

McGowan, Hood & Felder, LLC

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Writer's Email: bmckinnon@mcgowanhood.com

June 7, 2013

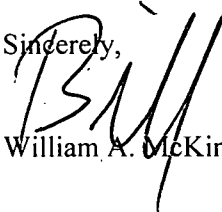
The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: Homer Wyatt, Jr. (Indictment Nos.: 2012-GS-4601236 and 2012-GS-4601237)

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal, Rule 203(d)(B) Explanation, and Certificate of Service in the above-captioned matter. On June 8, 2012, the Appellant pled "guilty" to Possession of Cocaine First Offense (sentenced to 3 years, concurrent) with Enhanced Petty Larceny under S.C. Code § 16-1-57 (sentenced to 8 years, concurrent) on June 8, 2012. The sentences were deferred for Drug Court and imposed on June 3, 2013 after the Defendant was terminated from Drug Court. Copies of these documents were sent under separate cover letter to the defendant. A copy of said letter is included in this packet.

Sincerely,


William A. McKinnon

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SC Court of Appeals

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

APPEAL FROM YORK COUNTY
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

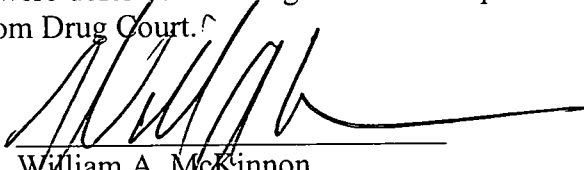
Case Nos.: 2012-GS-4601236
2012-GS-4601237

The State of South Carolina, Respondent
v.

Homer Wyatt, Jr. Appellant

NOTICE OF APPEAL

Homer Wyatt, Jr. appeals his conviction and the sentence imposed by the Honorable John C. Hayes, III. On June 8, 2012, the Appellant pled "guilty" to Possession of Cocaine First Offense (sentenced to 3 years, concurrent) with Enhanced Petty Larceny under S.C. Code § 16-1-57 (sentenced to 8 years, concurrent) on June 8, 2012. The sentences were deferred for Drug Court and imposed on June 3, 2013 after the Defendant was terminated from Drug Court.



William A. McKinnon
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Rock Hill, SC 29732
(803) 327-7800
(803) 328-5656 (fax)
Attorney for Appellant

This 7th day of June, 2013.
Rock Hill, South Carolina

Other Counsel of record:
Kevin Brackett, Solicitor
Johanna Valenzuela, Assistant Solicitor
Sixteenth Judicial Circuit
1675-1A York Highway
York, SC 29745
(803) 628-3020

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

APPEAL FROM YORK COUNTY
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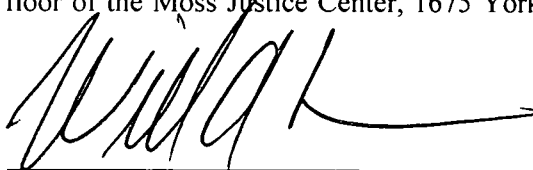
Case Nos.: 2012-GS-4601236
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The State of South Carolina, Respondent
v.

Homer Wyatt, Jr. Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Homer Wyatt, Jr. was served upon Solicitor Kevin Brackett and Assistant Solicitor Johanna Valenzuela, on June 7, 2013, by hand-delivering a copy to the Solicitor's Office, second floor of the Moss Justice Center, 1675 York Highway, York, South Carolina, by the undersigned.



William A. McKinnon

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)

State of South Carolina)
)
-vs-)
)
Homer Wyatt Jr.,)
)
Defendant.)
)
_____)

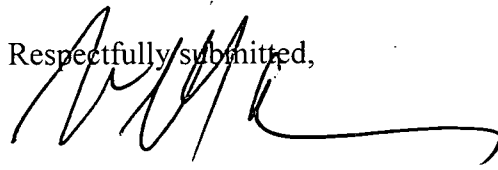
Indictment Nos.: 2012-GS-4601236
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RULE 203(d)(B) EXPLANATION

Pursuant to Rule 203(d)(B)(iv), the issue to be raised on appeal is Defendants' competence to enter his guilty plea. Defendant now asserts he was under the influence of intoxicants when he entered his guilty pleas to Possession of Cocaine First Offense (sentenced to 3 years, concurrent) with Enhanced Petty Larceny under S.C. Code § 16-1-57 (sentenced to 8 years, concurrent) on June 8, 2012. The sentences were deferred for Drug Court and imposed on June 3, 2013 after the Defendant was terminated from Drug Court.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals, as the Defendant denied at his plea colloquy that he was under the effect of any such intoxicant. Nevertheless, 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,



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Attorney for Homer Wyatt Jr.

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SC Court of Appeals

Rock Hill, South Carolina

June 7, 2013

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Of Counsel*

June 7, 2013

Writer's Email: bmckinnon@mcgowanhood.com

Homer Wyatt, Jr.
Moss Justice Center

Via Hand-Delivery

Dear Mr. Wyatt:

Enclosed please find certified copies of the Notice of Appeal, Rule 203(d)(B) Explanation and Certificate of Service regarding your guilty plea. Please note that you must inform the South Carolina Court of Appeals in writing, within **twenty (20) days** of the date of this letter, of any arguable basis that there are issues preserved for appeal.

You must send your arguments for your appeal to the following address:

**South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211**

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill', is written over the typed name 'William A. McKinnon'.

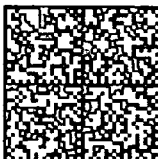
William A. McKinnon

cc: South Carolina Court of Appeals



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The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
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