

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

APPEAL FROM York COUNTY  
Court of General Sessions

John C. Hayes, III and DeAndrea G. Benjamin, Circuit Court Judges

Case Nos.: 2015-GS-46-0725, 2015-GS-46-0726,  
2015-GS-46-0727, 2015-GS-46-0729  
The State of South Carolina, Respondent  
v.

DeMario Ontrey Ware, Appellant

FILED-RECEIVED  
2015 MAY 27 PM 3:17

DAVID HAMILTON  
C.C.C.P. & G.S.  
YORK COUNTY, SC

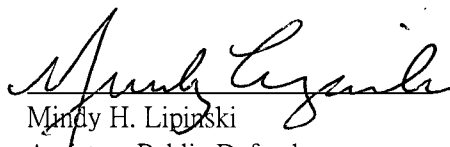
RECEIVED

JUN 02 2015

SC Court of Appeals

NOTICE OF APPEAL

DeMario Ontrey Ware appeals his guilty plea and sentence imposed by the Honorable John C. Hayes, III and DeAndrea G. Benjamin. On April 24, 2015, the Appellant pled guilty to two counts of Armed Robbery. (Indictment Nos. 2015-GS-46-0725 and 2015-GS-46-0726), Possession of a weapon during commission of a violent crime (Indictment N. 2015-GS-46-0727) and Burglary 2<sup>nd</sup> degree (Indictment No. 2015-GS-46-0729. Appellant was sentenced by the Honorable DeAndrea G. Benjamin and sentenced to Twelve (12) years on Indictment No. 2015-GS-46-0725, 2015-GS-0726 and 2015-GS-46-0729 and Five (5) years on Indictment No. 2015-GS-46-0727. All sentences are to run concurrent.



Mindy H. Lipinski  
Assistant Public Defender  
P.O. Box 691  
York, SC 29745  
(803) 628-3031  
Attorney for Appellant

This 27 day of May, 2015  
York, South Carolina

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

**RECEIVED**  
JUN 02 2015  
SC Court of Appeals

FILED-RECEIVED  
2015 MAY 27 PM 3:17  
DAVID HAMILTON  
C.C.C.P. & G.S.  
YORK COUNTY, SC

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

APPEAL FROM York COUNTY  
Court of General Sessions

John C. Hayes, III and DeAndrea G. Ware, Circuit Court Judge

---

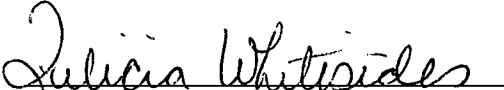
Case Nos.: 2015-GS-46-0725, 2015-GS-46-0726  
2015-GS-46-0727, 2015-GS-46-0729

The State of South Carolina, Respondent  
v.  
DeMario Ontrey Ware, Appellant

---

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of the State vs. DeMario Ontrey Ware was served upon Assistant Jenny Desch, on May 27, 2015, by hand-delivering a copy to the Sixteenth Circuit Solicitors Office at 1675-1A York Highway, York, South Carolina.



Felicia Whitesides  
Legal Secretary for Mindy H. Lipinski  
Attorney for the Defendant

STATE OF SOUTH CAROLINA )  
 )  
 IN THE COURT OF APPEALS )  
 )  
 State of South Carolina )  
 )  
 -vs- )  
 )  
 Demario Ontrey Ware )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Indictment No.: 2015-GS-46-0725  
 2015-GS-46-0726, 2015-GS-46-0727  
 2015-GS-46-0729

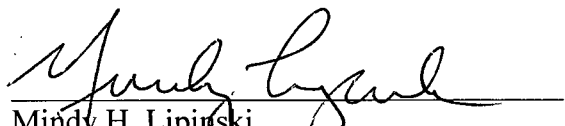
FILED RECEIVED  
 MAY 27 PM 3:17  
 DAVID HAMILTON  
 C.C.P. & G.S.  
 YORK COUNTY, SC  
**RECEIVED**  
 JUN 02 2015  
 SC Court of Appeals

**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 a concurrent sentence of 12 years upon the Appellant after he pled guilty to two (2) counts of Armed Robbery, burglary 2nd and 5 years on Criminal Conspiracy and Possession of a Pistol during Commission of a Violent Crime

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 (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,

  
 Mindy H. Lipinski  
 Assistant Public Defender  
 1675-1E York Hwy  
 York, South Carolina 29745  
 (803) 628-3031

York, South Carolina  
 May 27, 2015

**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

**RECEIVED**  
JUN 02 2015  
SC Court of Appeals

**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**

May 27, 2015

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

Re: State v. DeMario Ontrey Ware (Indictment No. 2015-GS-46-0725, 2015-GS-46-0726,  
2015-GS-46-0727, 2015-GS-46-0729)

Dear Ms. Abbott:

Enclosed please find the Notice of Appeal, Certified Certificate of Service, Rule (203) Explanation and letter to appellate in the above captioned matter. On April 24, 2015 the appellate pled guilty in front of the Honorable Judge John C. Hayes, III and the sentence was deferred. On May 27, 2015 appellate was sentenced in front of the Honorable DeAndrea G. Benjamin and received Twelve (12) years on two counts of Armed Robbery and Burglary 2<sup>nd</sup> degree and Five (5) years for Possession of a Weapon during the Commission of a Violent Crime. All sentences are to run concurrent .

Sincerely,

Mindy H. Lipinski  
Assistant Public Defender

MHL/fnw

Enclosures

**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**

May 27, 2015

DeMario Ontrey Ware-SCDC #00364056  
Kirkland R& E  
4344 Broad River Rd.  
Columbia, S.C. 29210

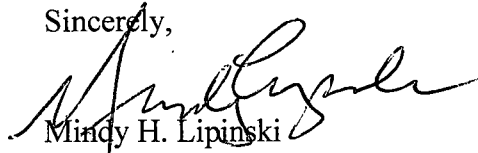
Dear Mr. Ware:

Enclosed please find certified copies of the Notice of Appeal, Rule 203(B) Explanation and Certified Certificate of Service regarding your recent 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,

  
Mindy H. Lipinski  
Assistant Public Defender  
Sixteenth Judicial Circuit

MHL/fnw

Enclosure

Cc: South Carolina Court of Appeals

**Bryson J. Barrowlough  
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**

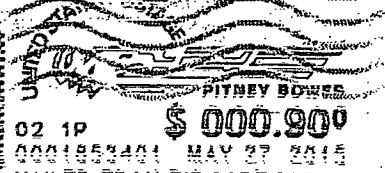
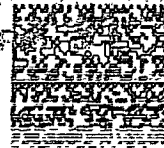
**Union County Public Defender  
Erik D. Delaney  
Jenny Williams**



**16th JUDICIAL CIRCUIT  
PUBLIC DEFENDER OFFICE  
Moss Justice Center  
PO Box 691  
1675-1E York Hwy  
York, SC 29745-0691**

CHARLOTTE NC 282

28 MAY 2015



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

**RECEIVED**

JUN 02 2015

**SC Court of Appeals**

29211162929

