

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
Colin Bruce Anthony Cobb,)
)
Defendant.)
_____)

Indictment Nos.: 2023-GS-46-04870

FILED-RECEIVED
2024 APR 19 PM 1:49
ANGIE M. BRYANT
C.C. CLERK
YORK COUNTY, SC

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APR 22 2024


SC Court of Appeals

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 the twelve (12) year sentence upon the Appellant after he pled guilty to Trafficking Methamphetamine 28gr or more 2nd (2023-GS-46-04870).

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,



Mark P. McKinnon
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Colin Bruce Anthony Cobb

York, South Carolina

April 19, 2024

**Sixteenth Circuit
Public Defender
Office**

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



B.J. Barrowclough
Sixteenth Circuit Defender

Deputy Public Defenders
Melissa Inzerillo
Phil Smith

Sr. Assistant Public Defenders
Chris Bonds
Tom Bowen
Mark McKinnon
Devon Nielson
Ryan Newkirk

Assistant Public Defenders
Will Barbieri
Tyler Bratton
Fred C Davis
Jason LeBlanc
Melissa G Rogers
Ugonna O Udogwu

April 19, 2024

Colin Bruce Anthony Cobb- SCDCID:00393822
Kirkland R & E
4344 Broad River Rd.
Columbia, SC 29210

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ANGIE M. BRYANT
C.C.P. & G.S.
YORK COUNTY, SC

Dear Ms. Mullinax:

Enclosed please find certified copies of the Notice of Appeal, Rule 203(B) Explanation and Certified Certificate of Service regarding your recent 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,

Mark T. McKinnon
Senior Public Defender
Sixteenth Judicial Circuit

MTM/fnw

Enclosure

Cc: South Carolina Court of Appeals

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JAIL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

APR 22-2024
SC Court of Appeals

STATE

INDICTMENT/CASE#: 2023-GS-46-04870

VS.

COLIN BRUCE ANTHONY COBB, SR

A/W#: 2023A4610202082

AKA:

Date of Offense: 08/16/2023

Race: B

Sex: M

Age: 56

S.C. Code §: 44-53-375(C)

DOB:

SS#:

CDR Code#: 0392

Address:

City, State, Zip:

DL#*

SID# SC02497484

SENTENCE SHEET
ORIGINAL

2024 APR 19 AM 10:31
CERTIFIED TRUE COPY

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the above indictment comes now the Defendant who was

CONVICTED OF PLEADS

TO: Trafficking Methamphetamine 28g or more 2nd Offense (NLT 7 YEARS TO 30 YEARS & \$50,000)

In violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0389

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

/s Austin N. Smith 102332 /s Colin Bruce Anthony Cobb, Sr /s Mark T. Mckinnon 74065
Solicitor SC Bar # Defendant Attorney for Defense SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 12 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

240 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Do not transport to SCDC until next week. PMB

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Colin Bruce Anthony Cobb, INDICTMENT/CASE#: 2023-GS-46-04870

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling, Completion of GED, Random Drug/Alcohol Testing, Attend Voc. Rehab. Or Job Corp, No Contact with Victim, Domestic Violence Intervention Program, Mental Health Counseling, May serve W/E beginning: _____, Sex Offender Registry pursuant to S.C. Code § 23-3-430, Public Service Employment _____ days/hours, Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135, Other: _____

RESTITUTION, Deferred, Def. Waives Hearing, Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

Table with columns for description, amount, and total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1)(Conv. Surcharge) \$100, §14-1-211 (A)(2)(DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs) \$41, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(I) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) TBD, Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500, § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD. TOTAL \$ 278.00

CERTIFIED TRUE COPY 2024 APR 19 AM 10:31 ANGIE BRYANT CLERK OF COURT YORK COUNTY, SC

Clerk of Court/Deputy Clerk: Angie Bryant Court Reporter: Shannon McGilberry

Presiding Judge: Burch 2048 Judge Code: April 11, 2024 Sentence Date:

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF YORK

At a Court of General Sessions, convened on October 26, 2023, the Grand Jurors of York County present upon their oath:

TRAFFICKING METHAMPHETAMINE

The defendant, Colin Bruce Anthony Cobb Sr, did on or about August 16, 2023, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of twenty-eight (28) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


AUSTIN N. SMITH
ASSISTANT SOLICITOR

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2024 APR 19 AM 10:30
AMIE HARRIS
CLERK OF COURT
YORK COUNTY, SC

WITNESSES

DEU
Witnessing Officer: *Laurencio*

ARREST WARRANT NUMBER

2023A4610202082

ACTION OF GRAND JURY

TRUE BILL

Diana Drummond
Foreperson of Grand Jury
Date: *10/26/23*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-46-04870

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

OCTOBER 26, TERM 2023

THE STATE

VS.

COLIN BRUCE ANTHONY COBB,
SR

INDICTMENT FOR

TRAFFICKING METHAMPHETAMINE

SC Code: § 44-53-375(C)
CDR Code: 0349

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

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