

STATE OF SOUTH CAROLINA)
)
)

IN THE COURT OF APPEALS

STATE OF SOUTH CAROLINA,)
)
vs.)
)
JERRY GALLOWAY,)
Defendant.)
_____)

Indictment # 2014A3210200379 and
2014A3210200383

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SC COURT OF APPEALS

TARDY FILING EXPLANATION

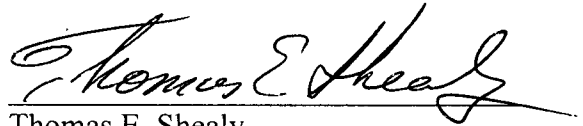
The Defendant pled guilty to the above indictments, Manufacturing Methamphetamine, 2nd offense and the Unlawful Manufacture of Methamphetamine in the presence of a child, respectively, on August 26, 2014. He received a sentence of 12 years and 5 years, concurrent, and was sent to the South Carolina Department of Corrections (SCDC). On September 2, 2014, the Defendant sent a letter to his public defender, the undersigned, requesting an appeal be filed. That letter was received on September 8, 2014 and this appeal followed. Unfortunately, it is outside the ten day window for appeals. The Defendant requests that the Court enlarge the window or appeals in view of the fact that he mailed the request within the 10 day window and the appeal was submitted as soon as possible after receipt of that letter.

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are 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, 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,

A handwritten signature in cursive script that reads "Thomas E. Shealy". The signature is written in black ink and is positioned above a horizontal line.

Thomas E. Shealy
Eleventh Circuit Assistant Public Defender
407 ½ West Main Street
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Lexington, South Carolina
September 9, 2014