

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

APPEAL FROM YORK COUNTY
Court of General Sessions

Paul M. Burch, Circuit Court Judge

Case No.: 2015-GS-46-01825

The State of South Carolina, Respondent
v.

Byron Davante Ratchford, Appellant

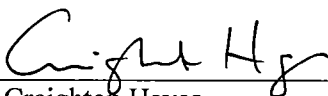
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DAVID HANCOCK
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CIRCUIT & G.S.
YORK COUNTY, SC
JUL 21 2015

SC Court of Appeals

NOTICE OF APPEAL

Byron Davante Ratchford appeals his guilty and the sentence imposed by Paul M. Burch. On July 16, 2015, the Appellant pleaded guilty to Possession of Crack 2nd offense and received a sentence of fifteen (15) months.



J. Creighton Hayes
Assistant Public Defender
Sixteenth Judicial Circuit
P.O. Box 691
York, SC 29745
(803) 628-3031
Attorney for Appellant

This 17th day of July 2015.
York, South Carolina

Other Counsel of record:
Ryan Newkirk, Assistant Solicitor
Sixteenth Judicial Circuit
1675-1A York Highway
York, SC 29745
(803) 628-3020

THE STATE OF SOUTH CAROLINA
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APPEAL FROM YORK COUNTY
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Paul M. Burch, Circuit Court Judge

Case No.: 2015-GS-46-01825

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

The State of South Carolina, Respondent
v.

Byron Davante Ratchford, Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Byron Davante Ratchford was served upon Assistant Solicitor Ryan Newkirk on July 17, 2015, by hand-delivering a copy to the Solicitor's Office, second floor of the Moss Justice Center, 1675 York Highway, York, South Carolina, by the undersigned.



Jackie Davis
Legal Secretary for J. Creighton Hayes
Attorney for the Defendant

STATE OF SOUTH CAROLINA)

Indictment No.: 2015-GS-46-01825

IN THE COURT OF APPEALS)

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State of South Carolina)

2015 JUL 17 PM 3: 20

-vs-

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

Byron Davante Ratchford,)

Defendant.)

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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 fifteen month sentence upon the Appellant after he pled guilty to Possession of Crack 2nd 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,



J. Creighton Hayes
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Byron Davante Ratchford

York, South Carolina

July 17, 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

July 17, 2015

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JUL 21 2015

SC Court of Appeals

Bryson J. Barrowclough
Deputy Public Defender

Stacey D. Coleman
Juvenile Court 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
Nicholas R. McCarley
Jessica M. Russo

Magistrate Court Division
Toni L. Johnson
Zachary M. Merritt

Union County Public Defender
Erik D. Delaney
Jennifer N. Williams

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

Re: Byron Davante Ratchford (Indictment Nos.: 2015-GS-46-01825)

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal, Rule 203(B) Explanation, Indictments, Sentencing Sheets and Certified Certificate of Service in the above captioned matter. On July 16, 2015, the Appellant pled guilty to Possession of Crack 2nd offense (Indictment No. 2015-GS-46-01825) and received a sentence of fifteen (15) months. Copies of these documents were sent under separate cover letter to the defendant. A copy of said letter to the Appellant is included in this packet.

Sincerely,

J. Creighton Hayes
Assistant Public Defender
Sixteenth Judicial Circuit

JCH/jmd

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

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JUL 21 2015
SC Court of Appeals

July 15, 2015

INMATE: Byron Davante Ratchford
York County Detention Center

Dear Mr. Ratchford:

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,

J. Creighton Hayes
Assistant Public Defender
Sixteenth Judicial Circuit

JCH/jmd

Enclosure

cc: South Carolina Court of Appeals
file

Bryson J. Barrowclough
Deputy Public Defender

Stacey D. Coleman
Juvenile Court Division

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

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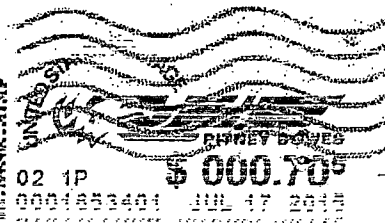
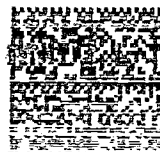
Union County Public Defender
Erik D. Delaney
Jennifer N. Williams



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

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17 JUL 2015



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

SC Court of Appeals

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