

ORIGINAL

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of General Sessions

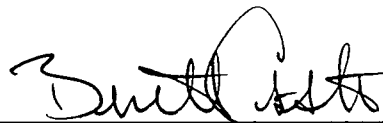
HONORABLE R. Markley Dennis, CIRCUIT COURT JUDGE

Case No.: 2012-GS-32-2841

The State,.....Respondent.  
V.  
Cardell Tyrill Powell Jr,.....Appellant.

NOTICE OF APPEAL

Cardell Tyrill Powell Jr, appeals his guilty plea and sentence in this case. The sentence was imposed by the Honorable R. Markley Dennis on May 22, 2013. The court report was Brenda Sigwald, P O Box 206, Jackson, SC 29831.



Bennett E. Casto  
Assistant Public Defender  
407 1/2 W. Main Street  
Lexington, SC 29072  
(803) 785-8873

**OTHER COUNSEL OF RECORD:**  
Angela Garrick, Assistant Solicitor  
Lexington County Courthouse  
Lexington, SC 29072

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MAY 28 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

vs.

Indictment #: 2012-GS-32-2841

Cardell Tyrill Powell Jr.,

Defendant.

**RULE 203(B) EXPLANATION**

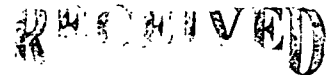
Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Bennett E. Casto  
Assistant Public Defender  
407 1/2 West Main Street  
Lexington, South Carolina  
(803) 785-8873

Lexington, South Carolina  
May 24, 2013



MAY 28 2013

SC Court of Appeals

# OFFICE OF THE PUBLIC DEFENDER

**ELIZABETH FULLWOOD**  
Lexington Public Defender  
407½ W. Main St.  
Lexington, SC 29072  
Telephone (803) 785-8873  
Fax (803) 785-1443

**Eleventh Judicial Circuit**  
Lexington, Saluda, Edgefield,  
and McCormick Counties

**ROBERT M. MADSEN**  
Circuit Public Defender

**W. GREG SEIGLER**  
Tri-County Public Defender  
Post Office Box 1852  
McCormick, SC 29835  
Telephone (864) 852-  
9555  
Fax (864) 852-9554

May 24, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court for Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: The State vs. Cardell Tyrill Powell Jr., - appeal

Dear Ms. Kitchings:

Please find enclosed an original and one (1) copy of a Notice to Appeal in the above matter for filing in your office. Please file the original and return the date/time stamped copy to me in the envelope provided.

I am, by copy of this letter, serving a copy of this Notice to Appeal on Angela Garrick and Robert M. Dudek, together with my Certificate of Service.

Thank you for your assistance in this matter. With kind regards, I am

Sincerely,

Bennett E. Casto

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**RECEIVED**

MAY 28 2013

**SC Court of Appeals**

CC: Angela Garrick, Assistant Solicitor  
Lexington County Courthouse  
Lexington, SC 29072

Robert M. Dudek,  
Chief Appellate Defender  
P O BOX 11433  
Columbia, SC 29211

Cardell Tyrill Powell Jr.  
South Carolina Department of Corrections