct. 2954, 57 L.Ed.2d 973 (1978) (plurality opinion)). Second, the sentencing judge or jury “ ‘may not refuse to consider *or be precluded from considering* “any relevant mitigating evidence.” ’ ’ *Mills v. Maryland*, 486 U.S. 367, at 374-375, 108 S.Ct. 1860 (1988) (quoting *Skipper v. South Carolina*, 476 U.S. 1, 4, 106 S.Ct. 1669, 90 L.Ed.2d 1 (1986), in turn quoting *Eddings*, *supra*, at 114, 102 S.Ct. 869). Accord *Smith v. Spisak*, 130 S.Ct. 676, 681 -682 (2010).<sup>5</sup>

---

<sup>5</sup> Recently, this Court in *State v. Mercer*, 381 S.C. 149, 161, 672 S.E.2d 556, 562 (2009) reminded the bench and bar of the importance of a meaningful mitigation defense and, concomitantly, the ability of a capital defendant to fully present mitigation evidence. See *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008) (relying in large part upon *Wiggins v. Smith*, 539

In *Lockett*, the trial judge sentenced the defendant to death under a statute that provided for imposition of the death penalty unless the sentencer found, by a preponderance of the evidence, the existence of at least one of three enumerated mitigating factors. *Lockett*, 438 U.S. at 593-94, 98 S.Ct. 2954. Lockett argued her sentence was unconstitutional because the state statute prohibited the sentencer from considering other relevant mitigating factors. *Id.* at 602, 98 S.Ct. 2954. The Supreme Court agreed, holding that, in capital cases, “the Eighth and Fourteenth Amendments require that the sentencer ... not be precluded from considering, *as a mitigating factor*, any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death.” *Id.* at 604, 98 S.Ct. 2954.

In *Eddings*, the Supreme Court reaffirmed and extended this rule. The trial judge had refused to consider mitigating evidence of a convicted murderer's unhappy and violent upbringing. The Court held, “Just as the State may not by statute preclude the sentencer from considering any mitigating factor, neither may the sentencer refuse to consider, *as a matter of law*, any relevant mitigating evidence.” *Eddings*, 455 U.S. at 113-14, 102 S.Ct. 869. Indeed, the Court likened the situation to one, similar to that at hand, in which “the trial judge had instructed a jury to disregard the mitigating evidence ...

---

U.S. 510, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003) (counsel's failure to adequately investigate and present mitigating evidence resulted in the ineffective assistance of counsel requiring a new sentencing hearing). The Court declared that the trial courts, vested with considerable discretion in evidentiary matters, must not neglect the due process implications involved in a capital defendant's right to present mitigation evidence.

proffered on [the defendant's] behalf,” emphasizing that the sentencer may not give relevant mitigating evidence “no weight by excluding [it] from ... consideration.” *Id.* at 114-15, 102 S.Ct. 869.

In *Skipper*, the trial court permitted the defendant to introduce evidence at his capital sentencing hearing of mitigating factors, such as his difficult upbringing, but excluded as irrelevant evidence of the defendant's good behavior during the seven-and-one-half months he was in jail awaiting trial. *Skipper*, 476 U.S. at 2-3, 106 S.Ct. 1669. Determining that the evidence of good behavior was, indeed, relevant, the Supreme Court held that the exclusion “impeded the sentencing jury's ability to carry out its task of considering all relevant facets of the character and record of the individual offender,” and required reversal of the death sentence. *Id.* at 8-9, 106 S.Ct. 1669.

The “central requirement” of *Lockett* and its ensuing line of cases is that “a State may not cut off in an absolute manner the presentation of mitigating evidence, either by statute or judicial instruction, or by limiting the inquiries to which it is relevant so severely that the evidence could never be part of the sentencing decision at all.” *Johnson v. Texas*, 509 U.S. 350, 362, 113 S.Ct. 2658, 125 L.Ed.2d 290 (1993) (internal quotation marks and citation omitted). Nor may a court apply hearsay rules “mechanistically to defeat the ends of justice” at a capital sentencing. *Green v. Georgia*, 442 U.S. 95, 97, 99 S.Ct. 2150, 60 L.Ed.2d 738 (1979) (internal quotation marks and citation omitted).

The Supreme Court has used broad language to describe the relevance standard, observing that the meaning of relevance in the mitigation context is not unlike the

meaning of relevance in other contexts; it is “evidence which tends logically to prove or disprove some fact or circumstance which a fact-finder could reasonably deem to have mitigating value.” *Tennard v. Dretke*, 542 U.S. 274, 284, 124 S.Ct. 2562, 159 L.Ed.2d 384 (2004) (quoting *McKoy v. North Carolina*, 494 U.S. 433, 440, 110 S.Ct. 1227, 108 L.Ed.2d 369 (1990)).<sup>6</sup> The precise application of that broad language, however, is not always clear, and courts have acknowledged that there is “little guidance on what constitutes relevance for *Lockett* purposes.” *Sweet v. Delo*, 125 F.3d 1144, 1158 (8th Cir.1997).

In *Green v. Georgia*, the Supreme Court held that the Due Process Clause of the Fourteenth Amendment may require the admission of mitigating evidence even if state law rules of evidence would exclude it. There, the Court reversed the death sentence based upon the trial court's application of Georgia's hearsay rule to prohibit a witness's testimony that the defendant's accomplice in the capital murder had confessed to shooting and killing the victim *after* ordering the defendant to run an errand. *See Green*, 442 U.S. at 96-97, 99 S.Ct. 2150. In doing so, the Court held that “[t]he excluded testimony was

---

<sup>6</sup> In *Tennard*, the Supreme Court held that “a State cannot preclude the sentencer from considering ‘any relevant mitigating evidence’ that the defendant proffers in support of a sentence less than death .... [V]irtually no limits are placed on the relevant mitigating evidence a capital defendant may introduce concerning his own circumstances.” *Tennard*, 124 S.Ct. at 2570 (quoting *Eddings v. Oklahoma*, 455 U.S. 104, 114, 102 S.Ct. 869, 71 L.Ed.2d 1 (1982)). The Court defined relevant mitigating evidence as “evidence which tends logically to prove or disprove some fact or circumstance which a fact-finder could reasonably deem to have mitigating value.” *Id.* (quoting *McKoy v. North Carolina*, 494 U.S. 433, 440, 110 S.Ct. 1227, 108 L.Ed.2d 369 (1990) (defining relevant mitigating evidence in the most expansive terms)). Furthermore, the Court added that “a State cannot bar ‘the consideration of ... evidence if the sentencer could reasonably find it warrants a sentence less than death.’ ” *Id.* (quoting *McKoy*, 494 U.S. at 440, 110 S.Ct. 1227).

highly relevant to a critical issue in the punishment phase of the trial” *and* that “substantial reasons existed to assume its reliability.” *Id.* at 97, 99 S.Ct. 2150 (citing *Lockett*, 438 U.S. at 604-05, 98 S.Ct. 2954). In particular, the Court noted that:

[the accomplice] made his statement spontaneously to a close friend. The evidence corroborating the confession was ample, and indeed sufficient to procure a conviction of [the accomplice] and a capital sentence. The statement was against interest, and there was no reason to believe that [the accomplice] had any ulterior motive in making it. Perhaps most important, the State considered the testimony sufficiently reliable to use it against [the accomplice], and to base a sentence of death upon it.

*Id.* at 97, 99 S.Ct. 2150. In light of “these unique circumstances,” the Court held, “the hearsay rule may not be applied mechanistically to defeat the ends of justice.” *Id.* (internal quotation marks omitted); *see also Fullwood*, 290 F.3d at 693 (noting that “under certain circumstances, ‘the Due Process Clause of the Fourteenth Amendment *may* require the admission of mitigating evidence even if state-law rules of evidence ( *e.g.*, hearsay) would exclude it’ ”) (alteration omitted) (quoting *Boyd v. French*, 147 F.3d 319, 326 (4th Cir.1998)).

1. *Consider Relevant Mitigating Evidence, Not All Evidence.*

Although Appellant is right that these cases permit defendants to introduce any *relevant* mitigating evidence, he is wrong to assume that they make all evidence automatically relevant because *Lockett* “does not mean that the defense has *carte blanche* to introduce any and all evidence that it wishes.” *United States v. Purkey*, 428 F.3d 738, 756 (8th Cir.2005). Footnote 12 in *Lockett* explicitly stated that lower courts could continue to exclude as irrelevant evidence not bearing on the defendant's character, prior record, or the circumstances of the offense. *Lockett*, 438 U.S. at 604 n. 12, 98 S.Ct. 2954.

The Supreme Court confirmed that *Lockett* did not make all evidence automatically relevant when it relied on this footnote to hold that courts may exclude certain evidence from capital sentencing hearings as irrelevant. For example, in *Oregon v. Guzek*, 546 U.S. 517, 126 S.Ct. 1226, 163 L.Ed.2d 1112 (2006), the Court unanimously held that a defendant has no right to present new evidence of his innocence at the sentencing hearing even though the defendant claimed that the evidence related to the “circumstances of his offense.” *Id.* at 523-24, 126 S.Ct. 1226; *see also Blystone v. Pennsylvania*, 494 U.S. 299, 306-07, 110 S.Ct. 1078, 108 L.Ed.2d 255 (1990) (no right to jury instruction encouraging jury to weigh lack of severity of aggravating factors as a mitigating circumstance); *Franklin v. Lynaugh*, 487 U.S. 164, 174, 108 S.Ct. 2320, 101 L.Ed.2d 155 (1988) (plurality opinion) (“residual doubt” as to defendant's guilt not a circumstance of the offense). Our circuit recognized that *Lockett* permits courts to exclude irrelevant evidence at capital sentencing hearings and quoted footnote 12 when it affirmed a Tennessee court's decision to exclude from a capital sentencing hearing videotaped interviews in which psychologists discussed the defendant's alleged multiple personality disorder. *Alley v. Bell*, 307 F.3d 380, 392, 399 (6th Cir.2002); *Owens v. Guida*, 549 F.3d 399, 419 (6<sup>th</sup> Cir. 2008).

As the Fourth Circuit has held, however, neither *Lockett* and its progeny nor *Green* compel the conclusion that a state court is required to present a capital jury (or sentencer) with *any* evidence the defendant proffers as mitigating, no matter how irrelevant, unreliable, or cumulative, or that a state's normal evidentiary rules must always yield to allow the introduction of such evidence:

[T]he principles developed in *Lockett* and *Eddings* do not eviscerate all state evidentiary rules with respect to mitigating evidence offered in capital sentencing proceedings. For example, the application of the hearsay rule to exclude evidence offered in mitigation of the death penalty is clearly not a *per se* constitutional violation. It is permissible to exclude on hearsay grounds mitigating evidence which is “only [of] cumulative probative value.”

*Fullwood*, 290 F.3d at 693 (citations and alteration omitted) (quoting *Buchanan v. Angelone*, 103 F.3d 344, 348-49 (4th Cir.1996)); see also *Hutchins v. Garrison*, 724 F.2d 1425, 1437 (4th Cir.1983) (“We find no indication that *Eddings* and *Lockett* preempt all state rules of evidence. Both cases speak about *types* of evidence, not evidentiary rules.”); cf. *Lockett*, 438 U.S. at 604 n. 12, 98 S.Ct. 2954 (noting that the opinion did not “limit[ ] the traditional authority of a court to exclude, as irrelevant, evidence not bearing on the defendant's character, prior record, or the circumstances of his offense”). In *Buchanan*, the 4<sup>th</sup> Circuit explicitly rejected a defendant's claim that the trial court impermissibly excluded hearsay testimony offered by his expert mental health witness for the purpose of providing additional support for the conclusion that the defendant had acted under extreme emotional stress, because the expert's “testimony provided ample evidence to explain his opinion” and “the statements would have had only cumulative probative value.” 103 F.3d at 349. The Court also noted that the excluded testimony “lack[ed] the inherent reliability of the statement excluded in *Green*,” which had been “against the declarant's penal interest, made spontaneously to a close friend, and ... relied [upon by the state] to convict the declarant of capital murder.” *Id.* Cf., *Sears v. Upton*,

2. *Lockett Error Can Be Harmless.*

Further, *Lockett* errors may be harmless. See *Sweet v. Delo*, 125 F.3d 1144, at 1158-59 (8<sup>th</sup> Cir. 1997) (concluding that *Lockett* errors may be held harmless). The excluded evidence - limited to his aunt's personal testimony of sexual abuse by Appellant's grandfather during her childhood [ not Appellant's alleged abuse] - does not begin to approach the significance of the evidence in other notable cases in which the absence of mitigation testimony has been held prejudicial. See, e.g., *Rompilla v. Beard*, 545 U.S. 374, 391-92, 125 S.Ct. 2456, 162 L.Ed.2d 360 (2005) (petitioner's parents were violent alcoholics, and he was beaten regularly, locked inside an excrement-filled dog pen, and not allowed to visit other children); *Wiggins v. Smith*, 539 U.S. 510, 517, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003) (petitioner was left home alone for days, forcing him to beg for food and eat paint chips and garbage, and he was physically and sexually abused by his mother and foster parents); *Williams (Terry) v. Taylor*, 529 U.S. 362, 395-96, 120 S.Ct. 1495, 146 L.Ed.2d 389 (2000) (petitioner had a "nightmarish childhood," during which he was forced to live in unimaginable squalor and severely and repeatedly beaten by his father). *McGehee v. Norris*, 588 F.3d 1185, 1197 (8<sup>th</sup> Cir. 2009). Any error in the limited exclusion is harmless.

## ANALYSIS

Against the backdrop of Bryant's serial spree of murders and assaults, the Appellant introduced evidence related to his character, his dysfunctional family and his expert testimony concerning his adaptability to prison. As revealed, the relevant mitigating evidence concerned Stephen Corey Bryant's character and his personal family history. The mere fact that direct evidence from his aunt that she had problems with his

grandfather - presumably molested according to the contemporaneous argument - was not directly relevant to Bryant's character.

However, Dr. Schwartz-Watts, the defense forensic psychiatrist, testified as an expert that Petitioner suffered from Post-Traumatic Stress Disorder as a result partially of his claimed sexual abuse as a child. Tr.p. 814-815, 822-823, 828-829.832-33. [Dr. Watts also testified on cross-examination, as a sexual abuse expert, that she relied in her opinion on the information she received from the aunt that she was abused by the grandfather. Tr.p. 853, l. 8-19, p. 854, l. 24-p. 855, l. 12. She found that his report, his behavior, his lack of reporting the abuse until 2004 was consistent with someone who had suffered with the abuse. However, she conceded that while the accounts may not be reliable, his behavior and symptoms were consistent with someone that was abused. Tr.p. 855, l. 6-12. Similarly, the judge heard testimony from Dr. Marty Loring, a social psychologist and expert in trauma and stress and its effect on adults that have been traumatized as children. Tr.p. 919-940. She testified about the reports of sexual abuse related to a genogram of the family history and the sexual abuse against Bryant by various family members, including anal rape. Tr.p. 942-944, 947-951. Dr. Loring also testified about the aunt's sexual abuse from the grandfather. Tr.p. 954, l. 15-23.

Therefore, the sentencing judge was not deprived of the relevant mitigating evidence related to the character of Stephen Bryant as it relates to his claimed mental health mitigation of post-traumatic stress disorder. The claim lacks merit for relief.

## WHAT MITIGATION THE JUDGE HEARD

Former Probation Agent Gina Creech testified that Bryant came to her office in August 2004 seeking counseling because he had been unable to sleep due to some problems as a child. Tr. p. 736. She referred him to Healthy Minds. Id.

The Appellant's grandmother, Shirley Freeman, testified in mitigation. Tr. p. 770. She testified that her former husband, William Edward Bryant, physically abused her and the children. Tr. p. 771. She described the Appellant's relationship with his parents - Wayne Edward Bryant, Jr. And Katherine - as cold. Tr. p. 773.

She stated the Appellant came and talked to her on August 19, 2004 about being molested by his grandfather, her ex-husband, his mother's brother (uncle) and an older half-brother. Tr. p. 774, ll. 21-25. As a result, she stated they called the sexual abuse hotline. Tr. p. 776. This was the last time they saw him until his arrest. Tr. p. 776.

The Appellant's aunt testified Bryant talked to her on August 19, 2004 when her mother called her over. Bryant testified that he wanted to talk about him being sexually abused by his grandfather. Tr. p. 790, l. 2. She stated that she was unaware of the sexual abuse until then. Tr. p. 790, ll. 5-8. She described Bryant as upset and tortured which was unlike his prior demeanor. Tr. p. 791, also, Tr. p. 795. The aunt stated she made a series of calls, including a sexual abuse hotline. Bryant told her that he needed help and was trying to get help. Tr. p. 796.

The aunt also described Bryant's relationship with his mother as full of animosity and hatred. Tr. p. 793.

Dr. Donna Schwartz-Watts, a defense forensic psychiatrist, testified about her evaluation of the Appellant. She stated that she had prepared a developmental history based upon a series of interviews and information. She stated that she found significance that there were substance abuse issues within the parents. Tr. p. 814. Dr. Watts described that Bryant had Attention Deficit Disorder (ADD) as a child.

She also stated that Bryant had reported he was sexually abused as a child by four people: his paternal grandfather, his half-brother, his paternal uncle, and his mother. Tr. p. 814, l. 22 - p. 815, l. 1. She also found significant his involvement in the juvenile justice system at an early age beginning at age 11. Tr. p. 815. She noted his school records showed repeating first grade, many absences, and involvement with school counselors by 4<sup>th</sup> grade. Tr. p. 815. The records reported he was in emotionally handicapped classes and low average intelligence, along with A.D.D. Tr. pp. 815-816.

She stated that in her own discussion with family members, the aunt and grandmother, she learned that one of Bryant's perpetrators had also sexually abused other family members. Tr. p. 817, ll. 5-7.

In reviewing his medical history, she stated that shortly before the crimes, he was at the hospital and reported two men had assaulted him. Tr. pp. 817-818.

In reviewing his juvenile records, she found that he had been physically assaulted and also had been placed on anti-depressants. He was determined to have A.D.D. and dysthymia (chronic depression) at the Department of Juvenile Justice. Tr. p. 819.

Dr. Watts opined concerning the effect of the sexual and substance abuse on his

psychiatric past. She noted his history of receiving anti-depressants. She confirmed that prior to the crimes, that his aunt and grandmother, had sought out treatment for his sexual abuse resulting in a referral on September 1, 2004 at Healthy Minds. Within that report, Bryant had reported he was subject to sexual abuse where restraints and threats were made and involved intercourse and penetration. At that time, Bryant also reported abuse by his grandfather began at age 7, but did not state what age his sexual abuse by his mother began. Follow-up was also done by the agency on September 3, 7, and 10 and he reported symptoms of anger, shame and flashbacks. Tr. p. 823. Dr. Watts noted after his arrest, Bryant was evaluated and determined to have anti-social personality disorder with depressed mood by a doctor employed by the jail. Tr. p. 824.

Dr. Watts noted that Bryant had sought treatment before the crimes, had mood disorders going to 1996, been on medication since then, and reported improvement when on the stabilizers. Tr. p. 824.

Dr. Watts opined that she found Bryant “was under the influence of mental or emotional disturbance at the time of the crimes” and “his capacity to appreciate the criminality of his conduct or conform his conduct to the requirements of the law was substantially impaired.” Tr. p. 824, ll. 17-23. Dr. Watts diagnosed Bryant with “Post-Traumatic Stress Disorder.” Tr. pp. 826-828. She opined that this was based upon his reports of childhood sexual abuse, documented through SCDC records in 1999 and the YMCA - Healthy Minds report, including the flashbacks. Tr. p. 826. It included his irritability and outbursts of anger. Tr. p. 827, ll. 3-6.

She also opined that he suffered from a number of substance abuse disorder, as well as A.D.D. and dysthymia by history. Tr. p. 828.

Dr. Watts noted that recent treatment with medications had caused improvement in his mood and makes him much calmer. Tr. p. 831.

She opined that the murders were related to his P.T.S.D. She noted that in the videos and cases he reports feeling threatened by the victims. Tr. pp. 833-835. She stated that they were all related because he was paranoid and misjudged people's perceptions, feeling sexually threatened by the victims. Tr. p. 835, ll. 14-25.

On cross-examination, Dr. Watts admitted that P.T.S.D. is a diagnosis where a lot of the symptoms have to be self-reported. Tr. p. 847, ll. 22-25. She acknowledged that he had reported the sexual assaults to the YWCA shortly before the crimes and he had reported his uncle had abused him in August 2002 in the S.C.D.C. records. Tr. p. 852. Dr. Watts asserted that when he reported his grandfather had abused him to Dr. Crawford, it was corroborated by his aunt's admission to her that he was similarly abused. She stated: "its very seldom that if you have an incest perpetrator within the family that they confine their activity to one individual in the family." Tr. p. 853. She admitted that other than the aunt, there was not other corroboration. Tr. p. 853. She admitted that the other claims by him of his mother molesting him, his father beating him, and his uncle assaulting him were self-reports only. However, in light of his symptoms, she opined his aunt's history was sufficient for her to diagnose the P.T.S.D. Tr. pp. 854-855, l. 9.

On re-direct, Dr. Watts noted that he had reported the abuse prior to the crime to

the YWCA and his probation officer. Tr. p. 867. She noted that his behavior was consistent with a victim of incest. Tr. pp. 867-868.

Dr. Alexander Morton, an expert in psycho-pharmacology, addictions and psycho-pharmacy practice testified about Bryant's past drug-history and the affects of the drugs. Tr. pp. 875-901. Within his slide presentation, Dr. Morton additionally noted the history of P.T.S.D. and sexual abuse. Tr. p. 886, ll. 11-12. He noted that P.T.S.D. often leads to drug abuse for an attempt to self-medicate. Tr. pp. 887-888. He stated that Bryant was sexually abused by four different people, corroborated by other records. He included that his grandfather started out sexually abusing him and then there was inappropriate sexual behavior from his mother. Tr. p. 890, l. 21 - p. 891, l. 9. He described abuse by an uncle and half-brother. He stated the family had a genetic predisposition to not be able to control their drug abuse. Tr. p. 891, ll. 10-17. He also noted that he had attempted to get treatment for the abuse. Tr. p. 900, ll. 13-18.

Dr. Morton had opined that Bryant abused RAID insecticide, Benadryl, methamphetamine, marijuana, and LSD. Tr. pp. 881-889, 916.

Dr. Marty Loring, a social worker and social psychologist, testified about her social history of Bryant. She declared that she spoke with numerous family members, including the aunt and grandmother. Tr. p. 930. She also reviewed a series of records, including the "YWCA records of sexual abuse counseling." Tr. p. 931. Dr. Loring prepared a genogram of the family members, identifying various factors. She reported that it designated the sexual abuse reported the Appellant by the various family members.

Tr. p. 941, ll. 10-18. She noted the abuse to Appellant by his older brother and grandfather (Tr. p. 941, l. 22 - p. 942, l. 4), the beatings by his father (Tr. p. 924, ll. 11-16). Particularly, she stated the abuse from his mother was profound and included sexual, emotional, and physical abuse. Tr. p. 942, ll. 21-25. Also, she related the sexual abuse of the uncle. Tr. p. 943, ll. 24-25.

Dr. Loring described the childhood as happy and fearless. Tr. pp. 946-947. However, she opined that in 1987, when he is 7, sexual abuse occurs by his grandfather and stepmother. Tr. p. 947, ll. 11-14. She states this creates a change.

She describes his description of anal rape. Later within the year, sexual abuse by his mother begins. This was followed by arson; explosive school behavior and lack of concentration which are signs of abuse. Tr. p. 948.

Dr. Loring describes the developmental path of Appellant's conduct which she described as a "psychologically battered child." Tr. p. 948 - p. 953, l. 20. She describes the difference between Appellant and his aunt who had "done so well, able to bounce back from her sexual abuse by grandfather..." because she had people in her life who took care of her. Tr. p. 954, l. 19 - p. 955, l. 7.

Dr. Loring described that counseling for sexual abuse that Appellant sought from Healthy Minds and the YWCA. Tr. p. 956-957.

Dr. Loring concluded that he had expressed grief and sorrow for his crimes. Tr. pp. 960-961.

Dr. Loring stated on cross-examination that when he has told pieces of sex abuse

is "something to be believed." Tr.p. 971, l. 9-15. She confirmed that the allegation about the grandfather had been denied by the grandfather. Tr.p. 971, l. 16-21. She noted that there was conflicting evidence from the mother who stated that rather than the grandfather and grandmother being at the hospital at that alleged time of the sexual assault, Stephen and his grandfather were left alone at the house. Tr.p. 972, l. 1-18. As to the mother's abuse of the Appellant, Dr. Loring claimed that she, in part, denied molesting him. Tr.p. 972, l. 19-973, l. 9. She noted that Sgt. Jordan had confirmed that the aunt had called and told about the family member who had been sexually abused and asked for counseling. Tr.p. 978.

James Aiken, former Warden at the South Carolina Department of Corrections and prison administrator, testified as an expert in the field of adaptability to prison life. Tr.p. 989. He opined, despite the prior fact of Appellant's assaultive behavior in a jail setting, that "we can confine him for an extended period of time in a high security setting." Tr.p. 992, l. 3-16. He stated that he was not a predator and can be managed in a prison setting. Tr.p. 994-995.

On cross-examination, it was developed, that in addition to his prior criminal record and the crimes against jail personnel that he had pled guilty, he had 40 prior prison infractions when he was incarcerated between 1999-2--2. He stated that 13 were minor, but 27 were major infractions. Tr.p. 995-996. He noted that while he was a safekeeper from October 2004, he had 17 infractions, including striking an inmate, assault and battery on an inmate, threatening the life of a public official, assault and battery on a corrections officer. Tr.p. 997-998.

In the defense closing statement, Jack Howle addressed the existence of the sexual assault and reporting by the Petitioner. Tr.p. 1029-30. He states that it was reported, prior to the crimes, to the aunt and grandmother. He notes that the reporting was confirmed by Gina Creech, the probation officer who referred him to Healthy Minds. He spoke about Dr. Watts testimony related to the reporting and confirmation of the sexual assault. Tr. p. 1030, l. 7-13.

