

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Lee S. Alford, Circuit Court Judge

FILED-RECEIVED
15
2013 MAY 23 PM 12:07

DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

Case Nos.: 2013-GS-46-1958, 2013-GS-46-1959, 2013-GS-46-1960

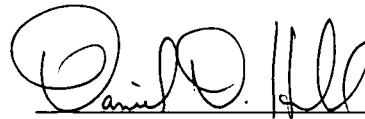
The State of South Carolina, Respondent

vs.

Andre Bonitto Folkes, Appellant

NOTICE OF APPEAL

Andre Bonitto Folkes appeals his guilty plea and sentence imposed by the Honorable Lee S. Alford. On May 21, 2013, the Appellant pled guilty to Trafficking in Illegal Drugs 1st (Indictment No. 2013GS4601958), Distribution with Intent to Distribute Marijuana 3rd (Indictment No. 2013A4601959) and Possession of Firearm During Commission of Violent Crime (Indictment No. 2013GS464601960). Appellant received concurrent sentences of seven (7) years on indictment 2013GS4601958, seven (7) years on indictment 2013GS4601959 and Five (5) years on indictment 2013GS4601960.



Daniel D. Hall
Assistant Public Defender

This 23rd day of May, 2013
York, South Carolina

Other Counsel of Record:
E. B. Springs
Assistant Solicitor
1675-1A York Hwy
York, SC 29745
(803)628-3020
Attorney for Respondent

RECEIVED

MAY 28 2013

SC Court of Appeals

FILED-RECEIVED
2013 MAY 23 PM 12:07

DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Lee S. Alford, Circuit Court Judge

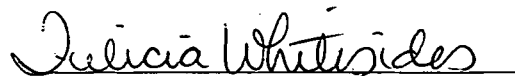
Case Nos.: 2013-GS-46-1958, 2013-GS-46-1959, 2013-GS-46-1960

The State of South Carolina, Respondent
v.

Andre Bonitto Folkes, Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Andre Bonitto Folkes was served upon Deputy Solicitor E.B. Springs, on May 23, 2013, by hand-delivering a copy to the Solicitors Office, 1675-1A York Highway, York, South Carolina, by the undersigned.



Felicia Whitesides
Legal Secretary for Daniel D. Hall
Attorney for the Defendant

RECEIVED
MAY 28 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 IN THE COURT OF APPEALS)
)
 State of South Carolina)
)
 -vs-)
)
 Andre Bonitto Folkes,)
)
 Defendant.)

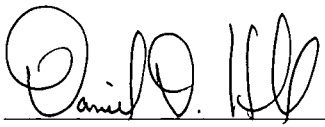
Indictment No.: 2013-GS-46-1958
 2013-GS-46-1959, 2013-GS-
FILED-RECEIVED
2013 MAY 23 PM 12:07
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the issue to be raised on appeal is whether the trial court abused its discretion when it imposed a sentence of 7 years upon the Appellant after he pled guilty to Trafficking in Illegal Drugs 1st, Possession with Intent to Distribute Marijuana 3rd and Possession of Firearm During Commission of Violent Crime.

The undersigned does not have a good faith basis to believe that this issue is 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, 705 (4th 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,



 Daniel D. Hall
 1675-1E York Highway
 York, South Carolina 29745
 (803) 628-3031
 Attorney for Andre Bonitto Folkes

RECEIVED
 MAY 28 2013
 SC Court of Appeals

**Sixteenth Circuit
Public Defender
Office**

**Moss Justice Center
1675-1E York Highway
P.O. Box 691
York, S.C. 29745**



**Harry A. Dest
Sixteenth Circuit Defender**

May 23, 2013

**Bryson J. Barrowclough
Deputy Public Defender**

**Stacey D. Coleman
Family Court Division**

**Philip L. Smith
Daniel D. Hall
Sr. Assistant Public Defenders**

**Assistant Public Defenders
Melissa A. Inzerillo
Mark T. McKinnon
E. Ashley Anderson
Amy M. Sikora
Mindy Hervey Lipinski
Judah N. VanSyckel**

**Magistrate Court Division
Toni L. Johnson
J. Creighton Hayes
Union County Public Defender
Erik D. Delaney**

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: Andre Bonitto Folkes (Indictment No. 2013-GS-46-1958, 2013-GS-46-1959, 2013-GS-46-1960)

Dear Ms. Folkes:

Enclosed please find the Notice of Appeal, Rule 203(B) Explanation and Certified Certificate of Service in the above captioned matter. On May 23, 2013, the Appellant pled guilty to Trafficking in Illegal Frugs 1st, Possession with Intent to Distribute Marijuana 3rd and received a sentence of seven (7) years, and Possession of Firearm During Commission of Violent Crime and received a sentence of Five (5) years. The sentences are to run concurrent. Copies of these documents were sent under separate cover letter to the defendant.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Hall".

Daniel D. Hall
Assistant Public Defender
Sixteenth Judicial Circuit

DDH/jmd

Enclosures

RECEIVED

MAY 28 2013

SC Court of Appeals

NOTICE TO APPELLATE DEFENSE

To: Division of Appellate Defense/Office of Attorney General

From: L. Bellamy

Date: June 6, 2013

Re: Notice of Filing of Notice of Appeal

Case Name: The State v. Andre Bonitto Folkes

Case Number: 2013GS4601958, 2013GS4601959, 2013GS4601960

County: York

Date of Filing: May 28, 2013

Filed by: Daniel D. Hall, Esquire

Judge: The Honorable Lee S. Alford

Hearing Date: May 21, 2013

Guilty plea: Yes