

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SPARTANBURG COUNTY
Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

Case No. 2012-GA-42-02547

 The State,

Tiphani Marie Parkhurst

v.

Respondent,

Appellant

NOTICE OF APPEAL

Tiphani Marie Parkhurst appeals his/her conviction and sentence in this case. The sentence was imposed by the Honorable R. Lawton McIntosh on April 11, 2013. This appeal is taken from the conviction and sentence.

April 17, 2013

s/ *M. Hall*

M. Claire Hall
Bar No.: 78229
Seventh Judicial Circuit Public Defender Office
366 N Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Records:
J Hayes Holliday, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
(864)596-2575
Attorney fo Respondent

RECEIVED

APR 22 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SPARTANBURG COUNTY
Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

Case No.: 2012-GA-42-02547

The State

Respondent,

v.

Tiphani Marie Parkhurst

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on April 19, 2013, addressed to its attorney of record, J Hayes Holliday, Esq., Assistant Solicitor, 180 Magnolia Street, Spartanburg, South Carolina 29306.

April 17, 2013

s/ *McCall*

M. Claire Hall
Bar No.: 78229
Seventh Judicial Circuit Public Defender Office
366 N Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

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SC Court of Appeals

WITNESSES

SPTG CO SHERIFF'S OFFICE

Kevin [Signature]

ARREST WARRANT NUMBER

N155427

ACTION OF GRAND JURY

[Signature]

True Bill

Foreperson of Grand Jury
Date:

MAY 03 2012

VERDICT

Guilty

Anna Bishop

Foreperson of Petit Jury
Date:

3-1-12

DOCKET **12-GS-42-2547**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 07 2012

TERM

THE STATE

vs.

TIPHANI M. PARKHURST

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2012 MAY -9 PM 2:35

M. HOPE BLACKLEY

CD

X ARREST WARRANT 1-30-12 ml
N-155427 31
 STATE OF SOUTH CAROLINA
 County/ Municipality of
Spartanburg 89587

THE STATE 2012010839
 against.

Tiphani M Parkhurst
 Address: 371 Dakota Street
Una, SC 29378-

Phone: [REDACTED] SSN: 247-47-3379
 Sex: F Race: W Height: 5 3 Weight: 180
 DL State: SC DL #: [REDACTED]
 DOB: [REDACTED]

Prosecuting Agency: Spartanburg County Sheriff
 Prosecuting Officer: John Schafer - 0103
 Offense: Drugs / Trafficking in ice, crank or crack - 10 g or more, but less than 28 g - 1st offense
 Offense Code: 0450
 Code/Ordinance Sec: 44-53-0375(C)(1)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of
 The accused
 is to be arrested and brought before me to be
 dealt with according to the law.

(L.S.)
 Signature of Judge
 Date:

RETURN
 A copy of this arrest warrant was delivered to
 defendant T. Parkhurst
 on 1-26-12
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
 General Sessions
 180 Magnolia Street
 P O Box 3483
 Spartanburg, SC 29304

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
 County/ Municipality of
Spartanburg
 Personally appeared before me the Affiant John Schafer who
 being duly sworn deposes and says that defendant Tiphani M Parkhurst
 did within this county and state on or about 01/17/2012 violate the criminal laws of the
 State of South Carolina (or ordinance of County/ Municipality of Spartanburg)
 in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Trafficking in ice, crank or crack - 10 g or more, but less than 28 g - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on January 17, 2012 in the county of Spartanburg, one Tiphani M Parkhurst did knowingly sell, manufacture, deliver, bring into this state and/or possess 10 grams or more of ice (Methamphetamine) a Schedule II controlled substance without authority to do so. KFD

Warrant based upon police investigation.

Signature of Affiant
 STATE OF SOUTH CAROLINA
 County/ Municipality of
Spartanburg
 Affiant's Address 8045 Howard Street
Spartanburg, SC 29303-
 Affiant's Telephone

ORIGINAL
 AFFIDAVIT
 A CERTIFIED COPY
McDermott Blackley
 CLERK OF COURT
 SPARTANBURG COUNTY
 BY [Signature]
 DATED 1-30-12
 2012 JAN 26 PM 1:59
 2012 JAN 30 PM 2:17

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds believe that
 on or about 1/17/2012 defendant Tiphani M Parkhurst
 did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Spartanburg) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in ice, crank or crack - 10 g or more, but less than 28 g - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable
 Sworn to and subscribed before me

on 01/18/2012
 Judge's Address Spartanburg County Judicial Center
Spartanburg, SC 29306-2335
 Judge's Telephone (864)596-2564
 Issuing Court: Magistrate Municipal Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
 STATE VS.)
 Tiphani Marie Parkhurst)
 AKA:)
 Race: WHITE Sex: F Age:)
 DOB: SS#)
 Address: 152 Reynolds Court)
 City, State Zip: SC 29378)
 DL#: SID#)

IN THE COURT OF GENERAL SESSIONS

2012 6542 2547

INDICTMENT/CASE#: 2012GS4202547
 A/W#: N155427
 Date of Offense: 1/17/2012
 S.C. Code §: 44-53-0375(C)
 CDR Code #: 0450

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Trafficking Methamphetamine 10 - 28 grams - 1st offense (3 - 10 years & \$25,000)

in violation of § 44-53-0375(C) of the S.C. Code of Laws, bearing CDR Code # 0450
 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's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 79791 Defendant [Signature] 78229 Attorney for Defendant
 HOLLIDAY, HAYES SC Bar# []

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 3 days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 90

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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$ 23.40
TOTAL		\$ 803.40

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

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

Clerk of Court/ Deputy Clerk [Signature]
 Court Reporter: [Signature]
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 2155
 Sentence Date: 3-1-13

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on MAY 03 2012 the

Grand Jurors of Spartanburg County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE

That Tiphani M. Parkhurst did in Spartanburg County on or about January 17, 2012, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess more than (10) ten grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET
SUITE 3000
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561
FAX (864) 596-2284
FAX (864) 562-4412

April 17, 2013

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Tiphani Marie Parkhurst
Case No.: 2012-GA-42-02547

Dear Ms. Kitchings:

Enclosed for filing is the original Notice of Appeal in the above case. Also enclosed are the Proof of Service of the Notice of Appeal on the Respondent and copy of the indictment, verdict, and sentence to be challenged on appeal.

Sincerely yours,

M. Claire Hall

Enclosures: cc: Office of Seventh Judicial Circuit Solicitor
Office of Attorney General
Office of Appellate Defense

RECEIVED

APR 22 2013

SC Court of Appeals

Seventh Judicial Circuit Public Defender

366 N Church Street, Suite 3000
Spartanburg, South Carolina 29303

**RETURN SERVICE
REQUESTED**

**PRESORTED
FIRST CLASS**



02 1R \$ 00.43³
0006556657 APR 19 2013
MAILED FROM ZIP CODE 29303

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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APR 22 2013
SC Court of Appeals

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