

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) IN THE COURT OF GENERAL SESSIONS
) OF THE FOURTEENTH JUDICIAL CIRCUIT
) INDICTMENT NUMBER: 2013GS0701451

STATE OF SOUTH CAROLINA)
)
VS.)
)
)
TYRIEK PERSON,)
)
DEFENDANT.)
_____)

RULE 203(B) EXPLANATION

Pursuant to Rule 203(d) (1)(B)(iv), SCACR, the Defendant appeals his negotiated guilty plea to the charge of Criminal Sexual Conduct with a Minor, First Degree contained in the above indictment and his sentence of the mandatory minimum twenty-five years.

Although the twenty-five year sentence is a drastic and harsh resolution to Defendant's case, state statute sets the mandatory minimum sentence for Criminal Sexual Conduct with a Minor, First Degree. The undersigned does not have a good faith basis for this appeal, 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, 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 in behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

SIGNATURE ON FOLLOWING PAGE

RECEIVED

APR 29 2014

SC Court of Appeals

Respectfully submitted,



Helen Dovell

Assistant Public Defender

Beaufort County Public Defender's Office

P.O. Box 525

Beaufort County, SC 29901

843-255-5816 (Direct)

843-255-9494 (Fax)

hdovell@bcgov.net

March 25, 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) IN THE COURT OF GENERAL SESSIONS
) OF THE FOURTEENTH JUDICIAL CIRCUIT
) INDICTMENT NUMBER: 2013GS0701451

STATE OF SOUTH CAROLINA)
)
VS.)
)
TYRIEK PERSON,)
DEFENDANT.)
_____)

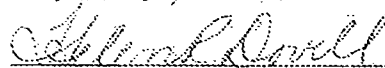
RULE 203(B) EXPLANATION

Pursuant to Rule 203(d) (1)(B)(iv), SCACR, the Defendant appeals his negotiated guilty plea to the charge of Criminal Sexual Conduct with a Minor, First Degree contained in the above indictment and his sentence of the mandatory minimum twenty-five years.

Although the twenty-five year sentence is a drastic and harsh resolution to Defendant's case, state statute sets the mandatory minimum sentence for Criminal Sexual Conduct with a Minor, First Degree. The undersigned does not have a good faith basis for this appeal, 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, 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 in behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

SIGNATURE ON FOLLOWING PAGE

Respectfully submitted,



Helen Dovell

Assistant Public Defender

Beaufort County Public Defender's Office

P.O. Box 525

Beaufort County, SC 29901

843-255-5816 (Direct)

843-255-9494 (Fax)

hdovell@bcgov.net

March 25, 2014

Jaqueline,

Upon reviewing the file, I asked my legal assistant to send the following Rule 203(B) explanation with the notice of appeal. I found the original Rule 203(B) explanation in my file, so apparently it was never sent. Please let me know if you need anything further. Thanks for your help.

Regards,
Helen

Helen R. Dovell
Assistant Public Defender
Beaufort County Public Defender's Office
P.O. Box 525
Beaufort, SC 29901
843-255-5816 (Office)
843-812-1194 (Mobile)
843-255-9494 (Fax)

CONFIDENTIALITY NOTICE: *This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.*

COUNTY COUNCIL OF BEAUFORT COUNTY
OFFICE OF THE PUBLIC DEFENDER

Human Services Building 1905 Duke Street (Room 210) P.O. Box 525
Beaufort, South Carolina 29901-0525
Phone: (843) 255-5805 Fax: (843) 255-9494

April 25, 2014

The South Carolina Court of Appeals
Attn: Jacqueline Orr
Post Office Box 11629
Columbia, SC 29211

RE: The State v. Tyriek Person; Case No. 2014-000665

Dear Jacqueline:

Thank you for your letter dated April 17, 2014 requesting a Rule 203(d)(1)(B)(iv) explanation. As I explained in my fax dated today, I had requested my legal assistant send the explanation with the Notice of Appeal. Unfortunately, it was not sent with the Notice of Appeal and has been sitting in my file. Please accept my apologies for not noticing this sooner. Please find the original Rule 203(B) explanation.

With high regards, I am,

Sincerely,



Helen Dovell
Assistant Public Defender

HD
Enclosure

cc: Patrick A. Hall, Assistant Solicitor, 14th Judicial Circuit Solicitor's Office
Chief Appellate Defender Robert M. Dudek
Senior Assistant Deputy Attorney General Salley W. Elliott

RECEIVED

APR 29 2014

SC Court of Appeals



BEAUFORT COUNTY COUNCIL
PUBLIC DEFENDER
1905 DUKE STREET
POST OFFICE BOX 525
BEAUFORT, SC 29901

RECEIVED

APR 29 2014

SC Court of Appeals



ALP
7/14



*The South Carolina Court of Appeals
Attn: Jacqueline Orr
Post Office Box 11629
Columbia, SC 29211*

2921131629