#### *Summary*

Judge Russo was not “precluded from considering, *as a mitigating factor*, any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death” in excluding testimony by the aunt that she had been abused by the grandfather. Judge Russo did not abuse his discretion in assessing the mitigation evidence presented. He was able to consider evidence that Appellant was sexually abused by his grandfather - albeit disputed - through the hearsay presentation in mitigation by his self-reporting of the event to his aunt and grandmother, Dr. Watts, Dr. Loring, the YWCA, and Dr. Morton. The sexual abuse also formed the basis of the diagnosis of post-traumatic stress disorder by Dr. Watts.

The only evidence excluded was the personal testimony of the aunt that she was assaulted by the grandfather. The opinion of Dr. Watts which was formed partially based upon similar information from the aunt was not excluded. Nether was any information related to the Appellant's own reporting of the alleged abuse.

The sentencing judge “ may not refuse to consider *or be precluded from* considering “any relevant mitigating evidence.” *Mills v. Maryland*, *supra*. See *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008). Judge Russo did not refuse to consider any mitigating evidence concerning Appellant’s character, *only collateral evidence concerning the grandfather’s character*. At the sentencing, he contended that the aunt’s evidence concerning the grandfather’s behavior to her would “add to the *credibility* to what Mr. Bryant said about the same type of molestation.” Tr.p. 790, l. 23-24. In that setting, Judge Russo found it to not be relevant. In the appeal, the Appellant additionally asserts that it should be considered under SCORE Rule 404 (b) as proof of a common scheme or plan. However, the Appellant never sought to present it as a common scheme or plan toward the grandfather - he was attempting only to show that the crime in fact happened at all. This was not presented as a Rule 404(b), but evidence solely to bolster the hearsay of the belated self-report by Appellant.

In *Tennard v. Dretke*, 542 U.S. 274, 284, 124 S.Ct. 2562, 159 L.Ed.2d 384 (2004), the Court noted that relevant mitigating evidence was “evidence which tends logically to prove or disprove some fact or circumstance which a fact-finder could reasonably deem to have mitigating value.” As Judge Russo concluded there was no relevant mitigating value to whether the aunt was abused by the grandfather concerning Petitioner’s character. Rather, the sentencing judge was free to consider whether the Appellant was abused by the grandfather and the existence of the opinion of Dr. Watts concerning the existence of post-traumatic stress disorder. He was free to consider the quality of the diagnosis based upon her reliance that the aunt corroborated the self-reporting by

Appellant due to her own claim of similar abuse to Dr. Watts. Her professional reliance upon the evidence did not mandate the admission of the aunt earlier testimony. Rather, Dr. Watts reliance explained the testimony.

*No Error Where Similar Evidence Was Admitted*

Further, it must be conceded by the Appellant that similar evidence was introduced through Dr. Watts, Dr. Loring and Dr. Morton in their testimony without objection by the state or exclusion by the court. Any alleged error in failing to admit the personal testimony of the aunt could be considered cured by the subsequent testimony presented that the aunt was molested by the grandfather. The state did not object to the testimony.

*Any Error In Exclusion is Harmless*

This is an extraordinary case involving serial murders and assaults. The crime spree evidence by Bryant's actions are disturbing and uniquely heinous and brutal. His inability to conform to correctional rules and assaultive behavior in a structured environment placed Bryant in an appropriate case for the highest penalty. Cast against this aggravating evidence, the defense presented a mitigation presentation consisting of a uniquely dysfunctional family, a mental health history of the Appellant revealing problems dating back to 1988, including Attention Deficit Disorder, low functioning performance in school, an early history of juvenile detention and needs for medication to control and conform behavior. Importantly, evidence of the Petitioner's claim of sexual abuse at the hands of four family members was not excluded and additionally formed the

basis for an opinion of Post Traumatic Stress Disorder. Assuming arguendo a right to present personal testimony from the aunt concerning assault against her by the grandfather - *a fact never presented as known by the Petitioner* - , the limited exclusion was harmless error because it could not have effected the verdict by Judge Russo.

The simple fact is that he had the information through the professional witnesses when they gave their opinions. Further, it was the assessment whether Appellant was molested and/or suffered from post-traumatic stress disorder which was the issue. There was additional trauma alleged by the defense - the three other family members and other assaults that he had been an alleged victim. The result would and could not have been different has the personal testimony of the aunt been admitted. The assertions otherwise are without merit on the basis of this record.

### CONCLUSION

For all the foregoing reasons the appeal must be dismissed and judgment of conviction affirmed.

Respectfully submitted,

HENRY D. McMASTER

Attorney General

JOHN W. McINTOSH

Chief Deputy Attorney General

DONALD J. ZELENKA

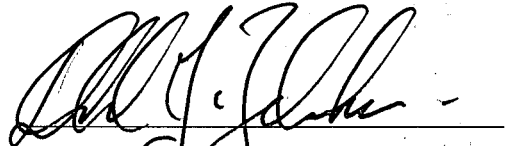
Assistant Deputy Attorney General

Office of the Attorney General

Post Office Box 11549

Columbia, South Carolina 29211  
(803) 734-6305

By:



---

DONALD J. ZELENKA  
**ATTORNEY FOR  
RESPONDENT**

August 6, 2010

**STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

---

**Appeal from Sumter and Richland County  
Thomas Russo, Circuit Court Judge**

---

**THE STATE,**

Respondent,

V.

**STEPHEN COREY BRYANT,**

Appellant

---

**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

---

Respondent proposes the following to be included in the Record on Appeal:

1. Motion hearing transcripts - December 21, 2004, December 13, 2005, April 27, 2007, May 14, 2007, April 3, 2008, April 18, 2008, July 18, 2008.

I certify that this Designation contains no matter which is irrelevant to this appeal.

  
\_\_\_\_\_  
**DONALD J. ZELENKA**

Assistant Deputy Attorney General

August 6, 2010



State of South Carolina  
The Circuit Court of the Third Judicial Circuit

R. FERRELL COTHRAN, JR.  
JUDGE

16 NORTH BROOKS STREET  
MANNING, SOUTH CAROLINA 29102  
TELEPHONE: (803) 435-2450  
FAX: (803) 435-2461  
E-MAIL: rcothranj@sccourts.org

August 9, 2012

D. J. Hopkins (djhopkins@sccourts.org)  
The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211

**RECEIVED**

AUG - 9 2012

**S.C. Supreme Court**

Re: Corey Bryant vs. State of South Carolina  
Case No.: 11-CP-43-901

Dear Debbie:

As per my conversation with you today, I have been informed by Melissa J. Armstrong, defense counsel for Corey Bryant, that Mr. Bryant has competency issues. Ms. Armstrong will forward you a breakdown of Dr. Donna Schwartz-Watts' report as soon as she receives it from Dr. Watts. Therefore, it does not appear that we will be able to try this case before September 4, 2012 and will need additional time to have this matter heard.

With kindest personal regards, I am

Sincerely yours,

R. Ferrell Cothran, Jr.

jgb

cc: Melissa J. Armstrong, Esq. (lisajkimbrough@yahoo.com)  
Donald J. Zelenka, Esq. (agdzelenka@scag.gov)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

IN THE GENERAL SESSIONS  
COURT OF SUMTER COUNTY

STEPHEN COREY BRYANT, )  
 )  
Applicant, )

AFFIDAVIT OF WITNESS

**RECEIVED**

--vs.--

AUG 14 2012

STATE OF SOUTH CAROLINA, )

**S.C. Supreme Court**

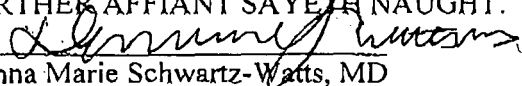
PERSONALLY APPEARED BEFORE ME, Donna Schwartz-Watts, M.D., first being  
duly sworn, deposes and says:

1. I am a licensed physician in the State of South Carolina, and I specialize in the field of psychiatry. I am board certified in my field and have over twenty years of experience.
2. I worked as a defense expert in the case of State v. Stephen Corey Bryant.
3. During my prior experience with Mr. Bryant, I diagnosed him with PTSD due to a history of sexual abuse he experienced as a child at the hands of his mother, grandfather and other family members. Mr. Bryant has flashbacks to the abuse he suffered. At times, Mr. Bryant's paranoia of others becomes extreme and he has been psychotic during these episodes.
4. Appellate Counsel for Mr. Bryant retained me to assist them with Mr. Bryant. I have met with Mr. Bryant recently on 3 visits to the Lieber Correctional Institution where he is housed.
5. During 2 of the dates, May 1, 2012 and June 5, 2012, I determined Mr. Bryant was not competent to proceed at that time.
6. Mr. Bryant had "tunnel vision" in that he hears certain words and can only focus on those words and was so distracted by this condition that he could not focus and maintain concentration enough to follow a conversation, much less meaningfully participate in discussions with his attorneys.
7. The South Carolina Department of Corrections has diagnosed Mr. Bryant with psychosis, not otherwise specified. I have spoken to the treating psychiatrist at Lieber and he and I agreed that Mr. Bryant needed medication to address his mental condition.
8. I have concerns that Mr. Bryant's intermittent incompetence and psychosis may be linked to neurological impairment. At my recommendation, Mr. Bryant's counsel retained a neurologist and had a neuroimaging study performed on Mr. Bryant. This type of technology was never used by Mr. Bryant's prior counsel and would greatly assist me in my work on Mr. Bryant's behalf as well as any treating physician who deals with Mr. Bryant in the future.

9. Neuroimaging was performed August 1, 2012 at MUSC. A report has not been provided as of today's date. I need this report to fully assess Mr. Bryant's psychiatric state and mental functioning. Due to my workload, and the fact that Mr. Bryant became, in my opinion, incompetent prior to his originally scheduled PCR hearing, I am unable to participate in Mr. Bryant's case until no earlier than late August/ early September, 2012, and pending receipt and report of the neuroimaging performed at MUSC. Thereafter, I need to review the test results, consult with the neurologist retained in this case and consult with Counsel.

10. I anticipate being a witness for Mr. Bryant. Therefore, I think a continuance is necessary in this case. To go forward without the results of neuroimaging would be to present an incomplete picture of Mr. Bryant's mental functioning and would prevent me from being able to appear on his behalf in court for the hearing.

FURTHER AFFIANT SAYETH NAUGHT.

 8/13/12  
Donna Marie Schwartz-Watts, MD

**Hopkins, Debbie**

---

**From:** Lisa Kimbrough <lisajkimbrough@yahoo.com>  
**Sent:** Monday, August 13, 2012 11:32 AM  
**To:** Cothran, Ralph Ferrell Jr. Secretary (Gayle Brunson); Hopkins, Debbie  
**Cc:** agdzelenka@scag.gov  
**Subject:** Re: Corey Bryant vs. State of SC

Dear Judge Cothran, Counsel, and Ms. Hopkins,  
I am writing to confirm that the request for continuance is with the Court and that Dr. Watts is sending her affidavit concerning Mr. Bryant today, after which I will forward it to the Court and the Attorney General's Office.

Very trul yours,

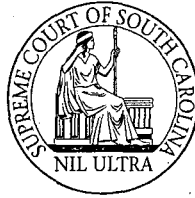
Lisa J. Armstrong

**From:** "Cothran, Ralph Ferrell Jr. Secretary (Gayle Brunson)" <RCothranSC@sccourts.org>  
**To:** "Hopkins, Debbie" <DJHopkins@sccourts.org>  
**Cc:** "lisajkimbrough@yahoo.com" <lisajkimbrough@yahoo.com>; "agdzelenka@scag.gov" <agdzelenka@scag.gov>  
**Sent:** Thursday, August 9, 2012 2:00 PM  
**Subject:** Corey Bryant vs. State of SC

**RECEIVED**

AUG 13 2012

**S.C. Supreme Court**



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

December 22, 2011

Chief Appellate Defender Robert M. Dudek  
Senior Appellate Defender Joseph L. Savitz, III  
South Carolina Commission  
on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

Attorney General Alan Wilson  
Chief Deputy Attorney General John W. McIntosh  
Assistant Deputy Attorney General Donald J. Zelenka  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

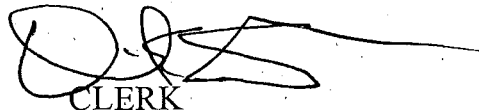
Re: The State v. Bryant, Stephen Corey  
Trial Court Case No. 2004-GS-40-10096; 2006-GS-43-00696 and  
2006-GS-43-00699

Dear Counsel:

Enclosed is the order issued in the above entitled matter.

By copy of this letter and order, we are advising all interested parties of the action by the Court.

Very truly yours,



CLERK

DES/lda

cc: Cecil Kelly Jackson, Esquire  
The Honorable R. Ferrell Cothran, Jr.

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Petitioner.

---

## ORDER

---

By order dated March 3, 2001, we granted a request for a stay of execution in this matter and assigned the Honorable R. Ferrell Cothran, Jr. to petitioner's post-conviction relief action. The order stated that, absent an extension of time by this Court, a final hearing shall be held and a final order issued in this matter within one year of the date of the order.

Judge Cothran has now submitted a letter to the Court in which he states petitioner's lead counsel, Melissa J. Armstrong, has a death penalty case in Horry County that is scheduled for trial in January 2012 and may run into February. Judge Cothran states Ms. Armstrong has requested an extension of time, but feels she will be ready to try petitioner's case in May or June of 2012. Judge Cothran states he could hear the case the week of June

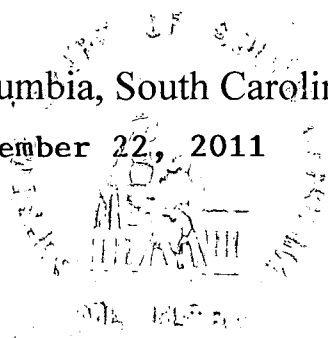
11, 2012 without the need for reassignment or any rearranging of his court schedule.

Because the delay in this case is not unreasonable and Judge Cothran has suggested a date certain for the post-conviction relief hearing to begin, we grant Judge Cothran an extension of time until September 4, 2012, to hold a final hearing and issue a final order in this matter.

IT IS SO ORDERED.

  
C. J.  
FOR THE COURT

Columbia, South Carolina  
December 22, 2011





State of South Carolina  
The Circuit Court of the Third Judicial Circuit

R. FERRELL COTHRAN, JR.  
JUDGE

16 NORTH BROOKS STREET  
MANNING, SOUTH CAROLINA 29102  
TELEPHONE: (803) 435-2450  
FAX: (803) 435-2461  
E-MAIL: rcothranj@sccourts.org

November 28, 2011

**RECEIVED**

NOV 28 2011

**S.C. Supreme Court**

D. J. Hopkins (djhopskins@sccourts.org)  
The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: Corey Bryant vs. State of South Carolina  
Case No.: 11-CP-43-901

Dear Debbie:

As per my conversation with you today, I have been informed by Melissa J. Armstrong, who is the defense counsel on this case that she has a Death Penalty case in Horry County beginning in January and may run into February. She has requested an extension of time in this case and feels that she will be ready in May or June of 2012. I could hear this case the week of June 11, 2012 without Motte having to reassign me or reschedule my court schedule.

With kindest personal regards, I am

Sincerely yours,

R. Ferrell Cothran, Jr.

jgb

cc: Melissa J. Armstrong, Esq. (lisajkimbrough@yahoo.com)  
Donald J. Zelenka, Esq. (agdzelenka@scag.gov)

Melissa J. Armstrong, Esquire  
1830 Marion Street  
Columbia, S.C. 29201  
(803) 765-2796.

August 23, 2011

Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

**RECEIVED**

AUG 23 2011

**S.C. Supreme Court**

Re: Stephen Corey Bryant v. State, 11-CP-43-911

Dear Mr. Shearouse:

I am writing to update the court on the status of the above-referenced pending capital post-conviction relief case.

On April 15, 2011, Heath P. Taylor and I were appointed to represent Mr. Bryant. His case is under active investigation and is being prepared in accordance with the Chief Justice's recent Order seeking trial of such cases within a one-year time frame.

Should the Court have any questions concerning these cases, please do not hesitate to contact me.

Very truly yours,

  
Melissa J. Armstrong

cc: Melody J. Brown, Esquire  
Heath P. Taylor, Esquire

Melissa J. Armstrong, Esquire  
1830 Marion Street  
Columbia, S.C. 29201  
(803) 765-2796.

**RECEIVED**

JUN 10 2011

June 10, 2011

**S.C. Supreme Court**

Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

Re: Stephen Corey Bryant v. State, 11-CP-43-911

Dear Mr. Shearouse:

I am writing to update the court on the status of the above-referenced pending capital post-conviction relief case.

On April 15, 2011, Heath P. Taylor and I were appointed to represent Mr. Bryant. His case is under active investigation and is being prepared in accordance with the Chief Justice's recent Order seeking trial of such cases within a one-year time frame.

Should the Court have any questions concerning these cases, please do not hesitate to contact me.

Very truly yours,

  
Melissa J. Armstrong

cc: Melody J. Brown, Esquire  
Heath P. Taylor, Esquire

Melissa J. Armstrong, Esquire  
1830 Marion Street  
Columbia, S.C. 29201

(803) 765-2796 (telephone)  
(803) 765-2750 (telecopier)

April 6, 2011

Very truly yours,

S.C. Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

**RECEIVED**

APR 08 2011

Re: Status Update on Capital PCR cases

**S.C. SUPREME COURT**

Dear Mr. Shearouse:

I am writing to advise the Court of the status of those capital post-conviction relief actions in which I am assigned as lead counsel for the following Applicants:

Charles O. Shuler, 03-CP-42-2715: The record in this matter has been closed and the case is concluded, pending a final ruling from the Circuit Court.

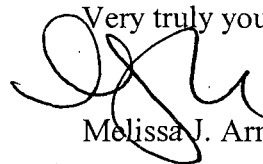
Richard B. Moore, 04-CP-42-2715: A hearing was held the week of Jan 31, 2011 through February 3, 2011. Applicant's Proposed Order is due to Judge Roger L. Couch on April 8, 2011. Respondent will then have 15 days to submit their Proposed Orders and Applicant has 7 days to reply, after which a final Order should be forthcoming.

Anthony Woods, 09-CP-14-654: This matter is under active investigation and a hearing has not been scheduled to-date.

S. Corey Bryant, 11-CP-43-\*\*\*\*: An appointment hearing was held before the Honorable Ralph F. Cothran, Jr., with appointment of the undersigned as lead counsel and Heath Taylor, Esquire, being appointed as second chair.

Should the Court require further information, please feel free to contact me.

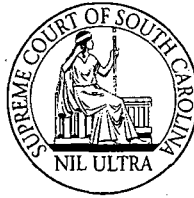
Very truly yours,



Melissa J. Armstrong

MJA/am

Cc: S.C. Office of the Attorney General



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

March 3, 2011

Chief Appellate Defender Robert M. Dudek  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

Re: The State v. Bryant, Stephen Corey

Dear Counsel:

Enclosed is the order issued in the above entitled matter.

Very truly yours,

CLERK

DES/dmh

Enclosure

cc: Assistant Deputy Attorney General Donald J. Zelenka  
The Honorable Cecil Kelly Jackson  
The Honorable R. Ferrell Cothran, Jr.  
Motte L. Talley, Esquire

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Petitioner.

---

## ORDER

---

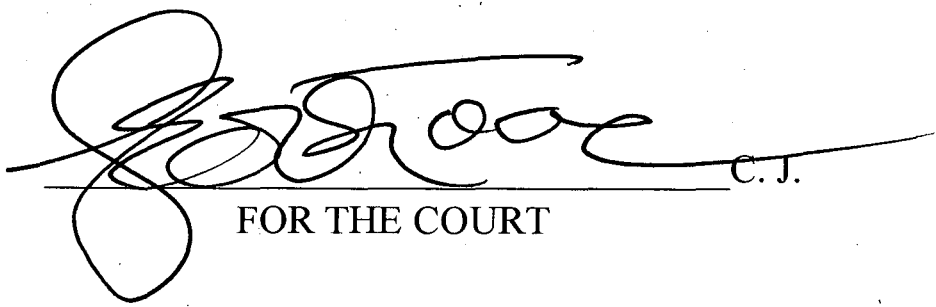
Petitioner was convicted of three murders, first and second degree burglary, assault and battery with intent to kill, and threatening the life of a public employee. He was sentenced to death on one murder, received concurrent life sentences for the other two, and terms of years for the other crimes. State v. Bryant, 390 S.C. 638, 704 S.E.2d 344 (2011). Petitioner's petition for rehearing was denied on February 2, 2011.

Petitioner now seeks a stay of execution, pursuant to In re Stays of Execution in Capital Cases, 321 S.C. 544, 471 S.E.2d 140 (1996), so that he can pursue post-conviction relief (PCR). The State does not contest the request for a stay.

The request for a stay of execution is granted. The stay shall remain in effect to the extent provided by this Court in In re Stays of

Execution in Capital Cases. The Honorable R. Ferrell Cothran, Jr. is hereby assigned to the PCR action petitioner intends to file. Judge Cothran shall retain jurisdiction over this case regardless of where he may be assigned to hold court and may schedule such hearings as may be necessary at any time without regard to whether there is a term of court scheduled. Judge Cothran shall conduct a hearing on petitioner's desires regarding counsel within thirty days of the date of this order. In addition, absent an extension of time by this Court, a final hearing shall be held and a final order issued in this matter within one year of the date of this order.

IT IS SO ORDERED.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

March 3, 2014



RECEIVED

FEB - 7 2011

S.C. Supreme Court

ALAN WILSON  
ATTORNEY GENERAL

February 7, 2011

Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P. O. Box 11330  
Columbia, SC 29211

Re: The State v. Stephen Corey Bryant

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the *Return to Motion for Stay of Execution and for Appointment of a Post-Conviction Relief Judge* in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

Lonetta B. Brawley  
Legal Assistant to Donald J. Zelenka  
Assistant Deputy Attorney General

/lbb  
Enclosure

cc: Robert M. Dudek, Esquire  
Sandi Wofford, Victims Assistance

STATE OF SOUTH CAROLINA  
In the Supreme Court

---

**RECEIVED**

FEB - 7 2011

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

S.C. Supreme Court

2004-GS-40-10096 (Richland County)  
2006-GS-43-696, 2006-GS-43-699 thru 702

THE STATE OF SOUTH CAROLINA,

Respondent,

v.


STEPHEN COREY BRYANT,

Appellant.

---

**RETURN TO MOTION FOR STAY OF EXECUTION AND FOR APPOINTMENT OF A  
POST-CONVICTION RELIEF JUDGE**

---

 The Respondent State of South Carolina, through undersigned counsel, hereby makes a Return to the motion to allow Stephen Corey Bryant to file an application for post-conviction application and stay the execution of his Sumter County death sentence. This Court denied rehearing on February 2, 2011 from the earlier affirmance on January 7, 2011. *State v. Stephen Corey Bryant*, Op.No. 26906 (S.C.S.Ct. January 7, 2011).<sup>1</sup>

Respondent submits that the condition precedent for the granting of a stay - "*the general*

---

<sup>1</sup>The sole issue raised in the direct appeal through appointed appellate counsel Joseph Savitz was as follows:

The sentencing judge committed reversible error by excluding testimony that Bryant's aunt had been sexually abused by her father (Bryant's paternal grandfather), who the defense alleged also began abusing Bryant at the age of seven, as this evidence was both relevant under Rules 401 and 404, SCRE, and mitigating under the Eighth and Fourteenth Amendments to the United States Constitution.

*nature of issues are appropriate for post-conviction relief;*" - has been met pursuant to § 17-27-160 and In Re Stays of Execution in Capital Cases, 321 S.C. 544, 471 S.E.2d 140 (1996). Pursuant to §17-27-160, Respondent would not oppose the assignment of a judge. <sup>2</sup>

### I. THE PROPOSED ALLEGATIONS

The Petitioner, through appointed appellate counsel Robert M. Dudek, asserts the following proposed grounds for post-conviction relief:

- 3  
#2
- (A) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to object, and correct the judge's misconception of the law, where the judge stated that he would "weigh the evidence" if petitioner pled guilty since South Carolina is not a weighing state and the judge weighing the circumstances against the mitigating circumstances was highly prejudicial given the facts of this case. R. 1340-1341.
  - (B) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to effectively rebut the solicitor's argument that these crimes had nothing to do with

---

<sup>2</sup>§ 17-27-160. Capital case post-conviction relief procedures.

(A) If a defendant has been sentenced to death in South Carolina, he must file his application for post-conviction relief in the county in which he was indicted for the crime resulting in the sentence of death. Upon receipt of the application for post-conviction relief, the clerk of court shall forward the application to the judge who has been assigned to hear the post-conviction relief application. This judge shall maintain control over the expedited consideration of the application pursuant to this section. The judge assigned as the post-conviction relief judge must not be the original sentencing judge. A copy of the application shall be immediately provided to the solicitor of the circuit in which the applicant was convicted and a copy provided to the Attorney General. The filing of the application does not automatically stay any sentence of death.

§ 17-27-160. 1996 Acts and Joints Resolutions No. 448, § 6. (Effective June 18, 1996).

“trauma from sexual abuse” where Dr. Joel Sexton had testified about the victim’s pants –“all of them”- being unzipped since the solicitor dismissing petitioner’s post-trauma stress disorder mitigating evidence of sexual abuse violated the fundamental demands of fairness. R. 130-131; R. 1009.

(C) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to move to withdraw the entire guilty plea when the judge refused to allow the defense withdraw the guilty plea to charge of armed robbery since the request for a bench trial on the armed robbery indictment with the guilty plea covering all the charges, and the prudent course of action would have been to move to withdraw the entire plea.

(D) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where counsel did not have the judge place on the record that he was a former solicitor and that he favored the death penalty in an egregious case since this was a critical fact where petitioner was waiving jury sentencing where any one juror could have presented a death sentence from being imposed.

M  
#3  
Motion for Stay, p. 2-3.

