

**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**

July 18, 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, SC 29211

Re: State v. William Kyle Smith (Indictment No. 2013-GS-46-2352, 2013-GS-46-2353)

Dear Ms. Abbott:

Enclosed please find the Notice of Appeal, Certified Certificate of Service, Rule (203) Explanation and a copy of the letter sent to appellate on the above captioned matter. Appellate pled guilty and received a concurrent sentence of (10) years.

Sincerely,

Philip L. Smith
Assistant Public Defender
PLS/fnw

Enclosures

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JUL 23 2013

SC COURT OF APPEALS

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

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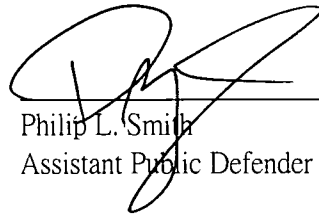
DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

Case Nos.: 2013-GS-46-2352, 2013-GS-46-2353
The State of South Carolina, Respondent
vs.

William Kyle Fields, Appellant

NOTICE OF APPEAL

William Kyle Fields appeals his guilty plea and sentences imposed by the Honorable John C. Hayes, III. On July 8, 2013, the Appellant pled guilty to Kidnapping (Indictment No. 2013GS4602352) and Criminal Domestic Violence of a High and Aggravated. Appellant received concurrent sentences of (10) years.


Philip L. Smith
Assistant Public Defender

This 18 day of July, 2013
York, South Carolina

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

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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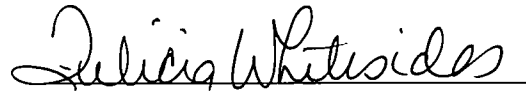
Case Nos.: 2013-GS-46-2352, 2013-GS-46-2353

The State of South Carolina, Respondent
v.

William Kyle Fields, Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. William Kyle Fields was served upon Deputy Solicitor Erin Joyner, on July 18, 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 Philip L. Smith
Attorney for the Defendant

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SC COURT OF APPEALS

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
)
State of South Carolina)
)
-vs-)
)
William Kyle Fields,)
)
Defendant.)
_____)

Indictment Nos.:

2013GS4602352, 2013GS4602353

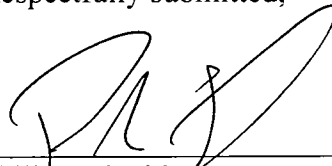
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YORK COUNTY, SC

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 10 years upon the Appellant after he pled guilty to Kidnapping and Criminal Domestic Violence of a High and Aggravated Nature..

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,



Philip L. Smith
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for William Kyle Fields

York, South Carolina
July 18, 2013

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SC COURT OF APPEALS



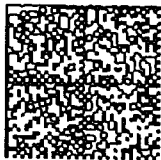
**16th JUDICIAL CIRCUIT
PUBLIC DEFENDER OFFICE
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York, SC 29745-0691**


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SC COURT OF APPEALS

The Honorable Jenny Abbott Kitchings
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