

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

ORIGINAL

APPEAL FROM LEXINGTON COUNTY  
Court of General Sessions

HONORABLE W. JEFFREY YOUNG, CIRCUIT COURT JUDGE

Indictment No(s): 2015-GS-32-0583  
2015-GS-32-0994

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SC Court of Appeals

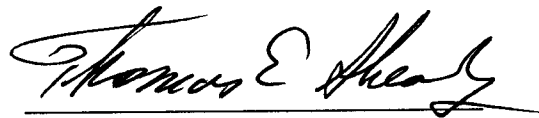
The State,.....Respondent.

V.

Brian Austin Robinson,.....Appellant.

NOTICE OF APPEAL

Brian Austin Robinson, appeals his guilty plea and sentence in this case. The sentence was imposed by the Honorable W. Jeffrey Young on May 6, 2015. The court reporter was Bethanie Creppon, PO BOX 85411, Lexington, SC 29073.



Thomas E. Shealy  
Assistant Public Defender  
407 W. Main Street  
Lexington, SC 29072  
(803) 785-8873

**OTHER COUNSEL OF RECORD:**

Scott Spivey, Assistant Solicitor  
Lexington County Courthouse  
Lexington, SC 29072

THE STATE OF SOUTH CAROLINA  
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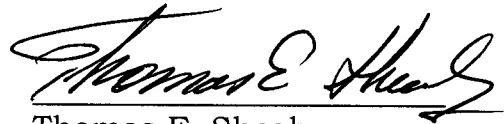
The State,.....Respondent.

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Brian Austin Robinson,.....Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Scott Spivey by depositing a copy of it in the United States Mail, postage prepaid, on May 14, 2015, addressed to Scott Spivey, Assistant Solicitor, Lexington County Courthouse, Lexington, SC 29072.



Thomas E. Shealy  
Assistant Public Defender  
407 W. Main Street  
Lexington, SC 29072  
(803) 785-8873

STATE OF SOUTH CAROLINA )  
)  
)

IN THE COURT OF APPEALS

ORIGINAL

STATE OF SOUTH CAROLINA, )  
)  
)  
vs. )

BRIAN AUSTIN ROBINSON, )  
)  
)  
Defendant. )  
\_\_\_\_\_ )

Indictment #: 2015-GS-32-0583  
2015-GS-32-0994

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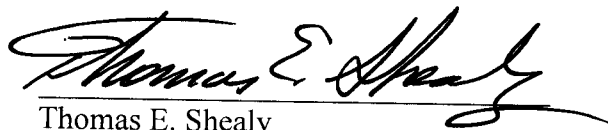
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SC Court of Appeals

**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,



Thomas E. Shealy  
Assistant Public Defender  
Eleventh Circuit Public Defender Office  
407 West Main Street  
Lexington, South Carolina 29072  
(803) 785-8873

Lexington, South Carolina  
May 14, 2015

# OFFICE OF THE PUBLIC DEFENDER

**ELIZABETH FULLWOOD**  
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**Eleventh Judicial Circuit**  
Lexington, Saluda, Edgefield,  
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**ROBERT M. MADSEN**  
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May 14, 2015

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**SC Court of Appeals**

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

Re: The State vs. Brian Austin Robinson, - appeal

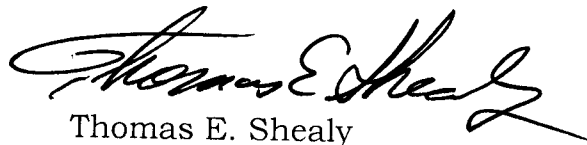
Dear Ms. Kitchings:

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 Scott Spivey and Robert M. Dudek, together with my Certificate of Service.

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

Sincerely,



Thomas E. Shealy

ENC

CC: Scott Spivey, Assistant Solicitor  
Lexington County Courthouse  
Lexington, SC 29072

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

Brian Austin Robinson (SCDC ID: 352371)  
Kirkland R&E Center  
4344 Broad River Road  
Columbia, SC 29210

ELEVENTH CIRCUIT  
PUBLIC DEFENDER'S OFFICE  
407 1/2 W. MAIN STREET  
LEXINGTON, SC 29072

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