## II.

In this Court’s written order in In Re Stays on April 8, 1996, this Court stated as follows:

If the defendant desires a stay to pursue state post-conviction relief, the defendant must, within ten (10) days of the date of the issuance of the execution notice, file a motion to stay with this Court, **setting forth the issues intended to be raised in the application for post-conviction relief.** [If the general nature of the issues are appropriate for

**post-conviction relief],** this Court will assign a circuit judge to the case and issue a stay of execution.

In Re Stays off Execution in Capital Cases, 321 S.C. 544,546, 471 S.E.2d 140 (1996) [bracketed portion not included in published order in Westlaw, but included in April 1996 Order].

Respondent submits that the specific allegations are adequate to satisfy the conditions precedent of either “setting forth the issues intended to be raised in the application for post-conviction relief” or allowing an appropriate determination that “[I]f the general nature of the issues are appropriate for post-conviction relief, to authorize the entry of a stay. Also, §17-27-160(A).<sup>3</sup>

### III.

Therefore, the discrete circumstances presented are sufficient to satisfy “*the general nature of issues are appropriate for post-conviction relief,*” to require the granting of a stay and to allow the assignment of a state post-conviction relief judge, a status hearing to determine the Petitioner’s desire to proceed in a PCR action and his desire on whether counsel should be appointed, if so, the appointment of two (2) qualified counsel pursuant to § 17-27-160 and PCR proceeding to held consistent with Section 17-27-160 and In Re: Stays. Consistent with the time standards and scheduling orders.

---

<sup>3</sup>Respondent reminds the Court that subsequent to the April 1996 Order of In Re: Stays, the South Carolina General Assembly enacted §17-27-160. 1996 Act No. 448, effective June 18, 1996. This statutory section stated “the filing of the application does not automatically stay any sentence of death.” §17-27-160.

WHEREFORE, Respondent has made a Return to the Motion, does not oppose the entry of a stay and the assignment of a judge pursuant to §17-27-160.

Respectfully submitted,

ALAN WILSON

Attorney General

JOHN W. McINTOSH

Chief Deputy Attorney General

DONALD J. ZELENKA

Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

By: 

Office of the Attorney General

Post Office Box 11549

Columbia, South Carolina 29211

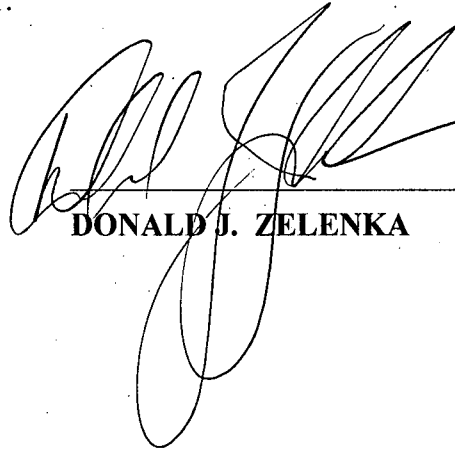
Telephone: (803) 734-6305

Columbia, South Carolina

February 7, 2011.

**CERTIFICATE OF SERVICE**

I, **Donald J. Zelenka**, hereby certify that I have served the *Return to Petition for Stay of Execution* in the foregoing action on Robert M. Dudek, Appellate Defender at the South Carolina Office of Indigent Defense, 1330 Lady Street, Suite 401, Columbia, S.C. 29201 by depositing in the Inter Agency mail this 7<sup>th</sup> day of February 2011.



**DONALD J. ZELENA**

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

ORIGINAL

THE STATE,

RESPONDENT **RECEIVED**

v.

FEB 04 2011

STEPHEN COREY BRYANT,

S.C. Supreme Court

PETITIONER

---

MOTION FOR A STAY OF EXECUTION AND  
FOR THE APPOINTMENT OF A  
POST-CONVICTION RELIEF JUDGE

---

Counsel for Stephen Corey Bryant moves this Court for a stay of execution and to appoint a post-conviction relief judge so that post-conviction counsel can be appointed by the post-conviction relief judge.

I.

This Court affirmed petitioner's murder conviction and death sentence in State v. Stephen Corey Bryant, Op. No. 26906, Shearouse's Adv. Sh. No. 1 at pp. 17-23, 2011 WL 93674 (S.C.), (filed January 7, 2011).

## II.

Petitioner sought rehearing in a petition dated January 24, 2011. This Court denied that petition on February 2, 2011.

## III.

Petitioner now can raise numerous grounds of ineffective assistance of counsel in an application for post-conviction relief. In his application for post-conviction relief, while reserving the right to amend once counsel is appointed, petitioner can assert, at a minimum, the following grounds of ineffective assistance of counsel:

- (a) Petitioner was ineffectively represented, in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to object, and correct the judge's misconception of the law, where the judge stating would "weigh the evidence" if petitioner pled guilty since South Carolina is not a weighing state and the judge weighing the aggravating circumstances against the mitigating circumstances when determining the sentence was highly prejudicial given the facts of this case. R. 1340-1341.
- (b) Petitioner was ineffectively represented, in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to effectively rebut the solicitor's argument that these crimes had "nothing to do with trauma from sexual abuse" where Dr. Joel Sexton had testified about the victims pants -- "all of them" -- being unzipped since the solicitor dismissing petitioner's post-trauma stress disorder mitigating evidence of sexual abuse violated the fundamental demands of fairness. R. 130-131; r. 1009.
- (c) Petitioner was ineffectively represented, in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to move to withdraw the entire guilty plea when the judge refused to allow the defense withdraw the guilty plea to charge of armed robbery since the request for a bench trial on the armed robbery

indictment was inconsistent with the guilty plea covering all of the charges, and the prudent course of action would have been to move to withdraw the entire plea.

- (d) Petitioner was ineffectively represented, in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel did not have the judge place on the record that he was a former solicitor and that he favored the death penalty in an egregious case since this was a critical fact where petitioner was waiving jury sentencing where any one juror could have prevented a death sentence from being imposed.

#### IV.

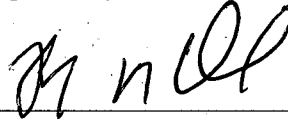
Petitioner can also raise allegations of ineffective assistance of appellate counsel if he desires after being appointed counsel during his post-conviction relief case. Further, the above list of issues petitioner can raise is not exhaustive, and would likely expand, once appointed post-conviction counsel has had the opportunity to investigate petitioner's case. The above grounds are merely offered to show that issues of ineffective assistance of counsel exist in this case. Neither appellate counsel nor petitioner intends to waive any aspect of the attorney-client privilege by filing this motion for a stay of execution which is mandatory pursuant to In re Stays of Execution in Capital Cases, 321 S.C. 544, 546, 471 S.E.2d 140, 141 (1996) for petitioner to obtain a stay to proceed with post-conviction relief.

V.

Based on the above, petitioner requests that this Court issue a stay of execution and appoint a post-conviction relief judge so that the appointed post-conviction relief judge can hold a hearing to appoint post-conviction counsel. This will allow petitioner to pursue his state court post-conviction relief action in the Sumter County Court of Common Pleas.

WHEREFORE, counsel for Stephen Corey Bryant requests that this Court issue a stay of execution and appoint a post-conviction relief judge so that the appointed post-conviction relief judge can hold a hearing to appoint post-conviction counsel so that petitioner can pursue post-conviction relief with the assistance of counsel in the Sumter County Court of Common Pleas upon the grounds of ineffective assistance of counsel, and any other grounds that may arise from post-conviction counsel's investigation of this case.

Respectfully submitted,



---

Robert M. Dudek  
Chief Appellate Defender  
Attorney for Petitioner

February 4, 2011

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

THE STATE,

RESPONDENT,

V.

STEPHEN COREY BRYANT,

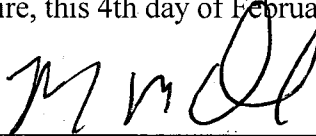
PETITIONER

---

CERTIFICATE OF SERVICE

---

The undersigned attorney hereby certifies that a true copy of the motion for a stay of execution and to appoint a post-conviction relief judge in the above-referenced case has been served upon opposing counsel, Donald J. Zelenka, Esquire, this 4th day of February, 2011.

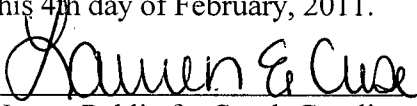


---

Robert M. Dudek  
Chief Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 4th day of February, 2011.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014.



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

February 4, 2011

**RECEIVED**

FEB 04 2011

S.C. Supreme Court

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

Re: The State v. Stephen Corey Bryant

Dear Mr. Shearouse:

Enclosed please find an original and six copies of the motion for a stay of execution and to appoint a post-conviction relief judge along with a certificate of service.

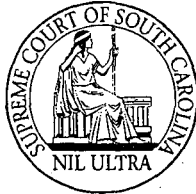
Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD:lec

Enclosure

cc: Donald J. Zelenka, Esquire



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

February 2, 2011

## REMITTITUR

The Honorable James C. Campbell  
Clerk of Court, Sumter County  
141 N. Main Street., Room 308  
Sumter, SC 29150-4965

Re: The State v. Bryant, Stephen Corey  
2004-GS-43-10096, 2006-GS-43-00696, 699, 700, 701 and 702

Dear Mr. Campbell:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Very truly yours,

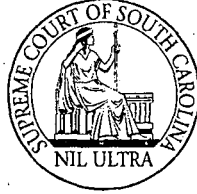
*Daniel E. Shearouse*  
DS

CLERK

DES/dmh

Enclosure

cc: Chief Appellate Defender Robert M. Dudek  
Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka  
The Honorable Cecil Kelly Jackson



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

February 2, 2011

Chief Appellate Defender Robert M. Dudek  
Senior Appellate Defender Joseph L. Savitz, III  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

Re: The State v. Bryant, Stephen Corey

Dear Counsel:

The Court has issued the following Order on your Petition for Rehearing in the above matter:

“Petition for Rehearing is denied.

s/ Jean H. Toal C.J.

s/ Costa M. Pleicones J.

s/ Donald W. Beatty J.

s/ John W. Kittredge J.

s/ Kaye G. Hearn J.

February 2, 2011.”

The remittitur is today being forwarded to the lower court.

The State v. Bryant, Stephen Corey  
Page Two  
February 2, 2011

Very truly yours,

*Daniel E. Shearouse*  
B3

CLERK

DES/dmh

cc: Assistant Deputy Attorney General Donald J. Zelenka  
The Honorable Cecil Kelly Jackson

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

 ORIGINAL

THE STATE,

RESPONDENT,

V.

STEPHEN COREY BRYANT,

APPELLANT

---

Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge

---

Opinion No. 26906

---

**RECEIVED**

JAN 24 2011

S.C. Supreme Court

---

PETITION FOR REHEARING

---

Pursuant to Rule 221(a), SCACR, petitioner seeks rehearing because this Court may have overlooked the fact that its holding in this case makes the background information of a mitigation specialist into substantive evidence. The hearsay information of a mitigation specialist is respectfully no substitute for the live testimony of petitioner's aunt that she also had been sexually abused by petitioner's paternal grandfather, William Bryant. It respectfully should have been held to be *cumulative to that testimony*.

Defense experts are treated by solicitors with disdain – as hired guns – not worthy of belief. That disdain comes across to the jury. As this Court will recall the following occurred with petitioner's aunt:

DEFENSE COUNSEL: [W]hat is your relationship to Corey's grandfather, William Edward Bryant?

WITNESS: He's my biological father.

DEFENSE COUNSEL: And did you ever have any problems specifically with him?

WITNESS: Yes, sir.

September 2008 R. p. 790, lines 8 – 13. The Solicitor objected “to the relevance of any problems she may have had with family members” because “[t]his is about Stephen Corey Bryant.”

September 2008 R. p. 790, lines 14-16. The judge summarily sustained the objection. September 2008 R. p. 790, line 17.

Defense counsel responded:

DEFENSE COUNSEL: Your Honor, *I think these problems are of the same nature*. I think it goes to the same person committing them and –

THE COURT: It may go to this, but it has no relevance as to Mr. Bryant. I mean, you can testify as to Mr. Bryant.

DEFENSE COUNSEL: Your Honor, we feel *it adds credibility* to what Mr. Bryant has said about the same type molestation.

THE COURT: And she can testify as to what she may have observed, if she has any personal knowledge, about any abuse to Mr. Bryant, but I don't think it goes to – it's not relevant to Mr. Bryant's case as to what abuse this grandfather may have inflicted on others. It's not a question of how extensive his abuse, but it's the relevancy to this defendant.

September 2008 R. p. 790, line 18 – R. p. 791, line 5. Counsel resumed direct examination of Bryant's aunt:

DEFENSE COUNSEL: Let me ask you this. What kind of relationship did you have? Were you close to your father at all?

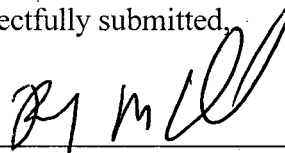
WITNESS: No. I was as a child for a time, and then things started happening and –

September 2008 R. p. 791, lines 8-11. The judge again summarily sustained the solicitor's objection. September 2008 R. p. 791, lines 12-21.

“[D]uring the sentencing phase of a capital trial, a defendant has the right to present mitigating evidence indicating a dysfunctional family background.” *Ex parte Roy Edward Perkins*, 941 So.2d 242, 249 (Ala. 2006), citing *Penry v. Lynaugh*, 492 U.S. 302 (1989), *Eddings v. Oklahoma*, 455 U.S. 104 (1982), and *Lockett v. Ohio*, 438 U.S. 586 (1978). “[T]he jury must be able to consider and give effect to any mitigating evidence relevant to a defendant’s background and character or the circumstances of the crime.” *Penry*, 492 U.S. at 328.

Respectfully, the testimony of an expert about petitioner’s background should not be held to be substantive evidence equal to the excluded first hand testimony of petitioner’s aunt about her being sexually abused by the same person, the paternal grandfather. Mistreatment and sexually abuse of a family member has an effect on others in the family. There was no good reason in logic or law for the judge to have excluded the testimony of petitioner’s aunt in this case, and its exclusion violated the holdings of *Penry v. Lynaugh*, 492 U.S. 302 (1989), *Eddings v. Oklahoma*, 455 U.S. 104 (1982), and *Lockett v. Ohio*, 438 U.S. 586 (1978). It added credibility to petitioner’s assertion where anything a defendant says – particularly a defendant on trial for his life – is going to be viewed with great suspicion by the jury. Rehearing should be granted.

Respectfully submitted,



---

Robert M. Dudek  
Chief Appellate Defender

This 24th day of January, 2011.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

-v-

STEPHEN COREY BRYANT,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

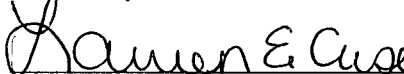
The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon Donald J. Zelenka, Esquire, this 24th day of January, 2011.



\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 24th day  
of January, 2011.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014.

Petition for rehearing is denied.

~~Gertrude C.J.~~

~~Chas. Evans J.~~

~~Donald W. Beady J.~~

~~John K. Kuttredge J.~~

~~Kaye L. Hume J.~~

February 2, 2011

**THE STATE OF SOUTH CAROLINA**  
**In The Supreme Court**

---

The State, Respondent,

v.

Stephen Corey Bryant, Appellant.

---

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

---

Opinion No. 26906  
Heard November 30, 2010 – Filed January 7, 2011

---

**AFFIRMED**

---

Chief Appellate Defender Robert M. Dudek and Senior Appellate Defender Joseph L. Savitz, III, both of South Carolina Commission on Indigent Defense, of Columbia, for Appellant.

Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia, and Solicitor Cecil Kelly Jackson, of Sumter, for Respondent.

---

**JUSTICE PLEICONES:** This is an appeal from a capital plea and sentencing. The opinion consolidates the appeal and the mandatory proportionality review. We affirm.

## FACTS

Appellant began a crime spree with a first degree burglary on October 5, 2004. By the time the spree ended eight days later, appellant had committed three murders, assault and battery with intent to kill (ABIK), two more burglaries, and arson. While incarcerated awaiting trial, appellant threatened a correctional officer and subsequently attacked and seriously injured another.

Appellant "cased" isolated rural homes looking for vulnerable victims. He would appear midday at homes, claiming to be looking for someone or having car trouble. Appellant burglarized Dennis's home office a day after visiting Dennis's home. He next broke into Ammons' home while no one was there, cutting the phone wires and stealing a pistol and ammunition. Later that same day he shot victim Brown, who was fishing along the Wateree River, in the back.

On October 9, appellant killed an acquaintance (victim Gainey), leaving his body on a rural road, then stole electronics and an aquarium from Mr. Gainey's trailer before setting it on fire. Two days later, appellant went to victim Tietjen's home, shot him nine times, and looted the house. Appellant answered several calls made to Mr. Tietjen's cell phone by Mr. Tietjen's wife and daughter, telling both of them that he was the "proowler" and that Mr. Tietjen was dead. He burned Mr. Tietjen's face and eyes with a cigarette. Appellant left two notes on paper and scrawled a message on the wall: "victim number four in two weeks, catch me if you can." On another wall the word "catch" and some letters were written in blood.

Two days later appellant met victim Burgess at a convenience store around 4:30 am. They left together, and less than two hours later, a hunter found Mr. Burgess dead from gunshot wounds on a road bed in a rural area.

Appellant pled guilty to these offenses, in chronological order by date of offense:

- October 5, 2004: Second degree burglary (Dennis);
- October 8, 2004: First degree burglary (Ammons);
- October 8, 2004: ABIK (Brown);
- October 9, 2004: Murder, first degree burglary, second degree arson (Gainey);
- October 11, 2004: Murder, armed robbery, possession of a stolen handgun (Tietjen);
- October 13, 2004: Murder (Burgess);
- March 9, 2005: Threatening the life of a public employee (Correctional Officer Jones); and
- October 13, 2005: ABIK (Correctional Officer Justice).

Appellant received a death sentence for the Tietjen murder, the aggravating circumstance being armed robbery, and received concurrent life sentences for the two other murders (Gainey and Burgess) and the two first degree burglaries (Ammons and Gainey), thirty years for armed robbery (Tietjen), twenty-five years for the second degree arson (Gainey), twenty years for the two ABIKs (Brown and Justice), fifteen years for the second degree burglary (Dennis), five years for possessing a handgun (Tietjen), and thirty days for threatening (Correctional Officer Jones).

Appellant was unquestionably a deeply troubled individual who was first institutionalized in the South Carolina Department of Juvenile Justice (DJJ) when he was eleven years old, and whose elementary school records showed low intelligence and placement in emotionally handicapped classes. He had sought mental health counseling in September 2004 before beginning this crime spree. After his arrest in October 2004, he was diagnosed with Post-Traumatic Stress Disorder (PTSD) based on childhood sexual abuse by family members, Attention Deficit Disorder (ADD), and chronic depression. The ADD and depression diagnoses had first been made when appellant was incarcerated in DJJ. Appellant also regularly abused marijuana sprayed with RAID insecticide, methamphetamine, and Benadryl.

Appellant called his paternal grandmother as a mitigation witness. She testified that in August 2004 appellant, then aged twenty-three, confided to her and her daughter, Terry, appellant's aunt, that he had been sexually

abused beginning around the age of 6 or 7 by his paternal grandfather, his mother's brother, and an older half-brother. Appellant was extremely agitated, and his grandmother and Aunt Terry called a deputy and received information on getting help for appellant as a sexual abuse victim. Appellant sought help from two agencies before the spree began.

Appellant next called Aunt Terry as a witness. She confirmed her mother's testimony about appellant's August 2004 confession. During Aunt Terry's direct examination, the following exchange occurred:

Q. Okay. And what is your relationship to [appellant's] grandfather William Edward Bryant?

A. He's my biological father.

Q. Okay. And did you ever have any problems specifically with him?

A. Yes, sir.

SOLICITOR: Your Honor, I object to the relevance of any problems she may have had with family members. This is about [appellant].

THE COURT: Sustained.

MR. HOWELL: Your Honor, I think these problems are of the same nature. I think it goes to the same person committing them and –

THE COURT: It may go to this but it has no relevance as to [appellant]. I mean, you can testify as to [appellant].

MR. HOWELL: Your Honor, we feel it adds credibility to what [appellant] has said about the same type molestation.

THE COURT: And she can testify as to what she may have observed, if she has any personal knowledge, about any abuse to [appellant], but I don't think it goes to – it's not relevant to [appellant's] case as to what abuse this grandfather may have inflicted on others. It's not a question of how extensive his abuse but it's the relevancy to this defendant.

MR. HOWELL: Okay.

BY MR. HOWELL:

Q. Let me ask you this. What kind of relationship did you have? Were you close to your father at all?

A. No. I was, as a child, for a time and then things started happening and –

SOLICITOR: Your Honor, again, I –

THE COURT: Sustained.

### ISSUE

Whether the trial judge erred in refusing to allow Aunt Terry to testify that she had been sexually abused by appellant's grandfather?

### ANALYSIS

Appellant contends that the trial judge committed reversible error in refusing to allow Aunt Terry to testify that she was sexually abused by her

father. We find no abuse of discretion here. State v. Winkler, 388 S.C. 574, 698 S.E.2d 596 (2010).

Appellant's childhood sexual abuse, as well as that inflicted upon appellant's aunt, were part of the foundation upon which appellant's mental health expert and his social history expert based their opinions. Both experts testified, without objection, to these opinions. Accordingly, whether the aunt should have been allowed to testify directly to her abuse is irrelevant to appellant's mitigation case. The purpose of Aunt Terry's testimony was to establish intrafamilial sexual abuse. Since appellant's experts were permitted to testify to this abuse, appellant was not prejudiced by the trial court's decision to sustain the solicitor's objection. Cf. State v. Mercer, 381 S.C. 149, 672 S.E.2d 556 (2009) (no reversible error where excluded evidence was presented through other witnesses). Accordingly, even if that ruling were error, appellant could not demonstrate prejudice warranting reversal. E.g., State v. Wyatt, 317 S.C. 370, 453 S.E.2d 890 (1995).

#### PROPORTIONALITY REVIEW

We have conducted the proportionality review required by S.C. Code Ann. § 16-3-25(C) (2003), and find the capital sentence imposed here is not the result of passion, prejudice, or other arbitrary factor. Further, we find the sentence here is neither arbitrary nor capricious. E.g. State v. Shuler, 344 S.C. 604, 545 S.E.2d 805 (2001) (capital sentence for murder in commission of armed robbery).

#### CONCLUSION

Appellant's convictions and sentences are

**AFFIRMED.**

**TOAL, C.J., BEATTY, KITTREDGE and HEARN, JJ., concur.**



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**ORIGINAL**

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Defender  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Acting Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender  
Joseph L. Savitz, III, Senior Appellate

November 29, 2010

**RECEIVED**

NOV 29 2010

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

**S.C. Supreme Court**

Re: State v. Steven Corey Bryant, change of counsel arguing the case tomorrow

Dear Mr. Shearouse:

Joseph Savitz, III is currently on the Supreme Court roster to argue Steven Corey Bryant tomorrow, November 30, 2010 at 10:00 a.m. My name is being added on the case as second counsel on the Record on Appeal since I will be arguing this case tomorrow.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD:lec

cc: Donald J. Zelenka, Esquire



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**ORIGINAL**

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Defender  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Acting Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender  
Joseph L. Savitz, III, Senior Appellate

November 29, 2010

**RECEIVED**

NOV 29 2010

**S.C. Supreme Court**

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

Re: State v. Steven Corey Bryant, change of counsel arguing the case tomorrow

Dear Mr. Shearouse:

Joseph Savitz, III is currently on the Supreme Court roster to argue Steven Corey Bryant tomorrow, November 30, 2010 at 10:00 a.m. My name is being added on the case as second counsel on the Record on Appeal since I will be arguing this case tomorrow.

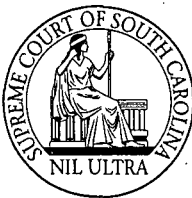
Should you have any questions, please do not hesitate to contact me.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD:lec

cc: Donald J. Zelenka, Esquire



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

November 19, 2010

Senior Appellate Defender Joseph L. Savitz, III  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

Assistant Deputy Attorney General Donald J. Zelenka  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

Re: The State v. Bryant, Stephen Corey

Dear Counsel:

The record in the above case has been reviewed and the time allotment for oral argument for this case is as follows:

Appellant	20 minutes
Respondent	20 minutes
Appellant in Reply	5 minutes

This case is scheduled for hearing Tuesday, November 30, 2010 at 10:00 a.m.

Very truly yours,

Daniel E. Shearouse, Clerk

By Debbie M. Hopkins

Administrative Assistant



# The South Carolina Supreme Court

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
DEPUTY CLERK

P.O. BOX 11330  
COLUMBIA, S.C. 29211  
PHONE NO. 734-1080

To: Senior Appellate Defender Joseph L. Savitz, III  
From: Daniel E. Shearouse  
Date: October 13, 2010  
RE: December Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the December 2010 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of November 30, December 1 and December 2. Please notify this office in writing prior to October 21, 2010 as to any scheduling conflicts for the December term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

The State v. Bryant, Stephen Corey



# The South Carolina Supreme Court

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
DEPUTY CLERK

P.O. BOX 11330  
COLUMBIA, S.C. 29211  
PHONE NO. 734-1080

To: Cecil Kelly Jackson, Esquire  
From: Daniel E. Shearouse  
Date: October 13, 2010  
RE: December Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the December 2010 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of November 30, December 1 and December 2. Please notify this office in writing prior to October 21, 2010 as to any scheduling conflicts for the December term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

The State v. Bryant, Stephen Corey



# The South Carolina Supreme Court

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
DEPUTY CLERK

P.O. BOX 11330  
COLUMBIA, S.C. 29211  
PHONE NO. 734-1080

To: Attorney General Henry Dargan McMasterr  
Chief Deputy Attorney General John W. McIntosh  
Assistant Deputy Attorney General Donald J. Zelenka

From: Daniel E. Shearouse

Date: October 13, 2010

RE: December Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the December 2010 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of November 30, December 1 and December 2. Please notify this office in writing prior to October 21, 2010 as to any scheduling conflicts for the December term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

The State v. Bryant, Stephen Corey



HENRY McMASTER  
ATTORNEY GENERAL

September 16, 2010

RECEIVED

SEP 16 2010

S.C. SUPREME COURT

Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P. O. Box 11330  
Columbia, SC 29211

Re: The State v. Stephen Corey Bryant

Dear Mr. Shearouse:

Enclosed please find the original and fourteen (14) copies of the *Final Brief of Respondent* in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

Lonetta B. Brawley  
Legal Assistant to Donald J. Zelenka  
Assistant Deputy Attorney General

/lbb  
Enclosure

cc: Joseph L. Savitz, III, Esquire  
C. Kelly Jackson, Solicitor  
Sandi Wofford, Victims Assistance

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

**ORIGINAL**

Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge

**RECEIVED**

SEP - 7 2010

**S.C. SUPREME COURT  
RESPONDENT,**

THE STATE,

V.

