

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Kristi Harrington, Circuit Court Judge

INDICTMENT NOS.: 2012GS1004289 ~ 2012GS1004290
WARRANT NOS.: M997706, M997708

THE STATE,RESPONDENT,


v.

SHAWN J. BURRIS,APPELLANT.

NOTICE OF APPEAL

Shawn J. Burris appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Kristi Harrington on April 25, 2013.

May 2, 2013


Luke J. Malloy, Assistant Public Defender
Standby Attorney for Shawn J. Burris
Charleston County Public Defender's Office
O. T. Wallace County Office Building
101 Meeting Street
5th Floor
Charleston, SC 29401
(843) 958-1850

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

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MAY 06 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

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THE STATE,RESPONDENT,

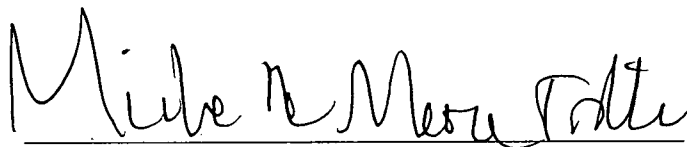
v.

SHAWN J. BURRIS,APPELLANT.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Richard Waring, Assistant Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office, located at 101 Meeting Street, Charleston, South Carolina 29401, on May 2, 2013.

May 2, 2013



Michelle Moore Trimble
Paralegal to Luke J. Malloy
Charleston County Public Defender's Office
O. T. Wallace County Office Building
101 Meeting Street
Fifth Floor
Charleston, SC 29401
(843) 958-1850

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

LJM

COUNTY OF Charleston
STATE VS. Shawn Justin Burris
AKA:
Race: WHITE Sex: M Age: 39
DOB: 04-27-1973 SS#: 249-29-9802
Address: 6100 Rivers Avenue
City, State, Zip: Charleston, SC 29406
DL#: 0011263327 SID#: SC00757501

INDICTMENT/CASE#: 2012GS1004289
A/W#: M997706
Date of Offense: 4/26/2012
S.C. Code §: 16-11-0523(B)
CDR Code #: 3441

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Metals / Injury to real property, fixtures or improvements to obtain nonferrous metals, damage of \$5,000 or more

in violation of § 16-11-0523(B) of the S.C. Code of Laws, bearing CDR Code # 3441
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Richard Waring, SC Bar# 100465 Defendant
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State-Department of Corrections, County Detention Center,
for a determinate term of 10 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: 2012-GS-10-4290
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
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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

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

Clerk of Court/ Deputy Clerk Kelly Bailey
Court Reporter: Rolayne Volpe
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 215
Sentence Date: 4/25/12

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
Patricia A. Kennedy
Chief County Public Defender

Ninth Circuit Public Defender
Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Lorelle D. Proctor
Chief County Public Defender

May 3, 2013

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

Re: State of South Carolina v. Shawn J. Burris
Indictment Nos.: 2012GS1004289 to 2012GS1004289
Warrant Nos.: M997706, M997708
Charges.: Unlawful Obtaining of Non-Ferrous Metals, Possession of Tools of a Crime

Dear Ms. Kitchings:

I am enclosing for filing the Notice of Intent to Appeal in the above-referenced case, together with appropriate Proof of Service upon the Circuit Solicitor and Proof of Filing with the local Clerk of Court. Mr. Burris represented himself at trial in connection with the above referenced matter. However, I was appointed his standby attorney pursuant to the Defense of Indigents Act. By copy of this letter, I am forwarding a duplicate set of these documents to the South Carolina Commission of Appellate Defense.

Upon the filing of these documents, I would appreciate your returning the file-stamped copies of the respective documents to me in the enclosed, self-addressed envelope so that I may forward them to Mr. Burris.

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,



Luke J. Malloy
Standby Attorney for Appellant

Enclosure(s): As stated above

cc: South Carolina Commission of Appellate Defense (with enclosures)
Mr. Shawn J. Burris (with enclosures)

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SC Court of Appeals

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Lorelle D. Proctor
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May 3, 2013

South Carolina Appellate Defense Commission
Attention -- Ms. Sharon Graham
PO Box 11589
Columbia, South Carolina 29211

Re: State of South Carolina v. Shawn J. Burris
Indictment Nos.: 2012GS1004289 to 2012GS1004290
Warrant Nos.: M997706, M997708
Charges.: Unlawful Obtaining of Non-Ferrous Metals, Possession of Tools of a Crime

Dear Ms. Graham:

I am enclosing a duplicate set of the Appeal papers, which I have forwarded to the Clerk of the South Carolina Court of Appeals concerning the above-subject defendant. This defendant represented himself at trial in connection with the above referenced matter. However, I was appointed his standby attorney and it is requested that your office assume the appeal of this case.

The name of the Court Reporter is Rolayne Volpe and her address is P.O. Box 342, Summerville, South Carolina. I have enclosed documents usually requested by your office. Documents listed but not applicable to this particular case have been marked "N/A."

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,



Luke J. Malloy
Standby Attorney for Appellant

Enclosure(s): As stated above

cc: Mr. Shawn Burris (without enclosures)