

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

APPEAL FROM YORK COUNTY  
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

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JUL 21 2015

SC Court of Appeals

Case No.: 2014-GS-46-03509, 2014-GS-46-03509A  
2014-GS-46-03510

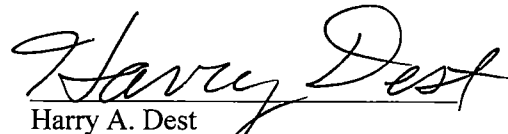
The State of South Carolina, Respondent  
v.

Donquavious Dashon Davis, Appellant

FILED-RECEIVED  
2015 JUL 15 PM 4:16  
DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

NOTICE OF APPEAL

Donquavious Dashon Davis appeals his guilty plea accepted by the Honorable Daniel D. Hall and the sentences imposed by the Honorable John C. Hayes, III. On July 1, 2015, the Appellant pleaded guilty to Voluntary Manslaughter (Indictment No. 2014-GS-46-03509), Possession of a Weapon During the Commission of a Violent Crime (Indictment No. 2014-GS-46-03509A) and Burglary 1<sup>st</sup> degree Indictment No. 2014-GS-46-03510). On July 13, 2015, The Honorable John C. Hayes, III, sentenced the Appellant to concurrent sentences of Thirty (30) years, Five (5) years, and Forty (40) years respectively.



Harry A. Dest  
Circuit Public Defender  
Sixteenth Judicial Circuit  
P.O. Box 691  
York, SC 29745  
(803) 628-3031  
Attorney for Appellant

This 15 day of July 2015.  
York, South Carolina

Other Counsel of record:  
Willy Thompson, Deputy Solicitor  
Sixteenth Judicial Circuit  
1675-1A York Highway  
York, SC 29745  
(803) 628-3020

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John C. Hayes, III, Circuit Court Judge

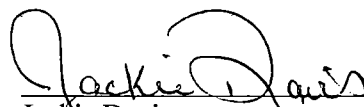
Case No.: 2014-GS-46-03509, 2014-GS-46-03509A  
2014-GS-46-03510

The State of South Carolina, Respondent  
v.

Donquavious Dashon Davis, Appellant

**Certificate of Service**

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Donquavious Dashon Davis was served upon Deputy Solicitor Willy Thompson on July 15, 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 Harry A. Dest  
Attorney for the Defendant

STATE OF SOUTH CAROLINA )  
 )  
IN THE COURT OF APPEALS )  
 )  
State of South Carolina )  
 )  
-vs- )  
 )  
Donquavious Dashon Davis, )  
 )  
 )  
Defendant. )  
 )  
\_\_\_\_\_ )

Indictment No.: 2014-GS-46-03509,  
2014-GS-46-03509A  
2014-GS-46-03510

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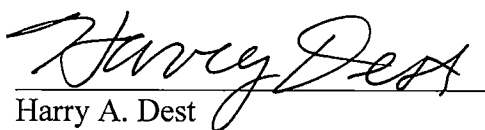
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**RULE 203(B) EXPLANATION**

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 forty year sentence upon the Appellant after he pled guilty to Voluntary Manslaughter, Possession of a Weapon During the Commission of a Violent Crime and Burglary First Degree.

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,



Harry A. Dest  
P.O. Box 691  
York, South Carolina 29745  
(803) 628-3031  
Attorney for Donquavious Dashon Davis

York, South Carolina

July 15, 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**

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**JUL 21 2015**

**July 15, 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: Donquavious Dashon Davis (Indictment Nos.: 2014-GS-46-03509, 2014-GS-46-03509A  
2014-GS-46-03510)

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 1, 2015, the Appellant pled guilty to Voluntary Manslaughter (Indictment No. 2014-GS-46-03509), Possession of a Weapon During the Commission of a Violent Crime (Indictment No. 2014-GS-46-03509A) and Burglary 1<sup>st</sup> Degree (Indictment No. 2014-GS-46-03510). On July 13, 2015, the Appellant was sentenced to concurrent sentences of Thirty (30) years, Five (5) years, and Forty (40) years, respectively. 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,

Harry A. Dest  
Circuit Public Defender  
Sixteenth Judicial Circuit

HAD/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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Zachary M. Merritt

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

July 15, 2015

INMATE: Donquavious Dashon Davis  
York County Detention Center

Dear Mr. Davis:

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,

A handwritten signature in cursive script that reads "Harry A. Dest".

Harry A. Dest  
Circuit Public Defender  
Sixteenth Judicial Circuit

BJB/jmd

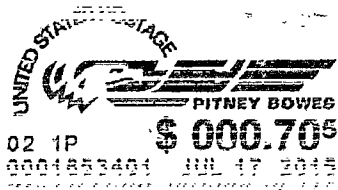
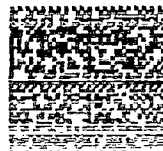
Enclosure

cc: South Carolina Court of Appeals  
file



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

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
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Columbia, South Carolina 29211



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