STEPHEN COREY BRYANT,

APPELLANT

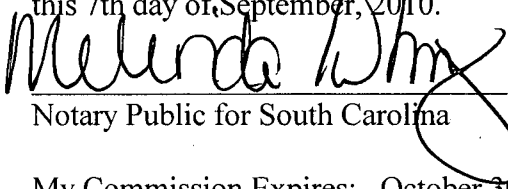
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, Assistant Deputy Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201 this 7th day of September, 2010.



Warren T. Ferguson  
Administrative Assistant

SUBSCRIBED AND SWORN TO before me  
this 7th day of September, 2010.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 30, 2018



HENRY McMASTER  
ATTORNEY GENERAL

RECEIVED

August 6, 2010

AUG 10 2010

S.C. SUPREME COURT

Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: *State v. Stephen Corey Bryant*

Dear Mr. Shearouse:

Enclosed for filing in your office is the original Initial Brief of Respondent and Designation of Matter in the above-referenced case, along with a Certificate of Service.

Thank you for your assistance in this matter.

Sincerely,

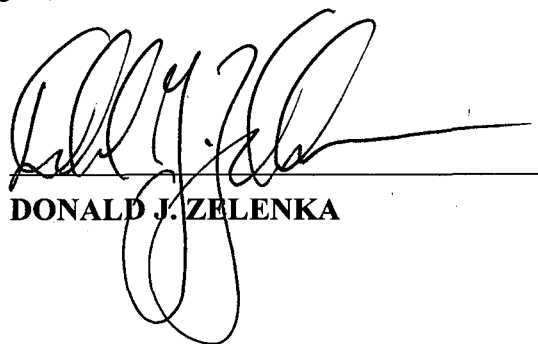
Donald J. Zelenka  
Assistant Deputy Attorney General

DJZ/dmd  
Enclosures

cc: Joseph L. Savitz, III, Esquire (w/two (2) copies of encls.)  
The Honorable C. Kelly Jackson, Solicitor 3<sup>rd</sup> Judicial Circuit (w/copy of encls.)  
Sandi Wofford, Victim Services (w/copy of encls.)

**CERTIFICATE OF SERVICE**

I, **Donald J. Zelenka**, hereby certify that I have served the *Initial Brief of Respondent* and *Designation of Matter* in the foregoing action by depositing two (2) copies in the U.S. Mail to Joseph L. Savitz, III, Senior Appellate Defender, of the S.C. Commission on Indigent Defense, Division of Appellate Defense, 1330 Lady Street, Ste. 401, Columbia, SC 29201 this 6<sup>th</sup> day of August, 2010.



**DONALD J. ZELENKA**

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Hon. Thomas A. Russo

Sumter County

Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

---

## ORDER

---

Respondent seeks a third extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. The request for an extension is granted and extended until August 6, 2010. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY   
CLERK

Columbia, South Carolina

July 8, 2010

cc: Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka



HENRY McMASTER  
ATTORNEY GENERAL

July 7, 2010

RECEIVED

JUL 07 2010

S.C. SUPREME COURT

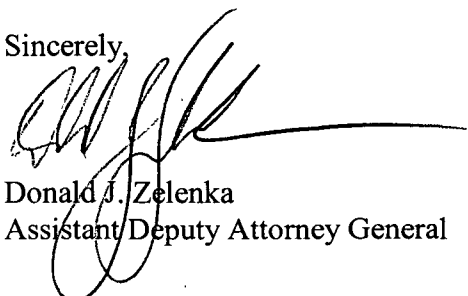
Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P. O. Box 11330  
Columbia, SC 29211

Re: The State v. Stephen Corey Bryant

Dear Mr. Shearouse:

Enclosed please find *Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter* in the above-referenced matter for filing. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

  
Donald J. Zelenka  
Assistant Deputy Attorney General

DJZ/lbb  
Enclosure

cc: Joseph L. Savitz, III, Esquire

STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED

JUL 07 2010

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA,

Respondent,

v.

STEPHEN COREY BRYANT,

Appellant.

**MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

6  
#1

Respondent, the State, Donald J. Zelenka, Assistant Deputy Attorney General, moves this Court for a thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter from July 7, 2010 until August 6, 2010. This is Respondent's third request for an extension of time in which to file the brief of respondent. Undersigned counsel asserts the existence of good cause and is requesting additional time due to a heavy caseload and the complexity of the instant appeal. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel Respondent has been scheduled for a number of state and federal matters, that include, but are not limited to, the following work product

completed within the past thirty (30) days: federal habeas briefs involving Christopher Owens (June 7), Winfred Benson (June 14), William Fairey (June 24), Corey Williams (July 6) and preparation on Quentin Anderson (July 6), oral arguments in State v. Amos Mattison (June 8) (S.C.S.Ct), State v. Rita Bixby (June 16), in death penalty PCR case involving Bayan Aleksey preparation of proposed denying Rule 59 motion, opposition to a motion for stay in State v. Quincy Allen (June 11), Amended Return in Marion Lindsey v. State (June 17) and preparation for evidentiary hearing scheduled July 19, 2010 before Judge Burch, and preparation of Return for filing June 14 in Quincy Allen v. State.

4  
#2

2. This matter is a death penalty appeal. Although appellant has only raised one allegation in his initial brief involving the exclusion in the sentencing phase of collateral testimony that appellant's aunt had been sexually abused by appellant's grandfather, undersigned counsel requests additional time in order to research the issues presented, make a detailed review of the multi-volume trial transcript and several pre-trial hearing transcripts, and prepare a proper and complete response.

3. Undersigned counsel contacted opposing counsel Joseph L. Savitz, III, Senior Appellate Defender, who advised counsel this date that he has no objection to this request.

4. Undersigned counsel respectfully asserts that good cause is shown.

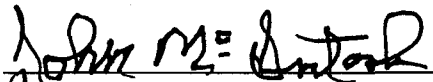
THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

HENRY D. McMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Assistant Deputy Attorney General

BY:   
JOHN W. McINTOSH

BY:   
DONALD J. ZELENKA

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

July 7, 2010.

ATTORNEYS FOR RESPONDENT

In the Supreme Court

---

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

---

THE STATE OF SOUTH CAROLINA, Respondent,

v.

STEPHEN COREY BRYANT, Appellant.

---


**PROOF OF SERVICE**

---

I, Donald J. Zelenka, certify that I have served Respondent's Motion for an Extension of Time on counsel for Petitioner, by depositing one copy of same in the United States mail, postage prepaid, to each counsel, addressed as follows:

Joseph L. Savitz, III, Senior Appellate Defender  
South Carolina Commission on Indigent Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

This 7th day of July, 2010.



---

DONALD J. ZELENKA  
Office of Attorney General  
Post Office/Box 11549  
Columbia, SC 29211  
(803) 734-6305

ATTORNEY FOR RESPONDENT

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Honorable Thomas A. Russo

Sumter County

Trial Court Case No. 2004-GS-40-10096

2006-GS-43-00696

2006-GS-43-00699

2006-GS-43-00700

2006-GS-43-00701

2006-GS-43-00702

---

## ORDER

---

Respondent seeks a second extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the above entitled matter.

The request for an extension is granted and extended until July 7, 2010.

Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK

Columbia, South Carolina

June 8, 2010

cc: Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED

JUN - 7 2010

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA,

Respondent,

v.

STEPHEN COREY BRYANT,

Appellant.

**MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for a thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second request for an extension of time in which to file the brief of respondent. Undersigned counsel is requesting additional time due to a heavy caseload and the complexity of the instant appeal. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel Respondent has been scheduled for a number of state and federal matters, that include, but are not limited to, the following work product completed within the past thirty (30) days: federal habeas brief involving Mark Moyers (May 3), Rule 59 motion hearing in death penalty PCR case involving Bayan Aleksey (June 4) and preparation of proposed order, federal habeas return in Ernest Fordyce (June 5), Brief of Respondent State v. Gary Grant, federal habeas brief in Rasheen Capers (May 13, 2010), Brief of Respondent in 4<sup>th</sup> Circuit in Clifford Thompson v. Ozmint (May 17), oral argument in S.C. Court of Appeals in State v. Santiago Rios (May 19), federal habeas return in Larry Green v. Ozmint, proposed order in David McClure v. State (May 28), Rule 59 motion in John Hughey v. State (May 30, 2010), a response in the federal habeas matter

Christopher Owens (June 7, 2010) and preparation for June 8 oral argument in State v. Amos Mattison.

2. This matter is a death penalty appeal. Although appellant has only raised one allegation in his initial brief involving the exclusion in the sentencing phase of collateral testimony that appellant's aunt had been sexually abused by appellant's grandfather, undersigned counsel requests additional time in order to research the issues presented, make a detailed review of the multi-volume trial transcript and several pre-trial hearing transcripts, and prepare a proper and complete response.

3. Undersigned counsel contacted opposing counsel Joseph L. Savitz, III, Senior Appellate Defender, who advised counsel this date that he has no objection to this request.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

HENRY D. McMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Assistant Deputy Attorney General

BY 

DONALD J. ZELENKA

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

June 7, 2010.

ATTORNEYS FOR RESPONDENT

In the Supreme Court

---

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

---

THE STATE OF SOUTH CAROLINA, Respondent,

v.

STEPHEN COREY BRYANT, Appellant.

---


**PROOF OF SERVICE**

---

I, Donald J. Zelenka, certify that I have served Respondent's Motion for an Extension of Time on counsel for Petitioner, by depositing one copy of same in the United States mail, postage prepaid, to each counsel, addressed as follows:

Joseph L. Savitz, III, Senior Appellate Defender  
South Carolina Commission on Indigent Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

This 7th day of June, 2010.



---

DONALD J. ZELENKA  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

ATTORNEY FOR RESPONDENT

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Hon. Thomas A. Russo  
Sumter County

Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

---

## ORDER

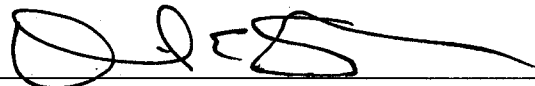
---

The request for an extension to serve and file the Initial Brief of Respondent and Designation of Matter is granted and extended until June 7, 2010.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK

Columbia, South Carolina

May 7, 2010

cc: Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka



HENRY McMASTER  
ATTORNEY GENERAL

RECEIVED

MAY 06 2010

S.C. SUPREME COURT

May 6, 2010

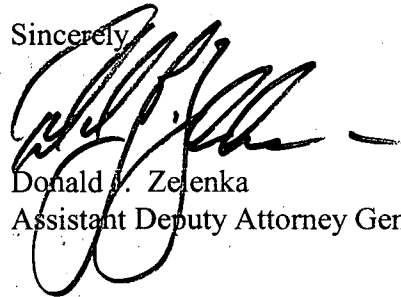
Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: State v. Stephen Corey Bryant

Dear Mr. Shearouse:

The Initial Brief of Respondent in the above-referenced case is due to be filed on the above date. I am requesting an extension of thirty (30) days to file and serve Respondent's Brief. Due to counsel's heavy caseload and other court commitments, counsel has been unable to prepare the brief. By copy of this letter I am informing opposing counsel of this request.

Sincerely

  
Donald J. Zelenka  
Assistant Deputy Attorney General

DJZ/lbb

cc: Joseph L. Savitz, III, Esquire

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

STEPHEN COREY BRYANT,

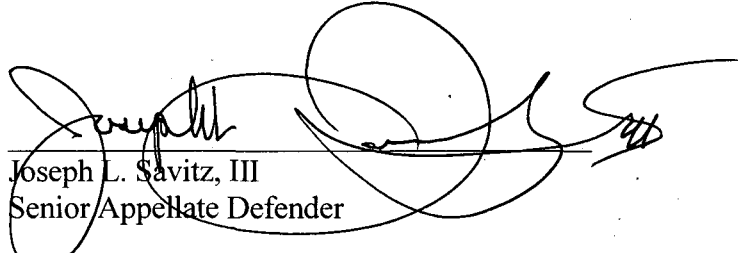
APPELLANT

---

CERTIFICATE OF SERVICE

---

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 22nd day of March, 2010.




---

Joseph L. Savitz, III  
Senior Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 22<sup>nd</sup> day of March, 2010.



---

Notary Public for South Carolina

(L.S.)

My Commission Expires: July 1, 2019

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Hon. Thomas A. Russo

Sumter County

Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

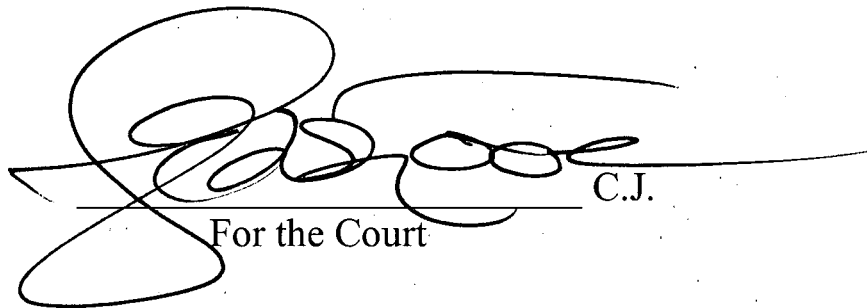
---

## ORDER

---

Appellant seeks a sixth extension of time to serve and file the Initial Brief of Appellant and Designation of Matter, and asserts that extraordinary circumstances justify this extension. The opposing party consents to the extension. The request for an extension is granted until March 22, 2010. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.



C.J.  
For the Court

Columbia, South Carolina

February 19, 2010

cc: Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

RECEIVED

FEB 18 2010

STATE OF SOUTH CAROLINA,

RESPONDENT

S.C. SUPREME COURT

V.

STEPHEN COREY BRYANT,

APPELLANT,

Indictment Number: 2004-GS-40-10096, 2006-GS-43-0069

Trial Date: September 11, 2008

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

Counsel for Stephen Corey Bryant respectfully requests a final extension of thirty days in which to file the initial brief of appellant and designation of matter in this case which is due today. Counsel will request no additional extensions in connection with any step in this appeal unless absolutely unavoidable. In support of this request, counsel shows:

(1) The initial brief of appellant and designation of matter in this case are due to be served and filed today, having been extended by prior orders of this Court.

(2) In the past two months, counsel has filed briefs or certiorari petitions in the following cases:

*The State v. Bentley Collins* (660 transcript pages)  
*The State v. Joshua Lamar Forrest* (266 transcript pages)  
*The State v. Richard Simmons* (452 transcript pages)  
*The State v. Mokeia Hammond* (762 transcript pages)  
*The State v. Devodus Rouse* (675 transcript pages)  
*The State v. Jake Antonio Wilson* (1111 transcript pages)  
*The State v. Joel Antawan Robinson* (866 transcript pages)

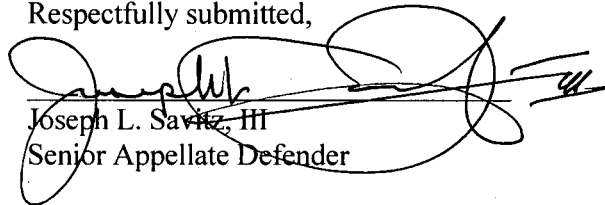
(3) Counsel believes that extraordinary circumstances support this petition for extension as required by the Supreme Court's order of March 18, 2009.

(4) Counsel makes this request in the utmost good faith and not for purposes of delay. Counsel has read the transcript and is in the process of writing the initial brief. IN order to ensure that no further extensions will be necessary, counsel has made its completion his first priority.

(5) As indicated by signature below, Donald J. Zelenka, Esquire, of the Attorney General's Office, has no objection to this request.

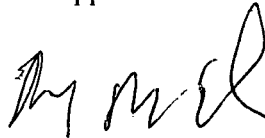
For these reasons, counsel for Mr. Bryant respectfully requests an additional extension of thirty days in which to file the initial brief and designation of matter in this case.

Respectfully submitted,

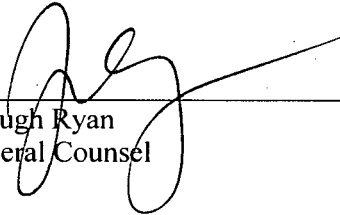


Joseph L. Savitz, III  
Senior Appellate Defender

Attorney for Appellant



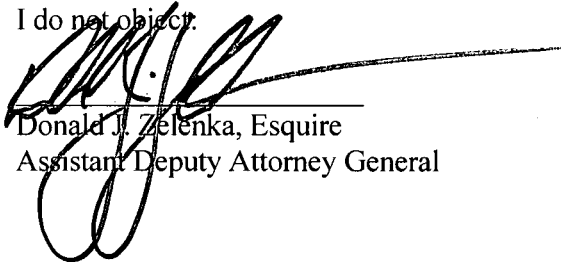
Robert M. Dudek  
Acting Chief Appellate Defender



J. Hugh Ryan  
General Counsel

This 18th day of February, 2009

I do not object.



Donald J. Zelenka, Esquire  
Assistant Deputy Attorney General

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Honorable Thomas A. Russo  
Sumter County

Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

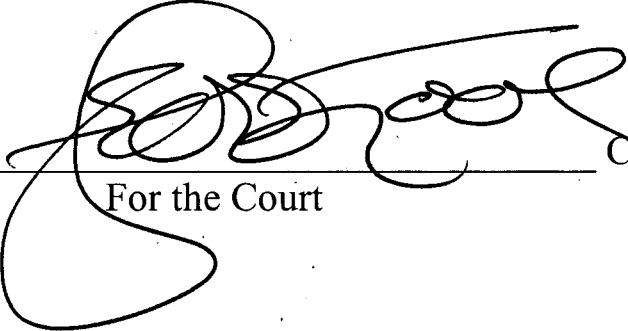
---

## ORDER

---

Appellant seeks a fifth extension of time to serve and file the Initial Brief of Appellant and Designation of Matter, and asserts that extraordinary circumstances justify this extension. The opposing party consents to the extension. The request for an extension is granted until February 18, 2010. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure no further extensions will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.



For the Court C.J.

Columbia, South Carolina

January 21, 2010

cc: Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal from Sumter County  
Thomas A. Russo, Circuit Court Judge

---

**ORIGINAL**

**RECEIVED**

**JAN 19 2010**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA,

RESPONDENT

V.

STEPHEN COREY BRYANT,

APPELLANT,

Indictment Number: 2004-GS-40-10096, 2006-GS-43-0069

Trial Date: September 11, 2008

---

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

---

Counsel for Stephen Corey Bryant respectfully requests an additional extension of thirty days in which to file the initial brief of appellant and designation of matter in this case which is due today. Counsel will request no additional extensions in connection with any step in this appeal unless absolutely unavoidable. In support of this request, counsel shows:

(1) Counsel was on leave from December 22, 2009 through January 4, 2010 attending to family matters. Counsel also argued the *State v. Keith Sims* in the Supreme Court January 6, 2010. Counsel has an argument in the Supreme Court Thursday, January 21, 2010 for *State v. David Dwight Smith* and next month has an argument in the Supreme Court in the death penalty case *State v. Ron Finklea*.

(2) The initial brief of appellant and designation of matter in this case are due to be served and filed today, having been extended by prior orders of this Court.

(3) In the past two months, counsel has filed briefs or certiorari petitions in the following cases:

*The State v. Theodore Cobbs* ( 1190 transcript pages)  
*The State v. Desmond Sams* (315 transcript pages)  
*The State v. Christopher Whitehead* (1796 transcript pages)

*The State v. Shawn Miller* (317 transcript pages)  
*The State v. Ferris Singley* (289 transcript pages)  
*The State v. David Roy Lynch* (393 transcript pages)  
*The State v. Andres Torres* (2892 transcript pages)  
*The State v. Eddie Evans* (65 transcript pages)  
*The State v. Mark McCoy* (560 transcript pages)  
*The State v. Devodous Rouse* (675 transcript pages)  
*Hoyt Morris v. The State* ( 940 transcript pages)  
*The State v. Bentley Collins* (660 transcript pages)

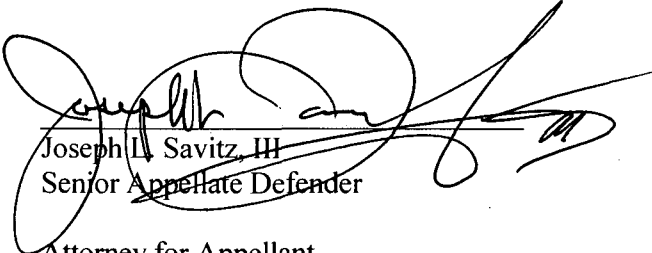
(4) Counsel believes that extraordinary circumstances support this petition for extension as required by the Supreme Court's order of March 18.

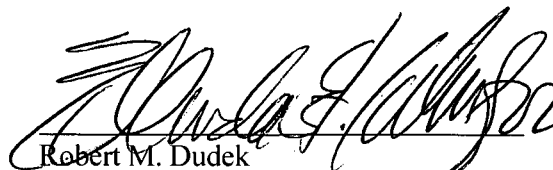
(5) Counsel makes this request in the utmost good faith and not for purposes of delay. Counsel has read the transcript and is in the process of writing the initial brief. He intends to request no further extensions in this case.

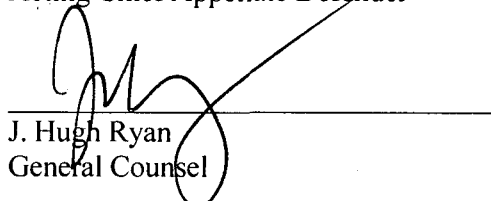
(6) As indicated by signature below, Donald J. Zelenka, Esquire, of the Attorney General's Office, has no objection to this request.

For these reasons, counsel for Mr. Bryant respectfully requests an additional extension of thirty days in which to file the initial brief and designation of matter in this case.

Respectfully submitted,

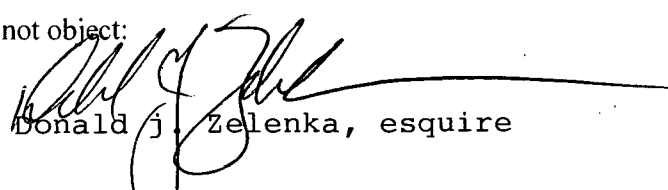
  
\_\_\_\_\_  
Joseph L. Savitz, III  
Senior Appellate Defender  
Attorney for Appellant

  
\_\_\_\_\_  
Robert M. Dudek  
Acting Chief Appellate Defender

  
\_\_\_\_\_  
J. Hugh Ryan  
General Counsel

This 18th day of January, 2009

I do not object:

  
\_\_\_\_\_  
Donald J. Zelenka, esquire

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Honorable Thomas A. Russo  
Sumter County

Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

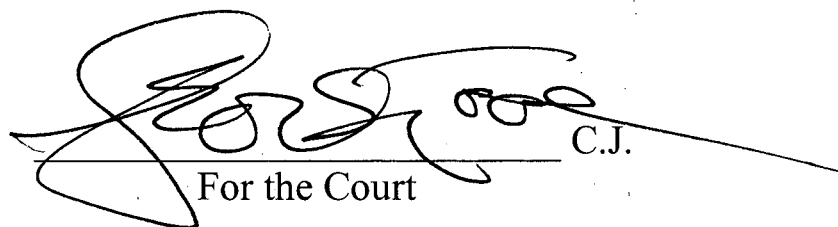
---

## ORDER

---

Appellant seeks a fourth extension of time to serve and file the Initial Brief of Appellant and Designation of Matter, and asserts that extraordinary circumstances justify this extension. The opposing party consents to the extension. The request for an extension is granted until January 18, 2010. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.



C.J.  
For the Court

Columbia, South Carolina

December 21, 2009

cc: Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

 ORIGINAL

Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge

RECEIVED

DEC 18 2009

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA,

RESPONDENT

V.

STEPHEN COREY BRYANT,

APPELLANT,

Indictment Number: 2004-GS-40-10096, 2006-GS-43-0069

Trial Date: September 11, 2008

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

Counsel for Stephen Corey Bryant respectfully requests an additional extension of thirty days in which to file the initial brief of appellant and designation of matter in this case which is due today. Counsel will request no additional extensions in connection with any step in this appeal unless absolutely unavoidable. In support of this request, counsel shows:

(1) The initial brief of appellant and designation of matter in this case are due to be served and filed today, having been extended by prior orders of this Court.

(2) Counsel was out of the office sick last week. Counsel also was in Court December 10, 2009, in Orangeburg, SC on the case Bryan Nolan Lamb v. State. Counsel also filed a petition for rehearing in the case of the State v. Chris Liverman.

(3) In the past two months, counsel has filed briefs or certiorari petitions in the following cases:

*The State v. Theodore Cobbs* ( 1190 transcript pages)

*The State v. Desmond Sams* (315 transcript pages)

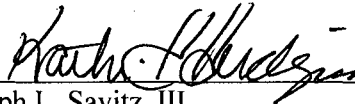
*The State v. Christopher Whitehead* (1796 transcript pages)

*The State v. Shawn Miller* (317 transcript pages)  
*The State v. Ferris Singley* (289 transcript pages)  
*The State v. David Roy Lynch* (393 transcript pages)  
*The State v. Andres Torres* (2892 transcript pages)  
*The State v. Eddie Evans* (65 transcript pages)  
*The State v. Mark McCoy* (560 transcript pages)

- (4) Counsel believes that extraordinary circumstances support this petition for extension as required by the Supreme Court's order of March 18.
- (5) Counsel makes this request in the utmost good faith and not for purposes of delay.
- (6) As indicated by signature below, Donald J. Zelenka, Esquire, of the Attorney General's Office, has no objection to this request.

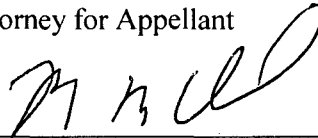
For these reasons, counsel for Mr. Bryant respectfully requests an additional extension of thirty days in which to file the initial brief and designation of matter in this case.

