

STATE OF SOUTH CAROLINA)
)
)
STATE)
)
)
vs.)
)
)
LUIS FERNANDO PALMA-SALAZAR,)
)
)
Appellant.)
_____)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

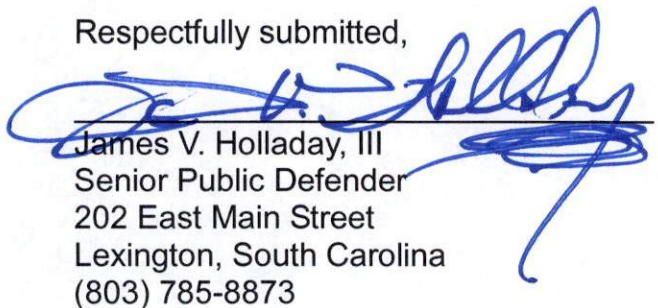
Indictment No(s): 2023-GS-32-02873

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RULE 203(d)(1)(B)(iv) EXPLANATION

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any legal issues are properly before the Court of Appeals, and the undersigned did not object to the sentence at the time of sentencing. However, the undersigned has filed 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, 706 (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,


James V. Holladay, III
Senior Public Defender
202 East Main Street
Lexington, South Carolina
(803) 785-8873

Lexington, South Carolina
Date: 26 JUN 2024

7-25 years and \$50K

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IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

JUN 28 2024

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2023GS3202873

Luis Fernando Palma-Salazar

AW#: 2023A3210201551

AKA: Race: Hispanic Sex: Male Age: 23

Date of Offense: 05/25/2023

DOB: SS#:

S.C. Code §: 44-53-375(C)(3)

Address: City, State, Zip:

CDR Code #: 0368

DL#* SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Drugs / Trafficking in meth. or cocaine base - 28g or more, but less than 100g - 1st offense

In violation of § 44-53-375(C)(2)(a) of the S.C. Code of Laws, bearing CDR Code # 0392

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: Dayu W. Fang 104508 SC Bar # Defendant Attorney for Defendant 66591 SC Bar #

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

for a determinate term of 15 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. 391 days/months To include time spent on monitored house arrest prior to trial and sentencing. The Defendant Shall be Released from County Detention Center.

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.

Defendant has ICE hold.

A TRUE COPY Lex. Co. C.C.C.P., G.S. & P.C.

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: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$ <u>100</u>
§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		\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ <u>150</u>
§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(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____

TOTAL \$ 275.00

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

[Signature]
Stacy Johnson

Presiding Judge: Debra McClinton
Judge Code: 2769
Sentence Date: 10/19/24

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SC Court of Appeals

James Holaday
WITNESSES

Lexington County Sheriffs Department
Austol Youmans III
Law Enforcement Case #: 23010179

ARREST WARRANT NUMBER
2023A3210201551

ACTION OF GRAND JURY
TRUE BILL

R. D. S.
Foreperson of Grand Jury
Date: 7.10.23

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023GS3202873

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS
JULY TERM 2023

THE STATE

vs.

Luis Fernando Palma-Salazar

CDR #: 0368

Indictment for

Trafficking Methamphetamine

§ 44-53-0375(C)(3) Trafficking Meth more than 2g, but less than 10g - 1st

S.R. Hubbard III, SOLICITOR

A TRUE COPY
R. D. S.
Lex. Co. C.S.C.P., G.L. S.F.I.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

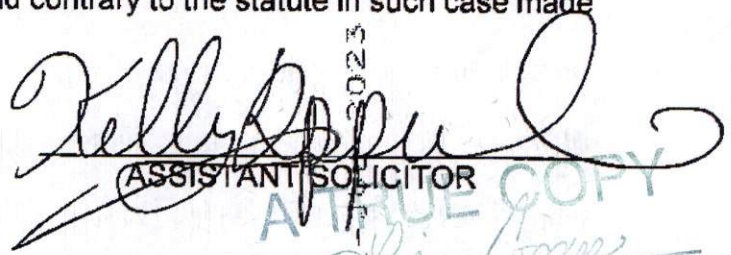
INDICTMENT FOR
Trafficking Methamphetamine
§ 44-53-0375(C)(3)

At a Court of General Sessions, convened in July of 2023, the Grand Jurors of Lexington County present upon their oath:

That **Luis Fernando Palma-Salazar** did in Lexington County, South Carolina on or about May 25, 2023, knowingly and intentionally, willfully and unlawfully sell, cultivate, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise, aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State, or was knowingly and intentionally in actual or constructive possession of or did knowingly and intentionally attempt to become in actual or constructive possession of methamphetamine, a controlled substance by definition under provisions of § 44-53-110, et. Seq. Code of Laws of South Carolina 1976, as amended, in a quantity of one hundred (100) grams or more but less than two hundred (200) grams, in violation of § 44-53-375 (C)(3), Code of Laws of South Carolina, 1976, as amended.

SCANNED

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


ASSISTANT SOLICITOR

11-7-2023
TRUE COPY
Let. 30. C.S.C.P., G.S. C.F.S.