

THE STATE OF SOUTH CAROLINA
APPEAL FROM AIKEN COUNTY
In the Court of General Sessions
The Honorable Doyet A. Early, III

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DEC 29 2014

SC Court of Appeals

Case Number 2014-GS-02-01159
Case Number 2014-GS-02-01160
Case Number 2014-GS-02-01161

STATE OF SOUTH CAROLINA RESPONDENT

VS.

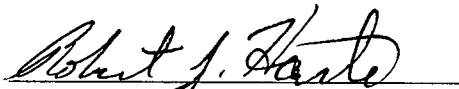
DOMINIQUE ROSCELL JOHNSON..... APPELLANT

**CORRECTED
PROOF OF SERVICE**

I certify that I have served the Notice of Intent to Appeal on the above named Respondent by depositing a copy of same in the United States Mail, postage prepaid, on December 10, 2014, addressed to the attorney of record as follows:

Solicitor J. Strom Thurmond, Jr.
Second Judicial Circuit
P.O. Drawer 3368
Aiken, SC 29802

December 10, 2014.


Robert J. Harte
P.O. Box 1959
Aiken, SC 29802-1959
(803) 648-0853
S.C. Bar No. 2775
ATTORNEY FOR APPELLANT

ROBERT J. HARTE, P.C.

Attorney at Law

P O Box 1959
237 Barnwell Ave NW
Aiken, SC 29802-1959

December 22, 2014

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SC Court of Appeals

Dominique R. Johnson #00362300
Kirkland R&E Center
4344 Broad River Rd.
Columbia, SC 29210

Dear Dominique:

As you requested after your guilty plea, I have filed a Notice of Intent to Appeal. It is my opinion that there are no grounds for an appeal in this case. As required by Court Rule in such cases I have filed a Rule 203(d)(1)(B)(iv) Explanation. A copy of the Explanation is attached to this letter.

You have twenty (20) days from the date of this letter to inform the Court of Appeals in writing of any arguable basis that there are issues preserved for appeal. The address for the Court of Appeals is:

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

Very truly yours,



Robert J. Harte
SC Bar No. 2775

RJH/cwn
enclosure

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STATE OF SOUTH CAROLINA)
)
vs.)
)
DOMINIQUE ROSCELL JOHNSON,)
)
)
)
DEFENDANT.)
_____)

STATE OF SOUTH CAROLINA DEC 29 2014
IN THE COURT OF APPEALS

SC Court of Appeals

INDICTMENT NO: 2014-GS-02-01159;
2014-GS-02-01160 & 2014-GS-02-01161

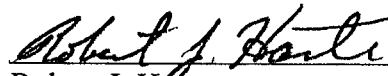
RULE 203(d)(1)(B)(iv) EXPLANATION

Pursuant to Rule 203(d)(1)(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.

The undersigned attorney consulted with the client and after consultation the client requested that an appeal be filed.

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,



Robert J. Harte
Attorney for the Defendant
P.O. Box 1959
Aiken, SC 29802
(803) 648-0853

Aiken, South Carolina
December 10, 2014.

ROBERT J. HARTE, P.C.

Attorney at Law

P O Box 1959

237 Barnwell Ave NW

Aiken, SC 29802-1959

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HAPPY

NEW YEAR



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SC Court of Appeals

The Hon V Claire Allen

S C Court of Appeals

P O Box 11629

Columbia, SC 29211

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