Respectfully submitted,

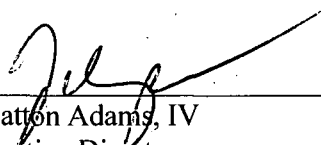


Joseph L. Savitz, III  
Senior Appellate Defender

Attorney for Appellant



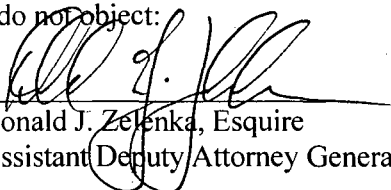
Robert M. Dudek  
Acting Chief Appellate Defender



T. Patton Adams, IV  
Executive Director or  
J. Hugh Ryan, III  
General Counsel

This 18th day of December, 2009

I do not object:



Donald J. Zelenka, Esquire  
Assistant Deputy Attorney General

# The Supreme Court of South Carolina

The State, Respondent,  
v.  
Stephen Corey Bryant, Appellant.

The Honorable Thomas A. Russo  
Sumter County  
Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

---

## ORDER

---

Appellant seeks a third extension of time to serve and file the Initial Brief of Appellant and Designation of Matter in the above entitled matter. The motion for an extension and to file out of time is granted and extended until December 18, 2009. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Trenda J. Shealy*  
CLERK  
*Chief Deputy*

Columbia, South Carolina

November 23, 2009

cc: Senior Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge

---

 ORIGINAL

RECEIVED

NOV 19 2009

STATE OF SOUTH CAROLINA,

S.C. SUPREME COURT

RESPONDENT

V.

STEPHEN COREY BRYANT,

APPELLANT,

Indictment Number: 2004-GS-40-10096, 2006-GS-43-0069

Trial Date: September 11, 2008

---

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND THE DESIGNATION OF MATTER OUT OF TIME

---

The initial brief of appellant in this case was due to be served and filed November 18, 2009. Counsel for Stephen Corey Bryant respectfully requests the he be allowed to file the initial brief of appellant and the designation of matter in this case out of time in thirty days. In support of this request, counsel shows:

(1) The due date for this initial brief of appellant and designation of matter was inadvertently miscalendared and therefore, the initial brief was not filed nor was an extension request made.

(2) Counsel is currently working on the death penalty case State v. Andres Torres which contains 2898 transcript pages and is due to be filed next week.

(2) In the past month, counsel has filed briefs or certiorari petitions in the following

cases:

*The State v. Theodore Cobbs* ( 1190 transcript pages)  
*The State v. Desmond Sams* (315 transcript pages)  
*The State v. Christopher Whitehead* (1796 transcript pages)  
*The State v. Shawn Miller* (317 transcript pages)  
*The State v. Ferris Singley* (289 transcript pages)  
*The State v. David Roy Lynch* (393 transcript pages)

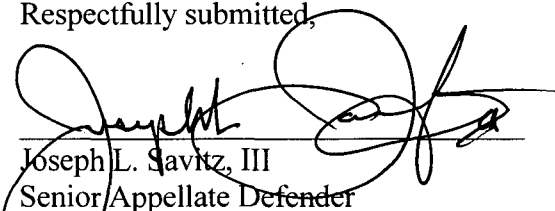
(3) Counsel believes that good cause supports this petition for extension as required by the Supreme Court's order of March 18.

(4) Counsel makes this request in the utmost good faith and not for purposes of delay.

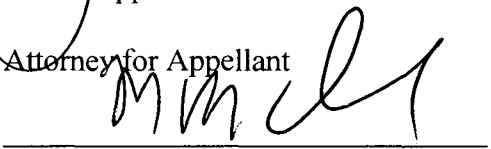
(5) As indicated by signature below, Donald J. Zelenka, Esquire, has no objection to this request.

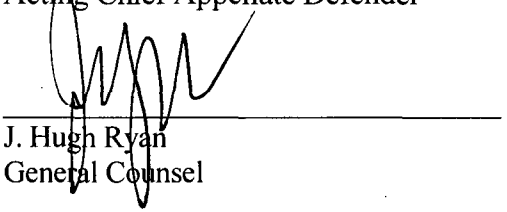
For these reasons, counsel for Mr. Bryant respectfully requests he granted an extension out of time to file the initial brief of appellant and designation of matter in this case.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph L. Savitz, III  
Senior Appellate Defender

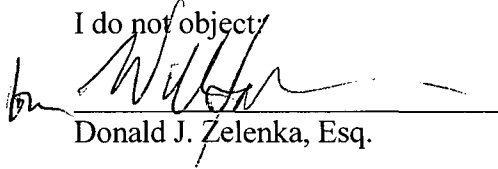
Attorney for Appellant

  
\_\_\_\_\_  
Robert M. Dudek  
Acting Chief Appellate Defender

  
\_\_\_\_\_  
J. Hugh Ryan  
General Counsel

This 19th day of November, 2009

I do not object

  
\_\_\_\_\_  
Donald J. Zelenka, Esq.

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Honorable Thoma A. Russo

Sumter County

Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

---

## ORDER

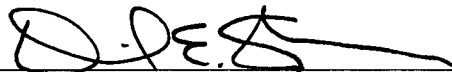
---

Appellant seeks a second extension of time to serve and file the Initial Brief of Appellant and Designation of Matter in the above entitled matter. The request for an extension is granted and extended until November 18, 2009. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK

Columbia, South Carolina

October 20, 2009

cc: Chief Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge

ORIGINAL

RECEIVED

OCT 19 2009

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA,

RESPONDENT

V.

STEPHEN COREY BRYANT,

APPELLANT,

Indictment Number: 2004-GS-40-10096, 2006-GS-43-0069

Trial Date: September 11, 2008

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF AND THE  
DESIGNATION OF MATTER

Counsel for Stephen Corey Bryant respectfully requests an additional extension of thirty days, until November 18, 2009, in which to file the initial brief and the designation of matter in this case. In support of this request, counsel shows:

- (1) In the past month, counsel has filed briefs or certiorari petitions in the following

cases:

*The State v. Keith Anthony Simms* (770 transcript pages)  
*The State v. Norman Starnes* (42185 transcript pages)  
*The State v. Larry Horton* (414 transcript pages)  
*The State v. Shawn Phillips* (844 transcript pages)  
*The State v. Joshua Shane Weatherford* (919 transcript pages)  
*The State v. John Dykeman* (537 transcript pages)  
*The State v. Nathaniel Bradley* (1081 transcript pages)  
*The State v. Jason Buncum* (755 transcript pages)  
*The State v. Raymondeze Rivera* (445 transcript pages)  
*The State v. Stanley Oliver* (2363 transcript pages)

*Sherrick Shontel Halsey v. The State* (65 transcript pages)  
*The State v. David Dwight Smith* (321 transcript pages)  
*The State v. Jimmy Williams* (393 transcript pages)  
*The State v. Eugene Patterson* (1645 transcript pages)  
*The State v. Robert Heydman* (414 transcript pages)  
*The State v. Leroy Leek* (478 transcript pages)  
*The State v. Quinton Inman* (510 transcript pages)  
*The State v. Chad Everette Williams* (374 transcript pages)  
*The State v. Angle Vasquez* ( 310 transcript pages)  
*The State v. Theodore Cobbs* ( 1190 transcript pages)  
*The State v. Desmond Sams* (315 transcript pages)

(2) Counsel believes that good cause supports this petition for extension as required by the Supreme Court's order of March 18, 2009.

(3) Counsel makes this request in the utmost good faith and not for purposes of delay.

For these reasons, counsel for Mr. Bryant respectfully requests an additional extension of thirty days, until November 18, 2009, in which to file the initial brief and the designation of matter for this case.

Respectfully submitted,



Joseph D. Savitz, III  
Chief Appellate Defender

Attorney for Appellant

This 19th day of October, 2009

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Sumter County

Thomas A. Russo, Circuit Court Judge

---

STATE OF SOUTH CAROLINA,

RESPONDENT

V.

STEPHEN COREY BRYANT,

APPELLANT,

Indictment Number: 2004-GS-40-10096, 2006-GS-43-0069

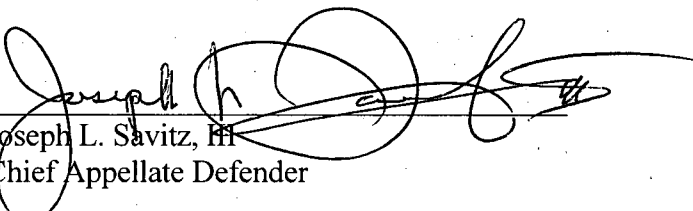
Trial Date: September 11, 2008

---

CERTIFICATE OF SERVICE

---

The undersigned attorney hereby certifies that a true copy of the motion for extension of time in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 19th day of October, 2009.

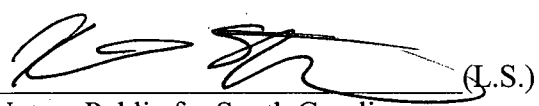


---

Joseph L. Savitz, III  
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me  
this 19th day of October, 2009.



(L.S.)  
Notary Public for South Carolina

My Commission Expires: July 1, 2019.

# The Supreme Court of South Carolina

The State,

Respondent,

v.

Stephen Corey Bryant,

Appellant.

The Honorable Thomas A. Russo  
Sumter County

Trial Court Case No. 2004-GS-40-10096  
2006-GS-43-00696  
2006-GS-43-00699  
2006-GS-43-00700  
2006-GS-43-00701  
2006-GS-43-00702

---

## ORDER

---

For good cause having been shown, the time for serving and filing the Initial Brief of Appellant and Designation of Matter in the above entitled matter is hereby extended until October 19, 2009.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK

Columbia, South Carolina

September 18, 2009

cc: Chief Appellate Defender Joseph L. Savitz, III  
Assistant Deputy Attorney General Donald J. Zelenka



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

September 17, 2009

RECEIVED

SEP 17 2009

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

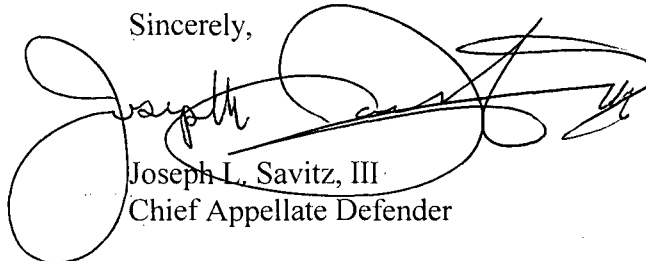
Re: The State v. Stephen Corey Bryant  
Indictment Number: 2004-GS-40-10096, 2006-GS-43-0069  
Sumter County  
Judge Thomas A. Russo  
Trial Date: September 11, 2008

Dear Mr. Shearouse:

The initial brief and designation of matter in this case are due to be served and filed with the Court tomorrow, September 18, 2009. However, because of my heavy workload at this time, I am requesting an extension until October 19, 2009, in which to serve and file the brief.

By copy of this letter, I am informing Donald J. Zelenka, of the Attorney General's Office, of my request.

Sincerely,



Joseph L. Savitz, III  
Chief Appellate Defender

JLS,III/kms

cc: Donald J. Zelenka

ORIGINAL



Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

RECEIVED

July 21, 2009

JUL 22 2009

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

S.C. SUPREME COURT

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

State v. Stephen Corey Bryant

7/20/2009

I would appreciate you beginning our time limits from the above dates, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Melinda W. Long  
Legal Assistant



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

July 14, 2009

RECEIVED

JUL 14 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	4/3/09	Stephen Corey Bryant

Trial Date: April 18, 2008 (Juror Request to be E)

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Melinda W. Long  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

May 13, 2009

RECEIVED

MAY 13 2009

S.C. SUPREME COURT

Ms. Rema K. Gantt-Thomas  
Circuit Court Reporter  
806 Yacht Club Pointe  
Chapin, SC 29036-9998

Dear Ms. Gantt-Thomas:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: April 27, 2007 (Arraignment Death Penalty  
Notice)

Presiding Judge: Clifton Newman

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Rema K. Gantt-Thomas  
May 13, 2009  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

April 23, 2009

RECEIVED

APR 23 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Melissa Winfield	12/15/08	Stephen Corey Bryant

Trial Date: April 27, 2007 (Arraignment: Death P

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

*Karen D. Elliott*

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1387

Joseph L. Savitz, III, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

April 7, 2009

RECEIVED

APR - 7 2009

S.C. SUPREME COURT

Ms. Melissa Singletary  
355 Kendal Avenue  
Sumter, SC 29154

Re: The State v. Stephen Corey Bryant  
2004-GS-40-10096; 2006-GS-00696, 00699  
Sumter County  
Judge Clifton Newman  
Trial Date: April 27, 2007 (Arraignment: Death Penalty Notice)

Dear Ms. Singletary:

I received your status of case letter on April 2, 2009. However, the transcript you are referring to is the May 14, 2007, which we did receive November 26, 2008. I am inquiring about the above referenced transcript dated April 27, 2007. Would you please let me know the status of the April 27, 2007 transcript?

Thank you for your assistance in this matter.

Sincerely,

Karen D. Elliott  
Legal Assistant

cc: SC Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

March 20, 2009

RECEIVED

MAR 20 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	3/3/09	Stephen Corey Bryant

Trial Date: September 11, 2008 (Sentencing Phase)

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

March 20, 2009

RECEIVED

MAR 20 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	3/3/09	Stephen Corey Bryant

Trial Date: December 14, 2007 (Discussion of Tri

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

March 20, 2009

RECEIVED

MAR 20 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	3/3/09	Stephen Corey Bryant

Trial Date: May 24, 2007

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

March 20, 2009

RECEIVED

MAR 20 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	3/3/09	Stephen Corey Bryant

Trial Date: March 6, 2008 (Defense request for ex

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

March 20, 2009

RECEIVED

MAR 20 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	3/3/09	Stephen Corey Bryant

Trial Date: April 3, 2008 (Motions Hearing)

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

March 20, 2009

RECEIVED

MAR 20 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	3/3/09	Stephen Corey Bryant

Trial Date: April 18, 2008 (Juror Request to be E)

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

RECEIVED

March 20, 2009

MAR 20 2009

S.C. SUPREME COURT

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Frances A. Bakis-Ray	3/3/09	Stephen Corey Bryant

Trial Date: September 2-11, 2008 (Sentencing Ph:

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

March 20, 2009

Ms. Desiree Allen  
S.C. Court Administration  
1015 Sumter Street, 2nd Floor  
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

RECEIVED

MAR 20 2009

S.C. SUPREME COURT

Below is a list of transcript(s) that were requested by this office. Pursuant to Supreme Court Rule 206(e), the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Melissa Winfield	12/15/08	Stephen Corey Bryant

Trial Date: April 27, 2007 (Arrestment: Death P

I would appreciate your confirming in writing as to the status of the above-referenced transcript(s). If you should have any questions, please do not hesitate to contact me.

Sincerely,

*Karen Elliott*

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

November 19, 2008

Jack D. Howle, Jr., Esquire  
Howle & Babb, LLP  
P.O. Box 2685  
Sumter, SC 29151

Re: The State v. Bryant, Stephen Corey, 2006-GS-00696, 00699, 00701 and  
00702.  
The State v. Bryant, Stephen Corey, 2004-GS-40-10096

Dear Mr. Howle:

This responds to your letter dated November 18, 2008. I cannot make any assessment of the adequacy of your explanations. I will, however, extend your time to file any further explanations that you may want to make until December 1, 2008.

Very truly yours,



CLERK

cc: Division of Appellate Defense  
John Derrick Clark, Esquire  
Cecil Kelly Jackson, Esquire  
Office of the Attorney General  
W. Barney Giese, Esquire

**Third Judicial Circuit Public  
Defender Office**

Sumter County Courthouse  
141 North Main Street Rm # 104  
Post Office Box 98  
Sumter, South Carolina 29151

Jack D. Howle, Jr.  
Third Judicial Circuit  
Public Defender

Telephone: (803) 774-6137  
Facsimile: (803) 774-6136

**TO:** SC Supreme Court  
**ATTENTION OF:** Daniel E. Shearouse

**Date:** 11/18/2008  
**Fax No.:** 803-734-1499

**FROM:** Carly S. Spivey  
cspivey@sumtercountysc.org  
**Telephone:** (803) 774-6137  
**Fax No.:** (803) 775-6136

**REFERENCE:** State v. Stephen Corey Bryant

**MESSAGE/REMARKS:**

Please find Mr. Howle's response to follow.

**TOTAL NUMBER OF PAGES TO FOLLOW INCLUDING THIS PAGE: 3**  
*In the event of an incomplete or unreadable transmission, please immediately contact the sender.*

**IMPORTANT NOTICE TO RECIPIENT:**

The information contained in this facsimile transmission is confidential and attorney-privileged information intended only for the use of the individual(s) or entity named above. Any disclosure, publication, dissemination, distribution, or copying of this communication or any materials transmitted herewith by a recipient other than the intended receiver is strictly prohibited.

If you have received this communication in error, please immediately notify our office at the number above.

**RECEIVED**  
NOV 18 2008  
S.C. SUPREME COURT

**THIRD JUDICIAL CIRCUIT  
PUBLIC DEFENDER OFFICE**

**SUMTER COUNTY COURTHOUSE  
141 NORTH MAIN STREET RM # 104  
POST OFFICE BOX 98  
SUMTER, SOUTH CAROLINA 29151**

TELEPHONE: (803) 774-6137

FACSIMILE: (803) 774-6136

November 18, 2008

**RECEIVED**  
NOV 18 2008  
S.C. SUPREME COURT

Mr. Daniel E. Shearouse  
The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina  
VIA FAX 803-734-1499

Re: State v. Stephen Corey Bryant 2006-GS-00696, 00699, 00701 (Sumter Co.)  
State v. Stephen Corey Bryant 2004-GS-40-10096 (Richland Co.)

Dear Mr. Shearouse,

On Friday, November the 14<sup>th</sup> I received a call from your office concerning a response to your letter of October 31, 2008. Your letter requested that I provide certain information in regard to two Notices of Appeal filed in the above cases. My office never received your letter of October the 31<sup>st</sup> but a copy was faxed to my office on November the 14<sup>th</sup>.

Your letter asked that I comply with certain requirements of Rule 203 by providing an explanation of issues concerning Mr. Bryant's plea. I received a call on November 17<sup>th</sup> asking if I had received the fax and requesting that my response be faxed back to your office today. Mr. Shearouse, I have just gotten with co-counsel this afternoon on this case and cannot possibly provide this information by the end of business today. Initially this letter provided me with ten (10) days in which to respond to your requests, I feel it fair that I am allotted that same amount of time for my response, beginning on the date I received such letter.

Mr. Shearouse, possibly this explanation will eliminate the need to extend me this time: When Mr. Bryant pled, one of the offenses to which he pled was an Armed Robbery of Mr. Teitjen (2006-GS-43-00699). This is the same case in which the State was seeking the death penalty for Mr. Teitjen's murder. As far as an issue for appeal, we moved, in open court, to withdraw our plea to this Armed Robbery because Mr. Bryant did not understand that the commission of an Armed Robbery could be used as an aggravating circumstance in the sentencing phase. Judge Russo denied this Motion and indicated that he would use the plea on this Armed Robbery as an aggravating circumstance in determining whether he should impose the death penalty. Mr. Clark and I feel that this was an error and, in essence, led to the admission of an offense by Mr. Bryant which eliminated the statutory requirement for the State to prove aggravation as an element in order to have the death penalty imposed by the Judge.

In regard to the Richland County charge (2004-GS-40-10096), Mr. Giese, the Solicitor for Richland County consented to have Mr. Jackson, the Solicitor for Sumter County accept a plea on the Richland County charge so that all offenses against Mr. Bryant were pled at the same time. When Mr. Jackson was served with a Notice of Appeal we feel that this was adequate notice and met the statutory requirements. Mr. Giese was served as a matter of courtesy and we do not feel that the ten (10) day serve requirement would apply.

I feel that this explanation should be sufficient to meet the requirements of Rule 203, SCACR. If you do not feel that the reasons given above are adequate I should appreciate the courtesy of a ten (10) day time frame in which to respond more fully (Such ten (10) day time frame to run from Friday, November 14, 2008).

Yours very truly,

Jack D. Howie, Jr.

JDHjr/css

THIRD CIRCUIT  
PUBLIC DEFENDER OFFICE

SUMTER COUNTY COURTHOUSE  
141 NORTH MAIN STREET RM # 104  
SUMTER, SOUTH CAROLINA 29151

TELEPHONE: 803-774-6137

FACSIMILE: (803) 774-6136

November 24, 2008

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211-1330

RE: The State v. Stephen Corey Bryant,  
Case No.: 2006-GS-43-699, 2006-GS-43-696,  
2006-GS-43-700, 2006-GS-43-701,  
2006-GS-43-702, 2004-GS-40-10096

Dear Mr. Shearouse:

In compliance with your letter of November 19, 2008, I am providing the attached for filing. I have captioned this "Written Explanation in Compliance with Rule 203 (d)(B)(iv), SCACR."

While this filing states these specific issues, the Appellant does intend to raise other issues that would have been presented during the course of the trial. These issues will be filed by Appellant Defense once it has reviewed the transcript of the trial and determine such matters as the Defense determines should be addressed to the Court.

Please advise me should you require anything further .

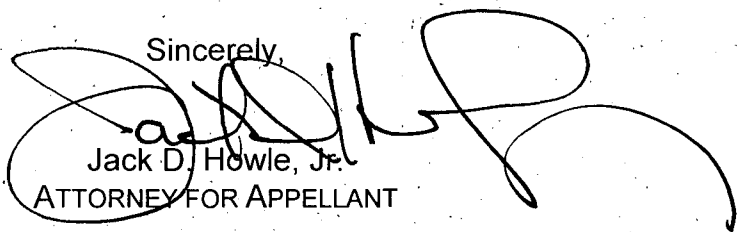
RECEIVED

DEC 01 2008

SUPREME COURT

JDHjr/css  
Enclosures

Sincerely,

  
Jack D. Howle, Jr.  
ATTORNEY FOR APPELLANT

cc Office of Appellate Defense

C. Kelly Jackson, Solicitor Third Circuit

Mr. John Clark

Stephen Corey Bryant, Appellant

# The State of South Carolina In the Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of General Sessions

Thomas A. Russo, Circuit Court Judge

Case No. 2006-GS-43-699, 2006-GS-43-696,  
2006-GS-43-700, 2006-GS-43-701,  
2006-GS-43-702, 2004-GS-40-10096

The State, ..... Respondent.

v.

Stephen Corey Bryant . Appellant.

RECEIVED

DEC 01 2008

S.C. SUPREME COURT

Written Explanation in Compliance with Rule 203 (d)(B)(iv), SCACR

**Did the Court Err in not allowing the Defendant to withdraw his guilty plea to a charge of armed robbery after the Court indicated that it would consider the fact that the Defendant pled to this charge as evidence of an aggravating circumstance in determining whether he should receive the death penalty?**

The Defendant appeared before the Court in Florence County on Monday, August, 18, 2008, to plea to various charges against him in Sumter County. One of the charges to which the Defendant pled was an armed robbery of Mr. Teitjen, the same person on whose murder the Defendant was being tried (and to which the State was seeking the death penalty).

After the plea, but prior to the case being tried in Sumter County on Tuesday, September 2, 2008, the Defendant was advised by the Court that it would view the plea on the armed robbery of Mr. Teitjen as establishing an aggravating circumstance as required by Code Section 16-3-20 (C) (a) (1) of the Code of Laws of South Carolina in order for the Court to consider imposing the death penalty. Counsel for the Defendant moved to withdraw the Defendant's guilty plea to this charge of armed robbery on the ground that the Defendant did not understand at the time of his plea that the Court would consider the plea itself as proving an aggravation circumstance. The Court's

interpretation of this plea as establishing an aggravating circumstance, in and of itself, relieves the State of its burden of proof in establishing this necessary element in order for the Court to even consider the death penalty.

The fact that the Defendant did not understand that such a plea would be an admission that would eliminate the requirement that the State must show such aggravating circumstances, clearly shows that he did not plea freely and voluntarily to this charge and that the Court erred in refusing to allow him to withdraw his plea.

**Did the Court Err in not allowing the Defendant to reopen the case after new evidence came to the attention of the Defense after closing arguments, that went to the issue of the Defendant's state of mind and mental condition just a few days prior to the murder of Mr. Tiejn?**

The Court indicated that it would take a twenty-four (24) hour period of time between the close of the case on Tuesday, September 9, 2008 and the sentencing, to be imposed on Thursday, September 11, 2008. The Court stated that this was the same amount of time that the Court would have taken if a jury had returned a verdict of guilty and the Court was going to determine the sentence.

While the Court was in recess for this twenty-four (24) hour period, an individual called the office of one of the defense attorneys and provided certain factual information that appeared to be of significant importance in establishing statutory mitigation as provided in Code Section 16-3-20 (C) (b), specifically paragraphs (2) [The murder was committed while the defendant was under the influence of mental or emotional disturbance] and (6) [The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired].

Defense Counsel moved to reopen the case against the Defendant on Thursday, September 11, 2008, prior to the Court announcing any of its findings or sentence, on the ground of this newly discovered information. Judge Russo stated that this same person had called his personal residence and spoken with his wife. The Judge indicated that he did not speak with the individual. The Court denied the Motion of the Defense to reopen the case to hear what this individual would say.

It is the position of the Defense that this information is not merely cumulative to any other presented at the trial, but is significant in that it shows the Defendant's state of mind and mental condition shortly prior to Mr. Teitjen's

death. The testimony of this individual would have gone directly to matters of mitigation as specifically provided in Code Section 16-3-20 (C) (b), specifically paragraphs (2) and (6) and that the Court erred in not reopening the case to have this testimony made of record and to be considered by the Court before determining the sentence to be imposed.

