

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM MCCORMICK COUNTY  
Court of General Sessions

HONORABLE HOWARD P. KING, CIRCUIT COURT JUDGE

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Case No.: 2012-GS-35-050

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The State,.....Respondent.  
V.  
John Michael New.....Appellant.

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NOTICE OF APPEAL

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John Michael New, appeals his guilty plea and sentence in this case. The sentence was imposed by the Honorable Howard P. King on October 13, 2014. The court report was Stacy Sheppard 100 Lunsford Lane Lexington, SC 29072



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Bennett E. Casto  
Tri County Public Defender  
P. O. Box 1852  
McCormick, SC 29835  
(864) 852-9555

**OTHER COUNSEL OF RECORD:**

Ervin Maye, Assistant Solicitor  
187 Saluda Airport Road  
Saluda, SC 29138

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OCT 16 2014

**SC Court of Appeals**

STATE OF SOUTH CAROLINA )  
 )  
 )  
 vs. )  
 )  
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 )  
 JOHN MICHAEL NEW )  
 )  
 )  
 Defendant. )  
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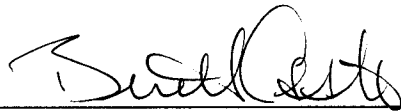
STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Indictment #: 13-GS-35-050  
Warrant #: M430412

**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 (4<sup>th</sup> 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,



Bennett Casto  
Tri County Public Defender  
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(864) 852-9555

McCormick, South Carolina  
October 14, 2014

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**SC Court of Appeals**



# OFFICE OF THE PUBLIC DEFENDER

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**Eleventh Judicial Circuit**  
Lexington, Saluda, Edgefield,  
and McCormick Counties

**ROBERT M. MADSEN**  
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October 14, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court for Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: The State vs. John Michael New, - appeal

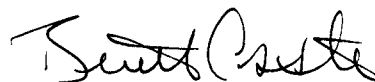
Dear Ms. Kitchings:

Please find enclosed an original and one (1) copy of a Notice to Appeal in the above matter for filing in your office. Please file the original and return the date/time stamped copy to me in the envelope provided.

I am, by copy of this letter, serving a copy of this Notice to Appeal on Ervin J. Maye and Robert M. Dudek, together with my Certificate of Service.

Thank you for your assistance in this matter. With kind regards, I am

Sincerely,



Bennett E. Casto

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OCT 16 2014

**SC Court of Appeals**

CC: Ervin J. Maye Assistant Solicitor  
187 Saluda Airport Road  
Saluda, SC 29138

Robert M. Dudek,  
Chief Appellate Defender  
P O BOX 11433  
Columbia, SC 29211

John Michael New  
South Carolina Department of Corrections

Tri County Public Defenders Office  
Post Office Box 1852  
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OCT 14 2014

The Honorable Jenny Abbott Kitchens  
Clerk of Court for Court of Appeals  
P. O. Box 11629  
Columbia, South Carolina 29211

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