

THE STATE OF SOUTH CAROLINA
In the Appellate Court
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

RECEIVED

MAR 18 2024
SC Court of Appeals

APPEAL FROM PICKENS COUNTY P 3: 06
Court of General Sessions

Perry H. Gravely, Circuit Court Judge

Case No(s): 2020A3910101187 (2021-GS-39-0055)

The State,

Respondent.

v.

James Timothy Colie Bowen,

Appellant.

NOTICE OF APPEAL


James Timothy Colie Bowen appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Perry H. Gravely on Monday, March 4, 2024.

Defendant has notified his attorneys of his intent to appeal his guilty plea and argues that his guilty plea was defective or that his sentence was unreasonable. Defendant raised no objections at the time of the guilty plea to the waiver of the House Arrest/GPS credit, the waiving of which was conditional to the plea when the Solicitor's Office made the negotiated offer off of the trial docket. Undersigned counsels are aware of no meritorious grounds for overturning the plea or the sentence; however, Defendant has communicated to counsels his desire to appeal the plea or sentence.


Counsels are filing this appeal pursuant to their ethical duty to the client, and Defendant's constitutional right to appeal. *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 in behalf of his client.'" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Counsels respectfully request the Court to give the Defendant leave to file out of time due to difficulty in communication with counsel given his incarceration, as well as a delay in receiving Defendant's communications. A "Letter" (attached) requesting Counsels to file this appeal appears to have been clocked with the Pickens County Clerk of Court on Wednesday, March 13, 2024 at 3:20PM. Copies of this letter were never provided to Defense Counsel directly. However, on Friday, March 15, 2024, Defense Counsel was able to view the scanned "Letter" in imaging after it was uploaded to Central Index at 9:06AM (attached) and promptly filed this Notice of Appeal.

Date: March 15, 2024



Max Graves, Esq. #101214
Pickens County Public Defender
214 East Main Street, Suite 310
Pickens, SC 29671
Attorney for Appellant



Caroline Newton, Esq. #101249
Pickens County Public Defender
214 East Main Street, Suite 310
Pickens, SC 29671

Attorneys for Appellant

Other Counsel of Record:

Sarah Fowler, Esq.; W. Walt Wilkins, Esq., Attorneys for Respondent
Pickens, SC



13TH CIRCUIT PUBLIC DEFENDER

Mindy Hervey Lipinski, CIRCUIT PUBLIC DEFENDER

Greenville Public Defender Office
Greenville County Courthouse
305 East North Street, Suite 123
Greenville, SC 29601 | (864) 467-8522

Greenville Juvenile and Magistrate Office
Greenville County Family Court Complex
350 Halton Road, Suite 300
Greenville, SC 29607 | (864) 467-8330

Pickens Public Defender Office
Pickens County Courthouse
214 East Main Street, Suite 310
Pickens, SC 29671 | (864) 467-8025

Re: State v. James Timothy Colie Bowen
Case No(s): 2020A3910101187 (2021-GS-39-0055)

Dear Ms. Kitchings:

Enclosed you will find the original Notice of Appeal in the above matter along with Proof of Service upon the Respondents. The Notice has been filed with the Pickens County Clerk of Court. Also enclosed is a copy of the indictment. These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at trial.

Thank you for your attention to this matter.


Yours very truly,

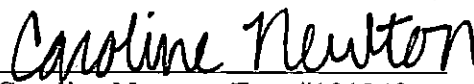
PICKENS COUNTY PUBLIC DEFENDER

RECEIVED

MAR 18 2024

SC Court of Appeals

By: 
Max Graylee, Esq. #101214
Pickens County Public Defender
214 East Main Street, Suite 310
Pickens, SC 29671


Caroline Newton, Esq. #101249
Pickens County Public Defender
214 East Main Street, Suite 310
Pickens, SC 29671

Attorneys for Appellant

Enclosure(s)

Notice of Appeal with Attachments
Certified Indictment(s)
Proof of Service

cc: Office of the Thirteenth Circuit Solicitor
Office of the Attorney General
Office of Appellate Defense

CERTIFIED MAIL



7016 0750 0001 2085 6639

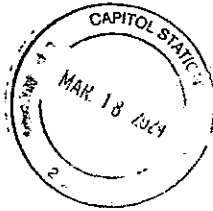


13th Circuit Public Defender
Pickens County Courthouse
214 E. Main Street, Suite 310
Pickens, SC 29671

MG

RECEIVED

MAR 18 2024
SC Court of Appeals



Retail



29211

RDC 99

U.S. POSTAGE PAID
FCM LG ENV
PICKENS, SC 29671
MAR 15, 2024

\$9.92

R2305K142896-05

Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
PO Box 11629
Columbia, SC 29211