Further, the Defense would state, that the Court, in not allowing the Defendant to reopen his case, abused its discretion. Judge Russo stated that he did not talk to the individual and that his wife did not relate exactly what this individual told her. This was information that the Defense did not have and could not have obtained since it did not know of this contact between this individual and the Defendant. The wife of the individual who had this contact with the Defendant called the Defense office late in the afternoon of September 10, 2008 (the day in which the Court had the twenty-four (24) your recess) and spoke with the Public Defender Office Manager. She contacted an investigator, who immediately began making efforts to contact the individual to set up an interview. This individual would have been available to testify. The fact that the Judge determined not to allow such testimony when he did not even know its full content or the impact it may have had on his decision as to whether or not to impose the death penalty, is clearly, the Defense would submit, an abuse of discretion.

**Does the fact that the Solicitor in Richland County was not served with the Notice of Appeal until twelve (12) days after sentence was imposed make the Notice null and void, or does the fact that the Solicitor in Sumter County, who presented the plea of the Richland charge, was served within the required ten (10) days, establish proper compliance with the rules?**

The Defendant appeared before the Court in Florence County on Monday, August 18, 2008, to plea on various charges against him in Sumter County. One charge that was from Richland County was also pled at this time, such change of venue be agreed upon by the Solicitor's Office in Richland County.

The entire plea process was conducted in Florence even though the charges occurred in Sumter and Richland counties. The change of venue for the purpose of taking the Defendant's plea was not contested by the Defense or either Solicitor. The charge in Richland County was presented by the Third Circuit Solicitor (Sumter County) to the Court. An Assistant Solicitor from Richland County was present at the plea and indicated that there was no

objection to the plea being presented by the Third Circuit Solicitor.

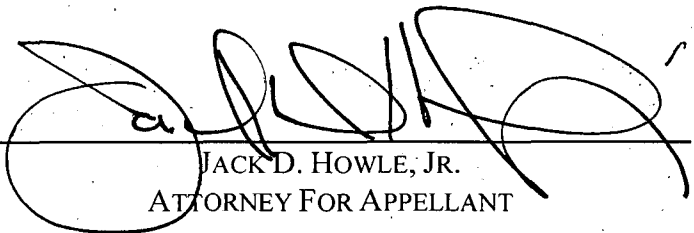
Notice of the Appeal was made to the Third Circuit Solicitor within the required the (10) days. Several days later, the Solicitor for the Third Circuit (Sumter County) returned the notice to the Defense, indicating that he would not accept service on the Richalnd Charge. Notice was then sent to the Sixth Circuit Solicitor (Richland County). It is the position of the Defense that the Third Circuit Solicitor (Sumter County) was the proper party to serve with this notice and that the fact that the Sixth Circuit Solicitor did not receive such notice until more than ten (10) days had elapsed should not be considered noncompliance with the statute.

SUMTER, SOUTH CAROLINA

DATED: NOVEMBER 25, 2008.

Other Counsel of Record:

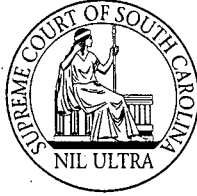
C. Kelly Jackson, Esq.  
Assistant Solicitor  
Sumter County Courthouse  
141 North Main Street  
Sumter, South Carolina 29150  
(803) 436-2185  
Attorney for Respondent



A handwritten signature in black ink, appearing to read 'Jack D. Howle, Jr.', is written over a horizontal line. The signature is stylized and cursive.

JACK D. HOWLE, JR.  
ATTORNEY FOR APPELLANT

POST OFFICE BOX 98  
SUMTER, S.C. 29150  
(803) 774-6137



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

October 31, 2008

Jack D. Howle, Jr., Esquire  
Howle & Babb, LLP  
P.O. Box 2685  
Sumter, SC 29151

Re: The State v. Bryant, Stephen Corey, 2006-GS-00696, 00699, 00701 and  
00702 (Sumter County Charges)  
The State v. Bryant, Stephen Corey, 2004-GS-40-10096

Dear Mr. Howle:

This office has received two notices of appeal relating to the above matters. From what you have provided, appellant pled guilty to all charges while in Florence County. While I understand that a sentence of death was imposed and you no doubt will be raising an issue regarding the death sentence, you will still need to provide the explanation required by Rule 203(d)(B)(iv), SCACR.<sup>1</sup>

In the first notice of appeal that you served, you included not only the Sumter County Charges, but also listed the Richland County Charge. However, the proof

---

<sup>1</sup> That provision provides:


If the appeal is from a guilty plea, an Alford plea or a plea of nolo contendere, a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed;

of service you provided for that notice of appeal did not show that the Solicitor for Richland County had been served.

With the second notice of appeal that you served, which is related only to the Richland County Charge, you did include a proof of service on the Richland County Solicitor, but that proof of service shows that the notice was not served until 12 days after the sentence was imposed. Since Rule 203(b)(2), SCACR, requires the notice of appeal to be served on opposing counsel within ten days of sentencing, I ask that you please explain how a notice of appeal has been timely served regarding the Richland County Charge.

I ask that you please provide the explanations required by Rule 203 and the response to my inquiry about the Richland County Charge within ten (10) days of the date of this letter.

Very truly yours,



CLERK

cc: Division of Appellate Defense  
John Derrick Clark, Esquire  
Cecil Kelly Jackson, Esquire  
Office of the Attorney General  
W. Barney Giese, Esquire



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

October 15, 2008

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

Ms. Linda Y. Love  
Creel Court Reporting  
1116 Blanding St., Suite 1B  
Columbia, SC 29201

Dear Ms. Love:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: December 21, 2004 (Preliminary Hearing)

Presiding Judge: Kathy Ward

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

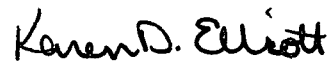
If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Linda Y. Love  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

October 15, 2008

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

Ms. Linda Y. Love  
Creel Court Reporting  
1116 Blanding St., Suite 1B  
Columbia, SC 29201

Dear Ms. Love:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: December 13, 2005 (Preliminary Hearing)

Presiding Judge: Kathy Ward

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

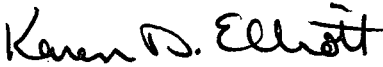
If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Linda Y. Love  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,

  
Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

October 15, 2008

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

Ms. Melissa Winfield  
Circuit Court Reporter  
355 Kendal Avenue  
Sumter, SC 29154

Dear Ms. Winfield:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: April 27, 2007 (Arraignment: Death Penalty  
Notice)

Presiding Judge: Clifton Newman

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Melissa Winfield  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

October 15, 2008

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

Ms. Melissa Winfield  
Circuit Court Reporter  
355 Kendal Avenue  
Sumter, SC 29154

Dear Ms. Winfield:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #:

2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: May 14, 2007

Presiding Judge: Clifton Newman

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Melissa Winfield  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,

*Karen D. Elliott*

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

October 15, 2008

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

Ms. Frances A. Bakis-Ray  
Circuit Court Reporter  
555 Jeffries Lane  
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: May 24, 2007

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Frances A. Bakis-Ray  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

October 15, 2008

Ms. Frances A. Bakis-Ray  
Circuit Court Reporter  
555 Jeffries Lane  
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: December 14, 2007 (Discussion of Trial  
Date)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Frances A. Bakis-Ray  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

October 15, 2008

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

Ms. Frances A. Bakis-Ray  
Circuit Court Reporter  
555 Jeffries Lane  
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: March 6, 2008 (Defense request for expert funding)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Frances A. Bakis-Ray  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

RECEIVED

OCT 15 2008

October 15, 2008

S.C. SUPREME COURT

Ms. Frances A. Bakis-Ray  
Circuit Court Reporter  
555 Jeffries Lane  
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: April 3, 2008 (Motions Hearing)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Frances A. Bakis-Ray  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Karen D. Elliott". The signature is written in a cursive style with a large initial "K" and a stylized "E".

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

October 15, 2008

Ms. Frances A. Bakis-Ray  
Circuit Court Reporter  
555 Jeffries Lane  
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: April 18, 2008 (Juror Request to be Excused  
Hearing)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Frances A. Bakis-Ray  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

October 15, 2008

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

Ms. Frances A. Bakis-Ray  
Circuit Court Reporter  
555 Jeffries Lane  
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: September 2-11, 2008 (Sentencing Phase)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

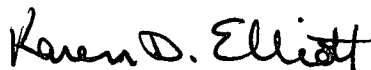
If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Frances A. Bakis-Ray  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

RECEIVED

OCT 15 2008

S.C. SUPREME COURT

October 15, 2008

Ms. Carol M. Thueme  
Circuit Court Reporter  
P O Box 1981  
Irmo, SC 29063

Dear Ms. Thueme:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: July 18, 2008 (Appointment of Lead Counsel)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

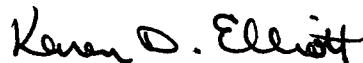
If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Carol M. Thueme  
October 15, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

September 30, 2008

RECEIVED

OCT 01 2008

S.C. SUPREME COURT

Ms. Frances A. Bakis-Ray  
Circuit Court Reporter  
555 Jeffries Lane  
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Sumter

Date of Trial: September 11, 2008 (Sentencing Phase)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

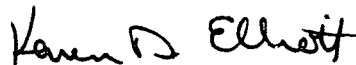
If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Frances A. Bakis-Ray  
September 30, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,



Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

September 30, 2008

RECEIVED

OCT 01 2008

S.C. SUPREME COURT

Ms. Grace L. Hurley  
Circuit Court Reporter  
PO Box 30878  
Myrtle Beach, SC 29588

Dear Ms. Hurley:

Our office has been requested to perfect the appeal arising out of:

State v. Stephen Corey Bryant

Indictment #: 2004-GS-40-10096  
2006-GS-43-00696, 00699,

County: Florence

Date of Trial: August 18, 2008 (Plea Hearing)

Presiding Judge: Thomas A. Russo

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Grace L. Hurley  
September 30, 2008  
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Karen D. Elliott".

Karen D. Elliott  
Legal Assistant

xc: S.C. Supreme Court  
Attorney General's Office

THIRD CIRCUIT  
PUBLIC DEFENDER OFFICE

SUMTER COUNTY COURTHOUSE  
141 NORTH MAIN STREET RM # 104  
SUMTER, SOUTH CAROLINA 29151

TELEPHONE: 803-774-6137

FACSIMILE: (803) 774-6136

September 18, 2008

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211-1330

RECEIVED

SEP 24 2008

S.C. SUPREME COURT

RE: The State v. Stephen Corey Bryant,  
Case No.: 2004-GS-40-10096

Dear Mr. Shearouse:

Please find enclosed for filing a Notice of Appeal in the above case. Also enclosed are the following:

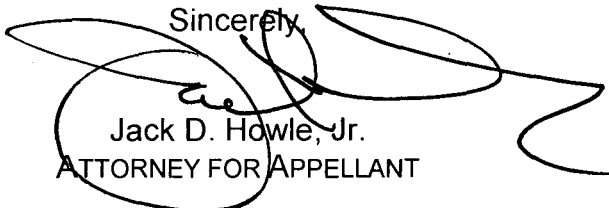
- a.) Proof of Service of the Notice of Appeal on the Respondent.
- b.) A copy of the Sentencing Sheets which are to be challenged on appeal.

This appeal is being filed with the Supreme Court because it involves, inter alia, a challenge on state and federal grounds as to the constitutionality of a state law. This being a criminal matter in which the appellant has been determined to be indigent, no filing fee is being remitted. Additionally, I am turning over responsibility for further processing of the appeal to the South Carolina Office of Appellate Defense.

Please note that this case was included in the initial filing with your office for all of the above client's charges, however, to be sure that this case has been properly appealed we are filing this case separate as well as serving notice on the Richland County Solicitor.

Should you or your office have any questions or require additional information, please contact me at your earliest convenience. With kindest regards,

Sincerely,



Jack D. Howle, Jr.  
ATTORNEY FOR APPELLANT

JDHjr/css  
Enclosures

cc Joesph Saviz, III, Esq.  
Office of Appellate Defense

W. Barney Giese  
5<sup>th</sup> Circuit Solicitor

Stephen Corey Bryant, Appellant

# The State of South Carolina In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of General Sessions

Thomas A. Russo, Circuit Court Judge

Case No. 2004-GS-40-100096

The State, . . . . . Respondent.

v.

Stephen Corey Bryant . Appellant.

RECEIVED

SEP 24 2008

S.C. SUPREME COURT

## NOTICE OF APPEAL

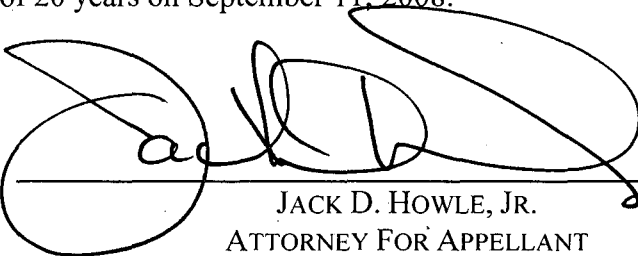
Stephen Corey Bryant appeals conviction, sentence, and all adverse rulings of the trial court relative to this case. Stephen Corey Bryant pled in the Court of General Sessions for Florence County on August 18, 2008. The Honorable Thomas A. Russo, imposed a sentence of 20 years on September 11, 2008.

SUMTER, SOUTH CAROLINA

DATED: SEPTEMBER 23, 2008.

Other Counsel of Record:

W. Barney Giese  
Fifth Circuit Solicitor  
1701 Main Street  
Columbia, SC 29201  
803-576-1801  
Attorney for Respondent



JACK D. HOWLE, JR.  
ATTORNEY FOR APPELLANT

POST OFFICE BOX 98  
SUMTER, S.C. 29150  
(803) 774-6137

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STATE VS.

STEPHEN COREY BRYANT

AKA:

Race: White

Sex: Male

Age:

DOB:

SS#:

Address: Wilds #8 Sumter, SC 29150

DL#

SID#

CERTIFIED TRUE COPY OF ORIGINAL FILED

James C. Campbell

CLERK OF COURT SUMNER COUNTY SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2004-GS-40-10096

AW#: H743237

Date of Offense: October 08, 2004

S.C. Code §: 16-03-0620

CDR Code #: 0014

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Assault and Battery with Intent to Kill

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 010114

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State

ATTEST:

P. Kee Jackson Solicitor

Defendant

Attorney for Defendant

2727 SC Bar # 64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,

for a determinate term of 20 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered

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
\$14-1-211(A)(2) (DUI Surcharge)	\$100
\$56-5-2995 (DUI Assessment)	\$12
\$35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114(BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
\$90.11 TP (SCCJA Surcharge)	\$5
TOTAL	\$520

PTUP \_\_\_\_\_ 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, \$35.13 TP Requires \$500 be paid to Clerk during probation.

James C. Campbell for Richland County Clerk of Court/Deputy Clerk  
Court Reporter: Grace Henley (8-18-08)  
Frances A. Bakis Ray

PRESIDING JUDGE \_\_\_\_\_  
Judge Code: 2119-1411  
Sentence Date: 9-11-08



**WITNESSES**

**(S) J. S. Smith, RCSD**

*Jav. H. G. Siniard, RCSD* / (S)

**ARREST WARRANT NUMBER**

**H743237**

**ACTION OF GRAND JURY**

**TRUE BILL**

*J. R.*  
Foreperson of Grand Jury

Date:

**DEC 14 2004**

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2004-GS-40-10096**

**The State of South Carolina**

**County of Richland**

**42**

**COURT OF GENERAL SESSIONS**

**DECEMBER TERM 2004**

**THE STATE**

**vs.**

**STEPHEN BRYANT**

**Indictment for**

**ASSAULT AND BATTERY WITH  
INTENT TO KILL**

*SC Code: 16-3-620*

*CDR Code: 0014*

*Class: C-Felony*

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

Defendant

I 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.

CLERK OF THE COURT  
COUNTY OF RICHLAND  
*James C. Campbell*  
CLERK OF COURT  
COUNTY OF RICHLAND  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER  
STATE VS.

STEPHEN COREY BRYANT

AKA:  
Race: White

Sex: Male

Age: 27

DOB: SS#: :

Address: Wilds #8 Sumter, SC 29150

DL# SID# SC01194858

1 of 3  
CLASSIFIED FILE COPY  
OF ORIGINAL FILED  
James C. Campbell  
CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006-GS-43-0698

AW#: H782557

Date of Offense: October 09, 2004

S.C. Code §: 16-11-0110(A)

CDR Code #: 2550

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: CH3 ARSON (2ND DEGREE)

in violation of § 16-11-110(B) of the S.C. Code of Laws, bearing CDR Code # 2151511

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

E. Keefe Jackson Solicitor Steph. Bryant Defendant [Signature] Attorney for Defendant SC Bar # 2727  
6429k

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 25 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

**SPECIAL CONDITIONS:**

<input type="checkbox"/> RESTITUTION: <input type="checkbox"/> Deferred, <input type="checkbox"/> Defendant Waives Hearing, <input type="checkbox"/> Ordered.	PTUP _____
Total: \$ _____ plus 20% fee: \$ _____	_____ days/hours Public Service Employment
Payment Terms: _____	Obtain GED _____
<input type="checkbox"/> set by SCDPPPS _____	Attend Voc. Rehab. or Job Corp. _____
Recipient: _____	May serve W/E beginning _____
*Fine: _____	Substance Abuse Counseling _____
\$14-1-206 (Assessments 107.5%) _____	Random Drug/Alcohol Testing _____
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ <u>100.00</u>	Fine may be pd. in equal, consecutive weekly/monthly
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____	pmts. of \$ _____ beginning _____
\$56-5-2995 (DUI Assessment) \$12 \$ _____	\$ _____ paid to Public Defender Fund
\$35.13 (Public Def/Prob) \$500 \$ _____	Other: _____
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ <u>25.00</u>	_____
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____	_____
\$50-21-114(BUI Breath Test Fee) \$50 \$ _____	_____
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____	_____
3% to County (if paid in installments) \$ _____	_____
\$90.11 TP (SCCJA Surcharge) \$5 \$ <u>5.00</u>	_____
TOTAL \$ _____	_____

Appointed PD or appointed other counsel §35-13 TP Requires \$500 be paid to Clerk during probation.

James C. Campbell  
Clerk of Court/Deputy Clerk (Plea)  
Court Reporter: Grace Nurley (8-18-08)  
Frances A. Bakis-Ray  
SCCA/217 (10/2007)

PRESIDING JUDGE [Signature]  
Judge Code: 2111411  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE VS.

STEPHEN COREY BRYANT

AKA:

Race: White

Sex: Male

Age: 27

DOB: /

SS#:

Address: 985 Wilds #8 Sumter, SC 29150

DL#

SID# SC01194858

2 of 3

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006-GS-43-0698

AW#: H782548

Date of Offense: October 09, 2004

S.C. Code §: 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: 1st - MURDER

in violation of § 16-3-1010 of the S.C. Code of Laws, bearing CDR Code # 011116

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

P. Kelly Jackson  
Solicitor

Stephen Bryant  
Defendant

[Signature]  
Attorney for Defendant  
SC Bar # 2727  
42916

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of Life w/o Parole 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS

PTUP

\_\_\_\_\_ 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, \$3513 TP  
Requires \$500 be paid to Clerk during probation.

Recipient: \_\_\_\_\_

\*Fine:

\$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
\$35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114(BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
\$90.11 TP (SCCJA Surcharge)	\$5
TOTAL	\$5.00

James C. Campbell  
Clerk of Court/ Deputy Clerk

Court Reporter: Grace Nurley (Plea 8-18-08)  
Francis A. Bakis Ray

PRESIDING JUDGE [Signature]

Judge Code: 2111411

Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )  
STATE VS. )  
STEPHEN COREY BRYANT )  
AKA: )  
Race: White Sex: Male Age: 27 )  
DOB: SS#: )  
Address: 985 Wilds #8 Sumter, SC 29150 )  
DL# SID# SCD1194858 )

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#: 2006-GS-43-0698

AW#: H782549  
Date of Offense: October 09, 2004  
S.C. Code §: 16-11-0311  
CDR Code #: 0079

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: CT# 2 BUI-GLAY 1st DEGREE  
in violation of § 16-11-311(A)(3) of the S.C. Code of Laws, bearing CDR Code # 010719  
 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 initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: P. Kelly Jackson Solicitor [Signature] Defendant [Signature] Attorney for Defendant SC Bar # 2727 64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Life w/o Parole 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant 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 \$ \_\_\_\_\_  
\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00  
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ \_\_\_\_\_  
\$90.11 TP (SCCJA Surcharge) \$5 \$ 5.00  
TOTAL \$ \_\_\_\_\_

\_\_\_\_\_ 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, \$35.13 TP Requires \$500 be paid to Clerk during probation

James C. Campbell  
Clerk of Court/Deputy Clerk  
Court Reporter: Grace Hurley (8-18-08)  
SCCA/217 (10/2007) Frances A. Bakis-Ray

PRESIDING JUDGE [Signature]  
Judge Code: \_\_\_\_\_  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
MURDER, BURGLARY (1<sup>st</sup> Degree),  
ARSON (2<sup>nd</sup> Degree) AND POSSESSION  
OF STOLEN HANDGUN

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of  
SUMTER County present upon their oath:

COUNT ONE – MURDER

That STEPHEN COREY BRYANT did in Sumter County on or about October 9,  
2004, feloniously, wilfully and with malice aforethought, either expressed or implied, kill  
one Clifton Dale Gainey by means of shooting him with a .40 caliber handgun, and that  
the said Clifton Dale Gainey did die as a proximate result thereof.

COUNT TWO – BURGLARY (1<sup>st</sup> Degree)

That STEPHEN COREY BRYANT did in Sumter County on or about October 9,  
2004, enter the dwelling of Clifton Dale Gainey without consent and with the intent to  
commit a crime therein and said defendant entered or remained in said dwelling in the  
nighttime, in violation of Section 16-11-311(3), South Carolina Code of Laws (1976), as  
amended.

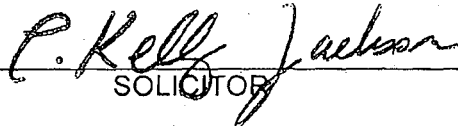
COUNT THREE – ARSON (2<sup>nd</sup> Degree)

That STEPHEN COREY BRYANT did in Sumter County on or about October 9,  
2004, violate Section 16-11-110 of the Code of Laws of South Carolina (1976), as  
amended, in that he did wilfully and maliciously set fire to or burn or cause to be burned  
the dwelling of Clifton Dale Gainey.

COUNT FOUR – POSSESSION OF STOLEN HANDGUN

That STEPHEN COREY BRYANT in Sumter County on or about October 9,  
2004, was in possession of a stolen handgun, to-wit: a Smith and Wesson Model 4046  
semi-automatic .40 caliber pistol stolen from James Allen Ammons on or about October  
8, 2004, in violation of Section 16-23-30(c), 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

SHERIFF'S OFFICE

Turner

SLED

Barton

ARREST WARRANT NUMBER

H782548 (1); H782549 (2)

H782557 (3)

D/A: 10/14/04

ACTION OF GRAND JURY

*Travis Burt*

*Shenwood H Smith*

Foreperson of Grand Jury

Date:

*07/20/2006*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 698

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

Indictment for

MURDER, BURGLARY (1<sup>st</sup> Degree),  
ARSON (2<sup>nd</sup> Degree) AND POSSESSION  
OF STOLEN HANDGUN

C. KELLY JACKSON, SOLICITOR

*Best Record Copy*  
*300-11-1008*  
*James H. Langstaff*  
*2006-07-20*

WITNESSES

SHERIFF'S OFFICE

Turner

SLED

Barton

ARREST WARRANT NUMBER

H782548 (1); H782549 (2)

H782557 (3)

D/A: 10/14/04

ACTION OF GRAND JURY

*Tom B...*

*Almond H...*

Foreperson of Grand Jury

Date:

*07/20/2006*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 698

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

Indictment for

MURDER, BURGLARY (1<sup>st</sup> Degree),  
ARSON (2<sup>nd</sup> Degree) AND POSSESSION  
OF STOLEN HANDGUN

C. KELLY JACKSON, SOLICITOR

CERTIFIED COPY  
CFO-001603  
*James L. ...*  
2006

The State of South Carolina  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of General Sessions

Thomas A. Russo, Circuit Court Judge

Case No. 2004-GS-40-100096

RECEIVED

SEP 24 2008

S.C. SUPREME COURT

The State,

Respondent.

v.

Stephen Corey Bryant,

Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on W. Barney Giese, Fifth Circuit Solicitor, by mailing a copy of it to him on September 23, 2008, addressed as follows:

W. Barney Giese  
Fifth Circuit Solicitor  
1701 Main Street  
Columbia, SC 29201

SUMTER, SOUTH CAROLINA

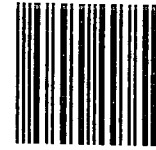
DATED: SEPTEMBER 23, 2008.

JACK D. HOWLE, JR.  
ATTORNEY FOR APPELLANT

P.O. BOX 98  
SUMTER, S.C. 29150  
(803) 436-2424



UNITED STATES  
POSTAL SERVICE



29211

U.S. POSTAGE  
PAID  
SUMTER, SC  
29150  
SEP 23 08  
AMOUNT

\$1.17  
00087256-06



Third Judicial Circuit Public Defender Office  
Post Office Box 98  
Sumter, South Carolina 29151

FIRST CLASS

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211-1330

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

*James C. Campbell*

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER )

CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

INDICTMENT NO.  
2006-GS-43-699

STATE OF SOUTH CAROLINA )

PART I

V. )

THE COURTS VERDICT ON PROOF  
OF AGGRAVATING CIRCUMSTANCES

STEPHEN COREY BRYANT )  
\_\_\_\_\_ )

Complete either (a) or (b), as appropriate:

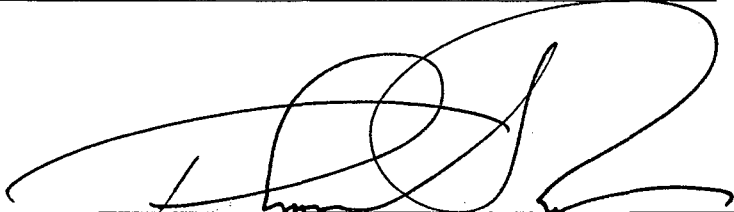
(a) The Court, in the above-entitled case, does not find beyond a reasonable doubt the existence of any statutory aggravating circumstance.

