

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM York COUNTY CERTIFIED TRUE COPY
Court of General Sessions

2014 DEC 29 PM 4:27

Alexander S. Macaulay, Circuit Court Judge

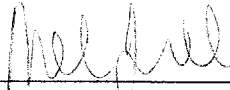
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Case Nos.: 2014-GS-46-2999
2014-GS-46-3000
2014-GS-46-3001
2014-GS-46-3002
2014-GS-46-3819

The State of South Carolina, Respondent
v.
Joshua Kenneth Brookins, Appellant

NOTICE OF APPEAL

Joshua Kenneth Brookins appeals his guilty plea and sentence imposed by the Honorable Alexander S. Macaulay, on December 4, 2014, the Appellant pled guilty Possession with Intent to Distribute Methamphetamine, 1st offense; Trafficking in Methamphetamine, 1st offense; Distribution of Methamphetamine, 1st offense, three (3) counts, (Indictment Nos. 2014-GS-46-2999; 2014-GS-46-3000; 2014-GS-46-3001; 2014-GS-3002; and 2014-GS-3819) and received a sentence of Ten (10) years, concurrent.


Melissa A. Inzerillo
Assistant Public Defender
P.O. Box 691
York, SC 29745
(803) 628-3031
Attorney for Appellant

This 9th day of December, 2014
York, South Carolina

Other Counsel of Record:
Misti Horton Shelton
Assistant Solicitor
1675-1A York Highway
York, SC 29745
(803) 628-3020

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SC Court of Appeals

STATE OF SOUTH CAROLINA)

Indictment No.: 2014-GS-4602999

IN THE COURT OF APPEALS)

2014-GS-4603000

2014-GS-4603001

2014-GS-4603002

2014-GS-4603819

State of South Carolina)

CERTIFIED TRUE COPY

-vs-

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Joshua Kenneth Brookins)

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

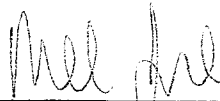
Defendant.)

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 concurrent twelve years sentence upon the Appellant after he pled guilty to Possession with Intent to Distribute Methamphetamine, 1st offense; Trafficking in Methamphetamine, 1st offense; distribution of Methamphetamine, 1st offense; Distribution Methamphetamine, 1st offense and Distribution of Methamphetamine, 1st 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,



Melissa A. Inzerillo

P.O. Box 691

York, South Carolina 29745

(803) 628-3031

Attorney for Joshua Kenneth Brookins

York, South Carolina

December 9, 2014

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APPEAL FROM York COUNTY
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Alexander S. Macaulay, Circuit Court Judge

Case Nos.: 2014-GS-46-2999
2014-GS-46-3000
2014-GS-46-3001
2014-GS-46-3002
2014-GS-46-3819

The State of South Carolina, Respondent

v.

Joshua Kenneth Brookins, Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of the State vs Joshua Kenneth Brookins was served upon Assistant Solicitor Misti Horton Shelton, on December 9, 2014 by hand-delivering a copy to the Sixteenth Circuit Solicitors Office at 1675-1A York Highway, York, South Carolina.

Debra A. Bartolotta

Debra A. Bartolotta
Legal Secretary for Melissa A. Inzerillo
Attorney for the Defendant

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SC Court of Appeals

**Sixteenth Circuit
Public Defender
Office**

**Moss Justice Center
1675-1E York Highway
P.O. Box 691
York, S.C. 29745**



**Harry A. Dest
Sixteenth Circuit Defender**

**Bryson J. Barrowclough
Deputy Public Defender**

**Stacey D. Coleman
Juvenile Division**

**Philip L. Smith
Melissa A. Inzerillo
Sr. Assistant Public Defenders**

**Assistant Public Defenders
Mark T. McKinnon
E. Ashley Anderson
Mindy Hervey Lipinski
J. Creighton Hayes
Judah Vansyckel
Nicholas R. McCarley**

**Magistrate Court Division
Toni L. Johnson
Jessica Russo**

**Union County Public Defender
Erik D. Delaney
Jenny Williams**

December 9, 2014

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

Re: Joshua Kenneth Brookins (Indictment No.: 2014-GS-4602999; 2014-GS-4603000; 2014-GS-4603001;
2014-GS-46003002 and 2014-GS-4603819)

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal, Rule 203(B) Explanation, and Certified Certificate of Service in the above captioned matter. On December 9, 2014 the Appellant pled guilty to Possession with Intent to distribute Methamphetamine, 1st offense; Trafficking in Methamphetamine, 1st offense; Distribution of Methamphetamine, 1st offense; Distribution Methamphetamine, 1st offense and Distribution of Methamphetamine, 1st offense, and received a sentence of ten (10) years, concurrent. Copies of these documents were sent under separate cover letter to the defendant. A copy of said letter is included in this packet.

Sincerely,

Melissa A. Inzerillo
Assistant Public Defender
Sixteenth Judicial Circuit

MAI/db

Enclosures

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SC Court of Appeals

**Sixteenth Circuit
Public Defender
Office**

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Toni L. Johnson
Jessica Russo**

**Union County Public Defender
Erik D. Delaney
Jenny Williams**

December 9, 2014

Joshua Kenneth Brookins
6371 Turkey Farm Road
Rock Hill, SC 29732

Dear Mr. Brookins:

Enclosed please find certified copies of the Notice of Appeal, Rule 203(B) Explanation and Certificate of Service regarding your recent guilty plea. Please note that you must inform the South Carolina Court of Appeals in writing, within **twenty (20) days** of the date of this letter, of any arguable basis that there are issues preserved for appeal.

You must send your arguments for your appeal to the following address:

**South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211**

Sincerely,

Melissa A. Inzerillo
Assistant Public Defender
Sixteenth Judicial Circuit

MAI/db
Enclosure

cc: South Carolina Court of Appeals

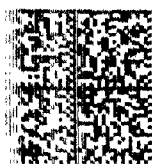
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Clerk of the South Carolina Court of Appeals
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Columbia, S.C. 29211

