

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
)
State of South Carolina)
)
-vs-)
)
Richard Tavares Johnson,)
)
)
Defendant.)
)
_____)

Indictment No.: 2013-GS-46-0804, 2013-GS-46-0805

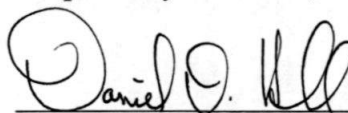
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DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

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 the ten year sentence upon the Appellant after he pled guilty to Distribution of Crack 2nd offense and Possession With Intent to Distribute Marijuana 2nd offense.

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,



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Attorney for Richard Tavares Johnson

York, South Carolina

May 1, 2014

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DAVID HAMILTON
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YORK COUNTY, SC

Dear South Carolina Courts of Appeals May 14 2014

I Richard Taxcores Johnson am serving a 10 year 85 percent sentence
Disturbation of Crack Cocaine 2nd offense and PWID Marijuana 2nd

in Appaling Do the fact of under State of South Carolina York County
V. Roberson. Do the fact that I never had a 2nd offense Disturbation

of Crack. But the Solicitor Teosa K Weaver come with a 3rd offense
Disturbation of Crack Cocaine and come with a Plea to make this my second
offense. Which I never had been convicted of 2nd in the past.

Solicitor Teosa K Weaver come with a Plea deal of 10 year
sentence that I should be 65 percent. But some how I am serving
85 percent. I was not properly sentenced fairly for Judge +

Representative fairly. Solicitor Teosa Weaver said if I
didn't take the Plea of the 10 years I would have to go
to Jail and if I was to less it would be Life without

possibility of Parole. I cooperated with the Solicitor office on
the Day I got arrested for the charges. When the York County Drug
Enforcement Unit arrested me. A man come in by name Mike Zigion

said he work for the Solicitor office and said I be straight up with him
I would go to Prison so I sign a statement on my self My Public Defender Dan
D Hall said he lied he was the 2nd of Narcotics. In Appaling
about how to much I use, and never had been convicted of 2nd offense in the past
85 percent wasn't part of the Plea Deal. I was sentence on April 21, 2014
at York County Moss Justice By Honorable Judge Lee S Alford

Indictment Number 2013-GS-46-0804 PWID Marijuana 2nd Indictment No 2013-GS
46-0805 Disturbation of Crack 2nd offense. Concurrent Sentence. THANK YOU VERY MUCH

Richard Kirkland
Kirkland Correctional Institution
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Columbia, S.C. 29210

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Kirkland Correctional Institution

SC Court of Appeals

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