September 11, 2008

\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

(b) The Court, in the above-entitled case, does find beyond a reasonable doubt the existence of the following statutory aggravating circumstance (s):

The Defendant committed Murder while in the commission of a Robbery while armed with a deadly weapon to wit: a Smith & Wesson .40 Caliber Semi-Automatic handgun.



\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

September 11, 2008

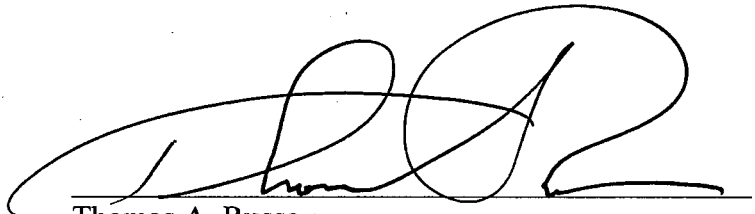
RECEIVED  
SEP 25 2008  
S.C. SUPREME COURT

## SENTENCE OF DEATH

The defendant, Stephen Corey Bryant, entered a plea of guilty to the offense of murder. The court has determined that the defendant should be sentenced to death. He is now asked if he has anything further to say as to why the judgment of law and the sentence of the court should not now be pronounced against him. [He states that he has nothing to say.] [He gives no sufficient reason why the judgment of the law and the sentence of the court should not now be pronounced.]

It is the judgment of the law and the sentence of the court that you, Stephen Corey Bryant, the prisoner at the bar, be taken to the County Jail of Sumter County and thence to the State Penitentiary henceforth to be kept in close and safe confinement until the 14th day of November, 2008, upon which day between the hours of 12 o'clock, p.m., and 11:59 o'clock, p.m., you shall suffer death by electrocution or lethal injection in the manner provided by law.

Mr. Bryant, may the Lord have mercy on your soul.

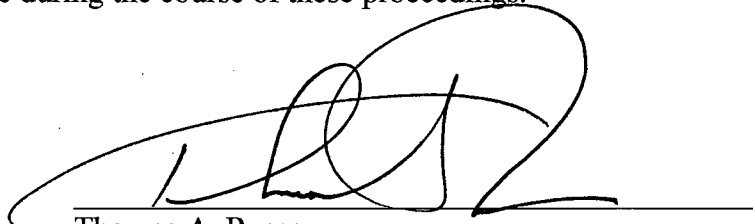
A handwritten signature in black ink, appearing to read 'Thomas A. Russo', written over a horizontal line.

Thomas A. Russo  
Circuit Court Judge

September 11, 2008

## Affirmation of Death Sentence

As the trial judge in the above-entitled action and prior to the imposition of the death sentence upon the defendant Stephen Corey Bryant, I find as an affirmative fact that the evidence of the case warrants the imposition of the death penalty and that its imposition is not a result of prejudice, passion, or any other arbitrary factor, but solely on the basis of the facts and evidence presented by both the State and Defense during the course of these proceedings.

A handwritten signature in black ink, appearing to read 'T. Russo', written over a horizontal line.

Thomas A. Russo  
Circuit Court Judge

September 11, 2008

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT NO.  
2006-GS-43-699

STATE OF SOUTH CAROLINA )  
 )  
V. )  
 )  
STEPHEN COREY BRYANT )  
\_\_\_\_\_ )

PART II

THE COURTS DETERMINATION  
OF THE SENTENCE TO BE IMPOSED

Complete either (a) or (b), as appropriate:

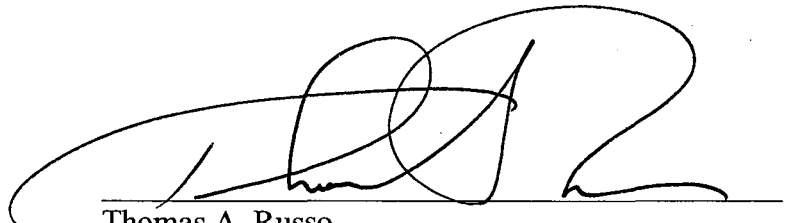
(a) The Court, in the above-entitled case, sentences the defendant, \_\_\_\_\_  
to the state penitentiary for the balance of his natural life.

September 11, 2008

\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

(b) The Court, in the above-entitled case, sentences the defendant, Stephen Corey Bryant  
to death.

September 11, 2008

  
\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

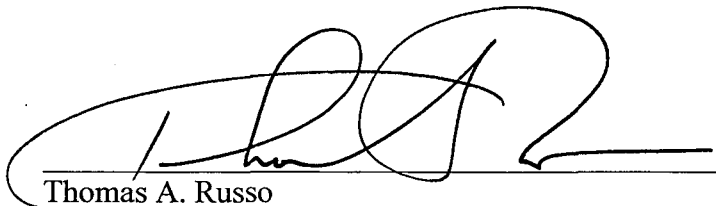
**Designation by Trial Judge of**  
**Statutory Aggravating Circumstance (s) and Conclusion**  
**That Death Sentence Be Imposed.**

From September 2, 2008 through September 9, 2008, a sentencing proceeding in the above-entitled action was conducted by me as a trial judge and was conducted without a jury. Now, having considered the evidence offered in aggravation, extenuation, and mitigation of punishment and having also considered the arguments presented for and against the imposition in this instance of a sentence of death upon the defendant Stephen Corey Bryant, I, therefore, have found beyond a reasonable doubt the existence of the following aggravating circumstance(s), to wit:

The Defendant committed Murder while in the commission of a Robbery while armed with a deadly weapon to wit: a Smith & Wesson .40 Caliber Semi-Automatic handgun.

---

Accordingly, I have concluded that the defendant, Stephen Corey Bryant, should be sentenced to death.

  
\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

September 11, 2008

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

IN THE COURT OF GENERAL SESSIONS  
  
THIRD JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )  
 )  
V. )  
 )  
STEPHEN COREY BRYANT, )  
DEFENDANT)

**DEATH PENALTY SENTENCING REPORT**  
  
INDICTMENT 2006-GS-43-699

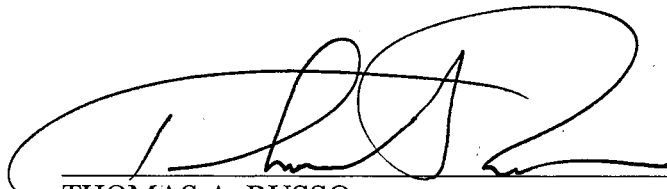
A. NAME OF TRIAL JUDGE: THOMAS A. RUSSO

B. NAME OF DEFENDANT: STEPHEN COREY BRYANT

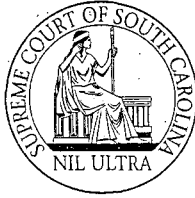
C. NAME OF DEFENSE ATTORNEYS: 1. JACK D. HOWLE, JR.  
2. JOHN D. CLARK

D. DATE SENTENCED: SEPTEMBER 11, 2008

E. AGGRAVATING CIRCUMSTANCE(S) FOUND:  
THE MURDER WAS COMMITTED WHILE IN THE COMMISSION OF A ROBBERY WHILE ARMED WITH A DEADLY WEAPON, TO WIT: A SMITH & WESSON .40 CALIBER SEMI-AUTOMATIC HANDGUN.

  
\_\_\_\_\_  
THOMAS A. RUSSO  
CIRCUIT COURT JUDGE

SEPTEMBER 11, 2008  
SUMTER, SOUTH CAROLINA



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 22, 2008

The Honorable Thomas A. Russo  
City County Complex  
180 North Irby Street, MSC-O  
Florence, SC 29501

Re: The State v. Bryant, Stephen Corey

Dear Judge Russo:

As you know, the trial judge must submit a Death Penalty Sentencing Report to the Supreme Court on all death penalty cases. Please find enclosed a copy of this questionnaire for your convenience in completing the report in the above matter.

Very truly yours,

CLERK

DES/dmh

Enclosure

cc: Division of Appellate Defense  
Jack D. Howle, Jr., Esquire  
John Derrick Clark, Esquire  
Cecil Kelly Jackson, Esquire  
Office of the Attorney General

**THIRD CIRCUIT  
PUBLIC DEFENDER OFFICE**

SUMTER COUNTY COURTHOUSE  
141 NORTH MAIN STREET RM # 104  
SUMTER, SOUTH CAROLINA 29151

TELEPHONE: 803-774-6137

FACSIMILE: (803) 774-6136

September 18, 2008

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211-1330

**RECEIVED**

SEP 22 2008

S.C. SUPREME COURT

RE: The State v. Stephen Corey Bryant,  
Case No.: 2006-GS-43-699, 2006-GS-43-696, 2006-GS-43-700, 2006-GS-43-701, 2006-GS-43-702, 2004-GS-40-10096

Dear Mr. Shearouse:

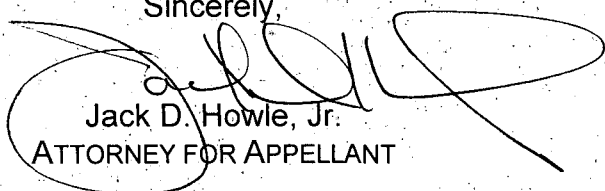
Please find enclosed for filing a Notice of Appeal in the above case. Also enclosed are the following:

- a.) Proof of Service of the Notice of Appeal on the Respondent.
- b.) A copy of the Sentencing Sheets which are to be challenged on appeal.

This appeal is being filed with the Supreme Court because it involves, inter alia, a challenge on state and federal grounds as to the constitutionality of a state law. This being a criminal matter in which the appellant has been determined to be indigent, no filing fee is being remitted. Additionally, I am turning over responsibility for further processing of the appeal to the South Carolina Office of Appellate Defense.

Should you or your office have any questions or require additional information, please contact me at your earliest convenience. With kindest regards,

Sincerely,

  
Jack D. Howle, Jr.  
ATTORNEY FOR APPELLANT

JDHjr/css  
Enclosures

cc Joesph Saviz, III, Esq.  
Office of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211

C. Kelly Jackson  
Third Circuit Solicitor  
141 North Main Street, Room # 210  
Sumter, South Carolina 29150

Stephen Corey Bryant, Appellant

# The State of South Carolina In the Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of General Sessions

Thomas A. Russo, Circuit Court Judge

Case No. 2006-GS-43-699, 2006-GS-43-696,  
2006-GS-43-700, 2006-GS-43-701,  
2006-GS-43-702, 2004-GS-40-10096

RECORDED  
2008 SEP 19 PM 3:59  
JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

The State, ..... Respondent.

v.

Stephen Corey Bryant . . . Appellant.

RECEIVED  
SEP 22 2008  
S.C. SUPREME COURT

## NOTICE OF APPEAL

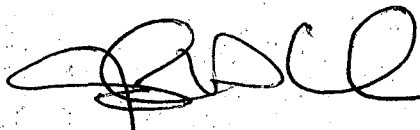
Stephen Corey Bryant appeals conviction, sentence, and all adverse rulings of the trial court relative to this case. Stephen Corey Bryant pled in the Court of General Sessions for Florence County on August 18, 2008. The Honorable Thomas A. Russo, as the sentencing authority imposed the sentence of death on September 11, 2008.

SUMTER, SOUTH CAROLINA

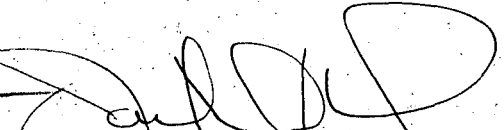
DATED: SEPTEMBER 18, 2008.

Other Counsel of Record:

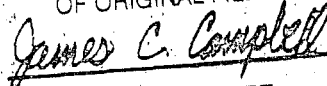
C. Kelly Jackson, Esq.  
Assistant Solicitor  
Sumter County Courthouse  
141 North Main Street  
Sumter, South Carolina 29150  
(803) 436-2185  
Attorney for Respondent

  
\_\_\_\_\_  
JOHN D. CLARK  
ATTORNEY FOR APPELLANT

POST OFFICE DRAWER 880  
SUMTER, S.C. 29150  
(803) 775-1234

  
\_\_\_\_\_  
JACK D. HOWLE, JR.  
ATTORNEY FOR APPELLANT

POST OFFICE BOX 98  
SUMTER, S.C. 29150  
(803) 774-6137

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
  
\_\_\_\_\_  
CLERK OF COURT  
SUMTER COUNTY,  
SOUTH CAROLINA

The State of South Carolina  
In the Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of General Sessions

Thomas A. Russo, Circuit Court Judge

Case No. 2006-GS-43-699, 2006-GS-43-696,  
2006-GS-43-700, 2006-GS-43-701,  
2006-GS-43-702, 2004-GS-40-10096

RECORDED  
2008 SEP 19 PM 4: 00  
JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

The State,

Respondent.

v.

Stephen Corey Bryant,

Appellant

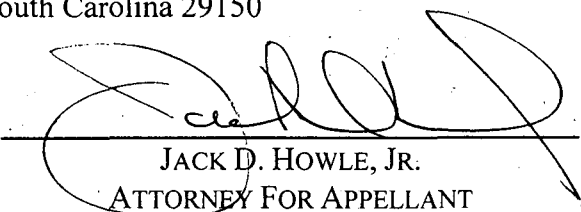
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on C. Kelly Jackson, Third Circuit Solicitor, by hand delivering a copy of it to him on September 19, 2008, addressed as follows:

C. Kelly Jackson  
Third Circuit Solicitor  
141 North Main Street, Rm 210  
Sumter, South Carolina 29150

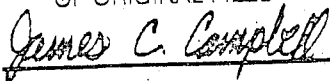
SUMTER, SOUTH CAROLINA

DATED: SEPTEMBER 18, 2008.

  
JACK D. HOWLE, JR.  
ATTORNEY FOR APPELLANT

P.O. Box 98  
SUMTER, S.C. 29150  
(803) 436-2424

CERTIFIED TRUE COPY  
OF ORIGINAL FILED



CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

WITNESSES

SHERIFF'S OFFICE

Turner

ARREST WARRANT NUMBER

H905196

D/A: 1/11/05

ACTION OF GRAND JURY

*Tim Bell*

*Shawon H. Smith*

Foreperson of Grand Jury

Date: *07/20/2006*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- *696*

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

Indictment for

BURGLARY (2<sup>nd</sup> Degree)

C. KELLY JACKSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

INDICTMENT/CASE#: 2006-GS-43-0696

STATE VS.

DEPOSITED FILE COPY OF ORIGINAL FILED  
*James C. Campbell*

STEPHEN COREY BRYANT

AW#: H905196

AKA:

Date of Offense: October 05, 2004

Race: White

Sex: Male

S.C. Code §: 16-11-0312

DOB:

SS#:

Age: 27

CDR Code #: 0080

Address: #8 Wild MHP Sumter, SC 29150

SENTENCE SHEET

DL#

SID# SLD1194858

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: BURGLARY (2<sup>ND</sup> DEGREE)

in violation of § 16-11-312(A) of the S.C. Code of Laws, bearing CDR Code # 01 01 8 10

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

*P. Kee Jackson* Solicitor *Stephen C. Bryant* Defendant *[Signature]* Attorney for Defendant SC Bar # 2727 64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,

for a determinate term of 15 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered

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 \$ \_\_\_\_\_

\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$25.00

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_

\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ \_\_\_\_\_

\$90.11 TP (SCCJA Surcharge) \$5 \$5.00

TOTAL \$ \_\_\_\_\_

*James C. Campbell* Clerk of Court/ Deputy Clerk

Court Reporter: *Grace Hurley (Plea 8-18-08)*

*Frances A. Bakis Ray*

PTUP \_\_\_\_\_ 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, \$35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE *[Signature]*

Judge Code: 211 1411

Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
BURGLARY (2<sup>nd</sup> Degree)

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of SUMTER County present upon their oath:

That STEPHEN COREY BRYANT did in Sumter County on or about October 5, 2004, enter the dwelling of Robert T. Dennis without consent and with the intent to commit a crime therein, in violation of Section 16-11-312 (A), South Carolina Code of Laws (1976), as amended.

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

  
SOLICITOR

WITNESSES

SHERIFF'S OFFICE

Turner

ARREST WARRANT NUMBER

H782547

D/A: 10/14/04

ACTION OF GRAND JURY

*True Bell*

*Sheppard N. Smith*

Foreperson of Grand Jury

ate:

*07/20/2006*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 697

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

Indictment for

BURGLARY (1<sup>st</sup> Degree)

C. KELLY JACKSON, SOLICITOR

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
JUL 20 2006  
SUMTER COUNTY  
SOUTH CAROLINA

WITNESSES

SHERIFF'S OFFICE

Turner

SLED

Barton

ARREST WARRANT NUMBER

H782548 (1); H782549 (2)

H782557 (3)

D/A: 10/14/04

ACTION OF GRAND JURY

*Tom B...*

*Shepherd H...*

Foreperson of Grand Jury

Date: 07/20/2006

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 698

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

Indictment for

MURDER, BURGLARY (1<sup>st</sup> Degree),  
ARSON (2<sup>nd</sup> Degree) AND POSSESSION  
OF STOLEN HANDGUN

C. KELLY JACKSON, SOLICITOR

CERTIFIED TRUE COPY  
CFO - CIVIL  
*James C. Jackson*  
2006

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

INDICTMENT/CASE#: 2006-GS-43-0698

STATE VS.

STEPHEN COREY BRYANT

AKA:

Race: White

Sex: Male

Age: 27

DOB:

SSN:

AW#: H782557

Date of Offense: October 09, 2004

S.C. Code §: 16-11-0110(A)

CDR Code #: 2550

Address: 985 Wilds #8 Sumter, SC 29150

DL#

SID# SC01194858

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: 1st Degree Murder (2nd Degree)

in violation of § 16-11-110(B) of the S.C. Code of Laws, bearing CDR Code # 2151511

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

P. Keef Jackson Solicitor Steph B... Defendant [Signature] Attorney for Defendant SC Bar # 2727

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 25 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS

SPECIAL CONDITIONS:

PTUP \_\_\_\_\_ 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: \_\_\_\_\_

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	\$
§35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$
§90.11 TP (SCCJA Surcharge)	\$5	\$ 5.00
TOTAL		\$

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]  
Judge Code: 2111411  
Sentence Date: 9-11-08

James C. Campbell  
Clerk of Court/Deputy Clerk (Plea)  
Court Reporter: Grace Nurley (8-18-08)  
Frances A. Bakis-Ray  
SCCA/217 (10/2007)

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE VS.

STEPHEN COREY BRYANT

AKA:

Race: White

Sex: Male

Age: 27

DOB: \_\_\_\_\_

SS# \_\_\_\_\_

Address: 985 Wilds #8 Sumter, SC 29150

DL# \_\_\_\_\_

SID# SC01194856

2 of 3

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006-GS-43-0698

AW#: H782548

Date of Offense: October 09, 2004

S.C. Code §: 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: 1st - MURDER

in violation of § 16-3-1010 of the S.C. Code of Laws, bearing CDR Code # 011116

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

P. Kelly Jackson  
Solicitor

Stephen C. Bryant  
Defendant

[Signature]  
Attorney for Defendant  
SC Bar # 2727  
64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of Life w/o Parole 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ days/hours Public Service Employment

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 \$ _____
\$35.13 (Public Def/Prob)	\$500 \$ _____
\$73.3, 1B TP (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
\$33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
\$50-21-114(BUI Breath Test Fee)	\$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ _____
§90.11 TP (SCCJA Surcharge)	\$5 \$ <u>5.00</u>
TOTAL	\$ _____

- 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, §35-13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: \_\_\_\_\_

Sentence Date: 9-11-08

James C. Campbell  
Clerk of Court/ Deputy Clerk  
Court Reporter: Grace Nixley (8-18-08)  
Frances A. Bakis Ray

3 of 3

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER  
STATE VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006-GS-43-0698

STEPHEN COREY BRYANT  
AKA:  
Race: White Sex: Male Age: 27  
DOB: SS#:

AW#: H782549  
Date of Offense: October 09, 2004  
S.C. Code §: 16-11-0311  
CDR Code #: 0079

Address: 985 Wilds #8 Sumter, SC 29150

DL# SID# SCD1194858

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: TH 2 BUIGLARY 1<sup>st</sup> DEGREE

in violation of § 16-11-311(A)(3) of the S.C. Code of Laws, bearing CDR Code # 0101719

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:  
P. Kelly Jackson Solicitor [Signature] Defendant [Signature] Attorney for Defendant SC Bar # 2727  
64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of Life w/o Parole 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

SPECIAL CONDITIONS:

- PTUP \_\_\_\_\_ 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: \_\_\_\_\_

Recipient:	
*Fine:	\$
\$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
\$35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114(BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
\$90.11 TP (SCCJA Surcharge)	\$5
TOTAL	\$

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation

James C. Campbell  
Clerk of Court/Deputy Clerk  
Court Reporter: Grace Hurlley (8-18-08)  
SCCA/217 (10/2007) Frances A. Bakis-Ray

PRESIDING JUDGE [Signature]  
Judge Code: 2111411  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
MURDER, BURGLARY (1<sup>st</sup> Degree),  
ARSON (2<sup>nd</sup> Degree) AND POSSESSION  
OF STOLEN HANDGUN

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE – MURDER

That STEPHEN COREY BRYANT did in Sumter County on or about October 9, 2004, feloniously, wilfully and with malice aforethought, either expressed or implied, kill one Clifton Dale Gainey by means of shooting him with a .40 caliber handgun, and that the said Clifton Dale Gainey did die as a proximate result thereof.

COUNT TWO – BURGLARY (1<sup>st</sup> Degree)

That STEPHEN COREY BRYANT did in Sumter County on or about October 9, 2004, enter the dwelling of Clifton Dale Gainey without consent and with the intent to commit a crime therein and said defendant entered or remained in said dwelling in the nighttime, in violation of Section 16-11-311(3), South Carolina Code of Laws (1976), as amended.

COUNT THREE – ARSON (2<sup>nd</sup> Degree)

That STEPHEN COREY BRYANT did in Sumter County on or about October 9, 2004, violate Section 16-11-110 of the Code of Laws of South Carolina (1976), as amended, in that he did wilfully and maliciously set fire to or burn or cause to be burned the dwelling of Clifton Dale Gainey.

COUNT FOUR – POSSESSION OF STOLEN HANDGUN

That STEPHEN COREY BRYANT in Sumter County on or about October 9, 2004, was in possession of a stolen handgun, to-wit: a Smith and Wesson Model 4046 semi-automatic .40 caliber pistol stolen from James Allen Ammons on or about October 8, 2004, in violation of Section 16-23-30(c), 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

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE VS.

STEPHEN COREY BRYANT

AKA:

Race: White

Sex: Male

DOB:

SS#

Address: 985 Wilds #8 Sumter, SC 29150

DL#

SID# SC01194858

1 of 3  
CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA  
James C. Campbell  
Date of Offense: October 11, 2004  
S.C. Code §: 16-03-0010, 0020  
CDR Code #: 0116

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006-GS-43-0699

AW#: H782551

Date of Offense: October 11, 2004

S.C. Code §: 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO:

1st - MURDER

in violation of § 16-3-10/20 of the S.C. Code of Laws, bearing CDR Code # 011116

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

P. Keel Jackson  
Solicitor

Stephen C. Bryant  
Defendant

[Signature]  
Attorney for Defendant  
SC Bar # 2727  
64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of DEATH AS PROVIDED BY LAW 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPS

PTUP \_\_\_\_\_ 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: \_\_\_\_\_

Recipient:		
*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$100.00
§56-5-2995 (DUI Assessment)	\$12	\$
§35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
§90.11 TP (SCCJA Surcharge)	\$5	\$5.00
TOTAL		\$

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

James C. Campbell  
Clerk of Court/ Deputy Clerk  
Court Reporter: Grace Nurley (8-18-08)  
Frances A. Bakis-Ray

PRESIDING JUDGE [Signature]  
Judge Code: 2111411  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER  
STATE VS.  
STEPHEN COREY BRYANT

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006-GS-43-0699

AKA:  
Race: White Sex: Male Age: 27  
DOB: SS#:

AW#: H782558  
Date of Offense: October 11, 2004  
S.C. Code §: 16-11-0330(A)  
CDR Code #: 0139

Address: 985 Wilds #8 Sumter, SC 29150

SENTENCE SHEET

DL# SID# SC01194858

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: CH2 - ARMED ROBBERY

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0111319

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
ATTEST:

E. Keel Jackson Solicitor Stephen Bryant Defendant [Signature] Attorney for Defendant SC Bar # 2727  
64296

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 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ 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: \_\_\_\_\_

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 \$ _____
\$35.13 (Public Def/Prob)	\$500 \$ _____
\$73.3, 1B TP (Law Enforce. Funding)	\$25 \$ 25.00
\$33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
\$50-21-114(BUI Breath Test Fee)	\$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ _____
\$90.11 TP (SCCJA Surcharge)	\$5 \$ 5.00
TOTAL	\$ _____

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

James C. Campbell  
Clerk of Court/Deputy Clerk (pla)  
Court Reporter: Grace Hurley (8-18-08)  
SCCA/217 (10/2007) Frances A. Bell

PRESIDING JUDGE [Signature]  
Judge Code: 211211  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

INDICTMENT/CASE#: 2006-GS-43-0699

STATE VS.

STEPHEN COREY BRYANT

AW#: H782559

AKA:

Date of Offense: October 11, 2004

Race: White

Sex: Male

Age: 27

S.C. Code §: 16-23-0490

DOB:

SS#:

CDR Code #: 0549

Address: 985 Wilks #8 Sumter, SC 29150

SENTENCE SHEET

DL#

SID# 42 01194858

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: #3- POSSESSION OF A STOLEN HAND GUN

in violation of § 16-23-30 (C) of the S.C. Code of Laws, bearing CDR Code # 21 3 1 6 1 4

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

*E. Kelly Jackson*  
Solicitor

*Stephen Bryant*  
Defendant

*[Signature]* 2727  
Attorney for Defendant SC Bar # 64296

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 \$ \_\_\_\_\_; 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant 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 \$ \_\_\_\_\_

\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$25.00

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_

\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ \_\_\_\_\_

\$90.11 TP (SCCA Surcharge) \$5 \$5.00

TOTAL \$ \_\_\_\_\_

\_\_\_\_\_ 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, \$25.13 TP  
Requires \$500 be paid to Clerk during probation.

*James C. Campbell*  
Clerk of Court/ Deputy Clerk

Court Reporter: *Grace Hurley (8-18-08)*

SCCA/217 (10/2007) *Frances A. Biskrau*

PRESIDING JUDGE *[Signature]*  
Judge Code: 2 1 1 1 4 1 1  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
MURDER, BURGLARY (1<sup>st</sup> Degree),  
ARSON (2<sup>nd</sup> Degree) AND POSSESSION  
OF STOLEN HANDGUN

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE – MURDER

That STEPHEN COREY BRYANT did in Sumter County on or about October 9, 2004, feloniously, wilfully and with malice aforethought, either expressed or implied, kill one Clifton Dale Gainey by means of shooting him with a .40 caliber handgun, and that the said Clifton Dale Gainey did die as a proximate result thereof.

COUNT TWO – BURGLARY (1<sup>st</sup> Degree)

That STEPHEN COREY BRYANT did in Sumter County on or about October 9, 2004, enter the dwelling of Clifton Dale Gainey without consent and with the intent to commit a crime therein and said defendant entered or remained in said dwelling in the nighttime, in violation of Section 16-11-311(3), South Carolina Code of Laws (1976), as amended.

COUNT THREE – ARSON (2<sup>nd</sup> Degree)

That STEPHEN COREY BRYANT did in Sumter County on or about October 9, 2004, violate Section 16-11-110 of the Code of Laws of South Carolina (1976), as amended, in that he did wilfully and maliciously set fire to or burn or cause to be burned the dwelling of Clifton Dale Gainey.

COUNT FOUR – POSSESSION OF STOLEN HANDGUN

That STEPHEN COREY BRYANT in Sumter County on or about October 9, 2004, was in possession of a stolen handgun, to-wit: a Smith and Wesson Model 4046 semi-automatic .40 caliber pistol stolen from James Allen Ammons on or about October 8, 2004, in violation of Section 16-23-30(c), 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

SHERIFF'S OFFICE

Turner

SLED

Barton

ARREST WARRANT NUMBER

H782551 (1); H782558 (2)

H782559 (3)

D/A: 10/14/04

ACTION OF GRAND JURY

*True Bill*

*Shirley H. Smith*

Foreperson of Grand Jury

Date:

*07/20/2006*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 699

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

CLERK OF COURT  
COURT OF GENERAL SESSIONS  
*John C. Smith*  
JULY 20 2006

Indictment for

MURDER, ARMED ROBBERY  
AND POSSESSION OF A STOLEN  
HANDGUN

C. KELLY JACKSON, SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
MURDER, ARMED ROBBERY  
AND POSSESSION OF A  
STOLEN HANDGUN

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of  
SUMTER County present upon their oath:

COUNT ONE – MURDER

That STEPHEN COREY BRYANT did in Sumter County on or about October 11, 2004, feloniously, wilfully and with malice aforethought, either expressed or implied, kill one Willard Tietjen by means of shooting him with a .40 caliber handgun, and that the said Willard Tietjen did die as a proximate result thereof.

COUNT TWO – ARMED ROBBERY

That STEPHEN COREY BRYANT did in Sumter County on or about October 11, 2004, violate Section 16-11-330(A) of the Code of Laws of South Carolina (1976), as amended, while armed with a deadly weapon, to-wit: a .40 caliber handgun, did feloniously take from Willard Tietjen in the presence of Willard Tietjen, by means of force or intimidation goods or monies of the said Willie Tietjen, such goods or monies being described: currency, change, camera, knife, jewelry, tools, cell phone and other personal belongings.

COUNT THREE – POSSESSION OF A STOLEN HANDGUN

That STEPHEN COREY BRYANT in Sumter County on or about October 11, 2004, was in possession of a stolen handgun, to-wit: a Smith and Wesson Model 4046 semi-automatic .40 caliber pistol stolen from James Allen Ammons on or about October 8, 2004, in violation of Section 16-23-30(c), 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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

IN THE COURT OF GENERAL SESSIONS  
  
INDICTMENT NO.  
2006-GS-43-699

STATE OF SOUTH CAROLINA )  
 )  
V. )  
 )  
STEPHEN COREY BRYANT )  
\_\_\_\_\_ )

PART I  
  
THE COURTS VERDICT ON PROOF  
OF AGGRAVATING CIRCUMSTANCES

Complete either (a) or (b), as appropriate:

(a) The Court, in the above-entitled case, does not find beyond a reasonable doubt the existence of any statutory aggravating circumstance.

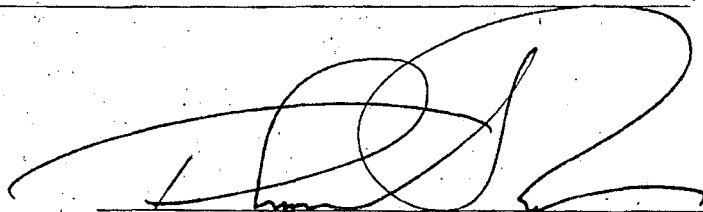
September 11, 2008

\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

(b) The Court, in the above-entitled case, does find beyond a reasonable doubt the existence of the following statutory aggravating circumstance (s):

The Defendant committed Murder while in the commission of a Robbery while armed with a deadly weapon to wit: a Smith & Wesson .40 Caliber Semi-Automatic handgun.

September 11, 2008

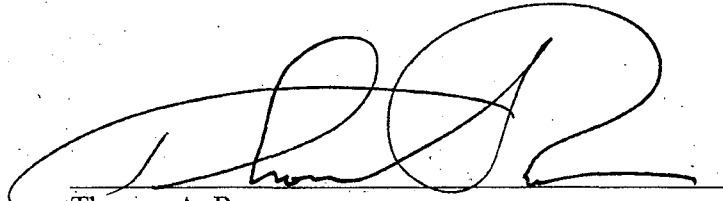
\_\_\_\_\_  
  
Thomas A. Russo  
Circuit Court Judge

## SENTENCE OF DEATH

The defendant, Stephen Corey Bryant, entered a plea of guilty to the offense of murder. The court has determined that the defendant should be sentenced to death. He is now asked if he has anything further to say as to why the judgment of law and the sentence of the court should not now be pronounced against him. [He states that he has nothing to say.] [He gives no sufficient reason why the judgment of the law and the sentence of the court should not now be pronounced.]

It is the judgment of the law and the sentence of the court that you, Stephen Corey Bryant, the prisoner at the bar, be taken to the County Jail of Sumter County and thence to the State Penitentiary henceforth to be kept in close and safe confinement until the 14th day of November, 2008, upon which day between the hours of 12 o'clock, p.m., and 11:59 o'clock, p.m., you shall suffer death by electrocution or lethal injection in the manner provided by law.

Mr. Bryant, may the Lord have mercy on your soul.

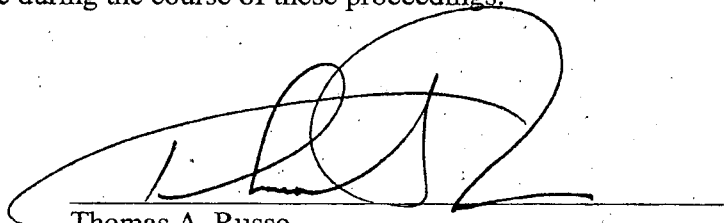
A handwritten signature in black ink, appearing to read 'Thomas A. Russo', written over a horizontal line.

Thomas A. Russo  
Circuit Court Judge

September 11, 2008

**Affirmation of Death Sentence**

As the trial judge in the above-entitled action and prior to the imposition of the death sentence upon the defendant Stephen Corey Bryant, I find as an affirmative fact that the evidence of the case warrants the imposition of the death penalty and that its imposition is not a result of prejudice, passion, or any other arbitrary factor, but solely on the basis of the facts and evidence presented by both the State and Defense during the course of these proceedings.

A handwritten signature in black ink, appearing to read 'T. Russo', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

Thomas A. Russo  
Circuit Court Judge

September 11, 2008

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT NO.  
2006-GS-43-699

STATE OF SOUTH CAROLINA )  
 )  
V. )  
 )  
STEPHEN COREY BRYANT )  
\_\_\_\_\_ )

PART II

THE COURT'S DETERMINATION  
OF THE SENTENCE TO BE IMPOSED

Complete either (a) or (b), as appropriate:

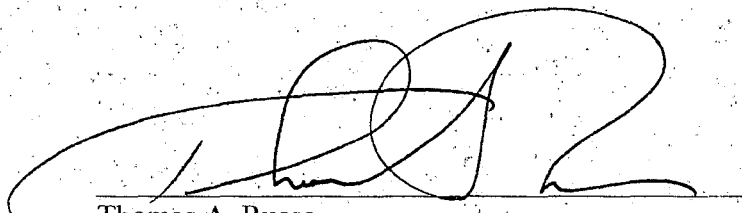
(a) The Court, in the above-entitled case, sentences the defendant, \_\_\_\_\_  
to the state penitentiary for the balance of his natural life.

September 11, 2008

\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

(b) The Court, in the above-entitled case, sentences the defendant, Stephen Corey Bryant  
to death.

September 11, 2008

  
\_\_\_\_\_  
Thomas A. Russo  
Circuit Court Judge

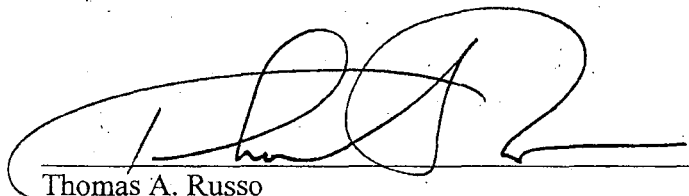
**Designation by Trial Judge of**  
**Statutory Aggravating Circumstance (s) and Conclusion**  
**That Death Sentence Be Imposed.**

From September 2, 2008 through September 9, 2008, a sentencing proceeding in the above-entitled action was conducted by me as a trial judge and was conducted without a jury. Now, having considered the evidence offered in aggravation, extenuation, and mitigation of punishment and having also considered the arguments presented for and against the imposition in this instance of a sentence of death upon the defendant Stephen Corey Bryant, I, therefore, have found beyond a reasonable doubt the existence of the following aggravating circumstance(s), to wit:

The Defendant committed Murder while in the commission of a Robbery while armed with a deadly weapon to wit: a Smith & Wesson .40 Caliber Semi-Automatic handgun.

---

Accordingly, I have concluded that the defendant, Stephen Corey Bryant, should be sentenced to death.

A handwritten signature in black ink, appearing to read 'T. Russo', written over a horizontal line.

Thomas A. Russo  
Circuit Court Judge

September 11, 2008

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

IN THE COURT OF GENERAL SESSIONS  
  
THIRD JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )  
 )  
V. )  
 )  
STEPHEN COREY BRYANT, )  
DEFENDANT)

**DEATH PENALTY SENTENCING REPORT**

INDICTMENT 2006-GS-43-699

A. NAME OF TRIAL JUDGE: THOMAS A. RUSSO

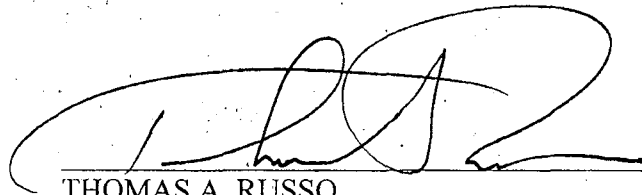
B. NAME OF DEFENDANT: STEPHEN COREY BRYANT

C. NAME OF DEFENSE ATTORNEYS: 1. JACK D. HOWLE, JR.  
2. JOHN D. CLARK

D. DATE SENTENCED: SEPTEMBER 11, 2008

E. AGGRAVATING CIRCUMSTANCE(S) FOUND:

THE MURDER WAS COMMITTED WHILE IN THE COMMISSION OF A ROBBERY WHILE ARMED WITH A DEADLY WEAPON, TO WIT: A SMITH & WESSON .40 CALIBER SEMI-AUTOMATIC HANDGUN.



THOMAS A. RUSSO  
CIRCUIT COURT JUDGE

SEPTEMBER 11, 2008  
SUMTER, SOUTH CAROLINA

**WITNESSES**

SHERIFF'S OFFICE

Turner

SLED

Barton

**ARREST WARRANT NUMBER**

H782553

D/A: 10/14/04

**ACTION OF GRAND JURY**

*True Bill*

*Sheppard H. Smith*

Foreperson of Grand Jury

Date: 07/20/2006

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 700

**The State of South Carolina**

**County of SUMTER**

**COURT OF GENERAL SESSIONS**

**JULY TERM 2006**

**THE STATE**

**vs.**

**STEPHEN COREY BRYANT**

**Indictment for**

**MURDER AND POSSESSION OF  
A STOLEN HANDGUN**

**C. KELLY JACKSON, SOLICITOR**

CLERK OF COURT  
SUMMER COUNTY  
SOUTH CAROLINA

*[Handwritten signature and date]*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER  
STATE VS.  
STEPHEN COREY BRYANT

INDICTMENT/CASE#: 2006-GS-43-0700

AKA:  
Race: White Sex: Male  
DOB: SS#:

Age: 27

AW#: H782553

Date of Offense: October 13, 2004

S.C. Code §: 16-03-0010, 0020

CDR Code #: 0116

Address: 985 Wilds #8 Sumter, SC 29150

DL#

SID# SC01194858

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: 1st - MURDER

in violation of § 16-3-10/20 of the S.C. Code of Laws, bearing CDR Code # 011116

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

P. Kelly Jackson  
Solicitor

Stephen L. Bryant  
Defendant

[Signature]  
Attorney for Defendant SC Bar # 2727

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Life w/ Parole 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant 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)	\$100 \$100.00
§56-5-2995 (DUI Assessment)	\$12 \$
§35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$
§90.11 TP (SCCJA Surcharge)	\$5 \$5.00
TOTAL	\$

\_\_\_\_\_ 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, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

James C. Campbell  
Clerk of Court/Deputy Clerk (Plea)  
Court Reporter: Grace Hurley (8-18-08)  
Frances A. Ratis Pay

PRESIDING JUDGE [Signature]  
Judge Code: 12 11 14 11  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
MURDER AND POSSESSION OF  
A STOLEN HANDGUN

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE – MURDER

That STEPHEN COREY BRYANT did in Sumter County on or about October 13, 2004, feloniously, wilfully and with malice aforethought, either expressed or implied, kill one Clarence Burgess by means of shooting him with a .40 caliber handgun, and that the said Clarence Burgess did die as a proximate result thereof.

COUNT TWO – POSSESSION OF A STOLEN HANDGUN

That STEPHEN COREY BRYANT in Sumter County on or about October 13, 2004, was in possession a stolen handgun, to-wit: a Smith and Wesson Model 4046 semi-automatic .40 caliber pistol stolen from James Allen Ammons on or about October 8, 2004, in violation of Section 16-23-30(c), 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

SHERIFF'S OFFICE

Florence

ARREST WARRANT NUMBER

H980297

D/A: 10/27/05

ACTION OF GRAND JURY

*True Bill*

*Shenard H. Smith*

Foreperson of Grand Jury

Date: 07/20/2006

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 701

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

Indictment for

ASSAULT AND BATTERY WITH  
INTENT TO KILL

C. KELLY JACKSON, SOLICITOR

COPIED & RECORDED  
ORIGINAL FILED  
*James L. Jackson*  
JUL 20 2006  
SUMTER COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE VS.

STEPHEN COREY BRYANT

AKA:

Race: White

Sex: Male

Age:

DOB:

SS#

Address: 985 Wilds #8 Sumter, SC 29150

DL#

SID# SC01194858

CERTIFIED TRUE COPY IN THE COURT OF GENERAL SESSIONS

CF ORIGINAL FILED

James C. Campbell INDICTMENT/CASE#: 2006-GS-43-0701

CLERK OF COURT # H980297

SUMTER COUNTY SOUTH CAROLINA Date of Offense: October 26, 2005

S.C. Code §: 16-03-0620

CDR Code #: 0014

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Assault and Battery with Intent to Kill

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0, 0, 1, 4

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

P. Keeg Jackson  
Solicitor

Suberl...  
Defendant

[Signature] 2727  
Attorney for Defendant SC Bar # 64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,

for a determinate term of 20 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered

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
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
§90.11 TP (SCCJA Surcharge)	\$5
TOTAL	\$5.00

James C. Campbell  
Clerk of Court/ Deputy Clerk

Court Reporter: Grace Hanley (8-18-08)

SCCA/217 (10/2007)

SPECIAL CONDITIONS:

- PTUP \_\_\_\_\_ 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, §35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]  
Judge Code: 2 1 7 1 4 1 1  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
ASSAULT AND BATTERY WITH  
INTENT TO KILL

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of SUMTER County present upon their oath:

That STEPHEN COREY BRYANT did in Sumter County on or about October 26, 2005, violate Section 16-3-620 of the Code of Laws of South Carolina (1976), as amended, in that he did commit an unlawful act of a violent nature to the person of another, to-wit: Corrections Officer Larry Justice of the Sumter-Lee Regional Detention Center, with malice aforethought, either express or implied, by hitting him with his fists and kicking him which resulted in a broken cheek bone, eye socket and nose.

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

  
\_\_\_\_\_  
SOLICITOR

WITNESSES

SHERIFF'S OFFICE

Burnish

ARREST WARRANT NUMBER

H783314

D/A: 3/16/05

ACTION OF GRAND JURY

*Travis Bell*  
*Shepherd W. Smith*

Foreperson of Grand Jury

Date: 07/20/2006

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-43- 702

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JULY TERM 2006

THE STATE

vs.

STEPHEN COREY BRYANT

Indictment for

THREATENING LIFE OF  
PUBLIC EMPLOYEE

C. KELLY JACKSON, SOLICITOR

CELEBRATING THE COPY  
OF ORIGINAL FILED

*[Handwritten signature]*

CERTIFIED TRUE COPY OF ORIGINAL FILED

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE VS.

STEPHEN COREY BRYANT

AKA: Race: White Sex: Male Age: 27 DOB: SS#:

Address: 985 Wilds #8 Sumter, SC 29150

DL# SID# SC01194858

James C Campbell Clerk of Court SUMTER COUNTY SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2006-GS-43-0702

AW#: H783314 Date of Offense: March 09, 2005 S.C. Code §: 16-03-1040(B),(D) CDR Code #: 2605

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was [ ] CONVICTED OF or [ ] PLEADS TO:

THREATENING LIFE OF PUBLIC EMPLOYEE

in violation of § 16-3-1040 of the S.C. Code of Laws, bearing CDR Code # 2, 6, 0, 5

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

The charge is: [X] As Indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury. (Defendant initial) The plea is: [X] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [ ] Recommendation by the State.

ATTEST: E. Keeg Jackson Solicitor, [Signature] Defendant, [Signature] Attorney for Defendant, SC Bar # 2727, 64296

WHEREFORE, the Defendant is committed to the [ ] State Department of Corrections, [X] 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 Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [ ] CONSECUTIVE to sentence on: \_\_\_\_\_

[X] 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.

Time Served

[ ] The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred, [ ] Defendant Waives Hearing, [ ] Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ Payment Terms: [ ] set by SCDPPPS

Table with columns for Recipient, \*Fine, and amounts. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00, §14-1-211(A)(2) (DUI Surcharge) \$100 \$100.00, §56-5-2995 (DUI Assessment) \$12 \$, §35.13 (Public Def/Prob) \$500 \$, §73.3, 1B TP (Law Enforce. Funding) \$25 \$25.00, §33.7, 1B TP (Drug Court Surcharge) \$100 \$, §50-21-114(BUI Breath Test Fee) \$50 \$, §56-5-2942(J) (Vehicle Assessment) \$40/ea \$, 3% to County (if paid in installments) \$, §90.11 TP (SCCJA Surcharge) \$5 \$5.00, TOTAL \$

James C Campbell Clerk of Court Deputy Clerk plea Court Reporter: Grace Hurley (8-18-08) Frances A. Bakis-Ray

SCCA/217 (10/2007)

PTUP \_\_\_\_\_ 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, §35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature] Judge Code: 2111411 Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
THREATENING LIFE OF  
PUBLIC EMPLOYEE

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of  
SUMTER County present upon their oath:

That STEPHEN COREY BRYANT did in Sumter County on or about March 9,  
2005, violate Section 16-3-1040 of the Code of Laws of South Carolina (1976), as  
amended, in that he did knowingly and wilfully deliver or convey to Corporal Thornwell  
Jones, a public employee, to-wit: correction officers of the Sumter-Lee Regional  
Detention Center, a verbal communication which contained a threat to take the life of or  
inflict bodily harm upon the said Thornwell Jones.

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

  
SOLICITOR

**WITNESSES**

**(S) J. S. Smith, RCSD**

*Jav. H. G. Siniard, RCSD* / (S)

**ARREST WARRANT NUMBER**

**H743237**

**ACTION OF GRAND JURY**

**TRUE BILL**

*J. R.*

Foreperson of Grand Jury  
Date:

**DEC 14 2004**

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. **2004-GS-40-10096**

**The State of South Carolina**

**County of Richland**

**42**

**COURT OF GENERAL SESSIONS**

**DECEMBER TERM 2004**

**THE STATE  
vs.**

**STEPHEN BRYANT**

**Indictment for**

**ASSAULT AND BATTERY WITH  
INTENT TO KILL**

*SC Code: 16-3-620*

*CDR Code: 0014*

*Class: C-Felony*

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

Defendant

I 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.

*DAVID M. GIBSON*  
*DAVID M. GIBSON*  
*DAVID M. GIBSON*  
*DAVID M. GIBSON*  
*DAVID M. GIBSON*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER

INDICTMENT/CASE#: 2006-GS-43-0697

STATE VS.

STEPHEN COREY BRYANT

AKA: Race: White

Sex: Male

DOB: SS#: #

Age: 37

AW#: H782547

Date of Offense: October 08, 2004

S.C. Code §: 16-11-0311

CDR Code #: 0079

Address: 985 Wilds #8 Sumter, SC 29150

DL# SID# SC01194858

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: BURGLARY (1st DEGREE)

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0, 0, 7, 9

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial) The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State

ATTEST: [Signatures] Solicitor, Defendant, Attorney for Defendant (SC Bar # 2727, 6429)

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of Lifew/o Parole 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

SPECIAL CONDITIONS:

Payment Terms:  set by SCDPPPS

- PTUP \_\_\_\_\_ 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 \_\_\_\_\_
- Other: \_\_\_\_\_ paid to Public Defender Fund

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	\$
§35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
§90.11 TP (SCCJA Surcharge)	\$5	\$5.00
TOTAL	\$	\$

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

James C. Campbell Clerk of Court/ Deputy Clerk Court Reporter: Grace Hjerley (8-1808) Frances A. Bakist Ray

PRESIDING JUDGE [Signature] Judge Code: 2111411 Sentence Date: 9-11-08


STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
BURGLARY (1<sup>st</sup> Degree)

At a Court of General Sessions, convened on July 20, 2006, the Grand Jurors of SUMTER County present upon their oath:

That STEPHEN COREY BRYANT did in Sumter County on or about October 8, 2004, enter the dwelling of James Allen Ammons without consent and with the intent to commit a crime therein and while in the dwelling and/or in immediate flight was armed with a deadly weapon, to-wit: a Smith and Wesson Model 4046 semi-automatic .40 caliber handgun, in violation of Section 16-11-311(A)(1)(d), South Carolina Code of Laws (1976), as amended.

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

  
SOLICITOR

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY OF ORIGINAL FILED

IN THE CC OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#: 2004-GS-40-10096

STATE VS.

*James C Campbell*

CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

STEPHEN COREY BRYANT

A/W#: H743237

AKA:

Date of Offense: October 08, 2004

Race: White

Sex: Male

Age:

S.C. Code §: 16-03-0620

DOB:

SS#:

CDR Code #: 0014

Address: 985 Wilds #8 Sumter, SC 29150

SENTENCE SHEET

DL#

SID#

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Assault and Battery with Intent to Kill

in violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 010114

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

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State

ATTEST:

*P. Kee Jackson*  
Solicitor

*Stephen Bryant*  
Defendant

*[Signature]*  
Attorney for Defendant  
SC Bar # 2727  
64296

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,

for a determinate term of 20 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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred,  Defendant Waives Hearing,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDRPPS \_\_\_\_\_

PTUP \_\_\_\_\_ 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: \_\_\_\_\_

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 \$
§35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$
§90.11 TP (SCCJA Surcharge)	\$5 \$5.00
TOTAL	\$

Appointed PD or appointed other counsel/ §35.13 TP  
Requires \$500 be paid to Clerk during probation.

*James C Campbell for Richland County*  
Clerk of Court/ Deputy Clerk  
Court Reporter: *Grace Hurley (8-18-08)*  
*Frances A. Bakisbay*

PRESIDING JUDGE *[Signature]*  
Judge Code: 2119-1411  
Sentence Date: 9-11-08

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

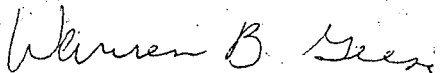
INDICTMENT

**ASSAULT AND BATTERY WITH INTENT TO KILL**

At a Court of General Sessions, convened on December 15, 2004 the Grand Jurors of Richland County present upon their oath:

That STEPHEN C. BRYANT did in Richland County on or about October 8, 2004 with malice aforethought commit an assault and battery upon one Clinton Brown with intent to kill the said victim. All in violation of S.C. Code Section 816-3-620.

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

  
\_\_\_\_\_  
**WARREN B. GIESE, SOLICITOR**

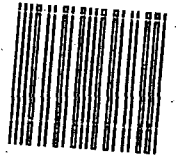


Third Judicial Circuit Public Defender Office  
 Post Office Box 98  
 Sumter, South Carolina 29151

FIRST CLASS



The Honorable Daniel E. Shearouse  
 Clerk, Supreme Court of South Carolina  
 Post Office Box 11330  
 Columbia, South Carolina 29211-1330



0000

29211

U.S. POSTAGE  
 PAID  
 SUMTER, SC  
 29150  
 SEP 19 08  
 AMOUNT

\$1.85  
 00077795-09