

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM AIKEN COUNTY AND LEXINGTON COUNTY
THE HONORABLE Tanya A. Gee
June 25, 2015

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SEP 28 2015

SC Court of Appeals

Indictment # 2015 GS 02 00611

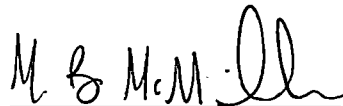
~~THE STATE OF SOUTH CAROLINA~~ -- Respondent

VS.

GERALD THOMAS CHEEKS -- Appellant

NOTICE OF INTENT TO APPEAL

Gerald Thomas Cheeks pled guilty and was convicted of Stalking on September 15, 2015 before the Honorable Tanya A. Gee in Aiken, South Carolina. He appeals his conviction and sentence.



M. Bradley McMillian
Attorney for Defendant

Other Counsel of record is:

Virginia Sheftall
Assistant Solicitor
Post Office Box 3368
Aiken, South Carolina 29802

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

INDICTMENT #: 2015 GS 02 00611

vs.

GERALD CHEEKS

DEFENDANT

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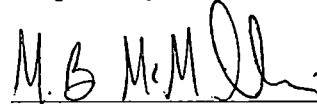
SEP 28 2015

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. The Defendant then did make contact with an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. 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 *Frazier 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,



M. Bradley McMillian
Assistant Public Defender
Post Office Drawer 2247
Aiken, South Carolina 29802
803-642-1732

September 24, 2015

NOTICE OF INTENT TO APPEAL

State of South Carolina

Vs:

Gerald Thomas Cheeks

2015 GS 02 00611

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SEP 28 2015

SC Court of Appeals

CERTIFICATE OF SERVICE

I, Tesa Culbertson, do hereby certify that I have this day served the original of Appellate's Notice to Appeal upon the South Carolina Court of Appeals, and copies of Appellate's Notice of Intent to Appeal to the Clerk of Court of Aiken County and to Virginia Sheftall, Assistant Solicitor, Second Judicial Circuit by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

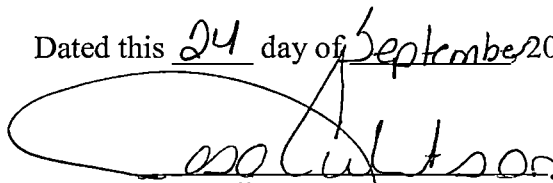
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Clerk of Court
Aiken County Judicial Circuit
Post Office Box 583
Aiken, South Carolina 29802

Virginia Sheftall
Assistant Solicitor
Post Office Drawer 3368
Aiken, South Carolina 29802

Dated this 24 day of September 2015



Tesa Culbertson
Secretary to Appellant's Attorney
Post Office Drawer 2247
Aiken, SC 29802
803-642-1732

OFFICE OF THE SECOND JUDICIAL CIRCUIT PUBLIC DEFENDER
410 Barnwell Avenue N.W.
Post Office Box 2247
Aiken, South Carolina 29802

September 24, 2015

RECEIVED

SEP 28 2015

SC Court of Appeals

South Carolina Commission
On Indigent Defense
Attention: Lorie French
P. O. Box 11589
Columbia, SC 29211

RE: NOTICE OF INTENT TO APPEAL
Gerald Thomas Cheeks
2015 GS 02 00611

Dear Mrs. French:

Please find enclosed copies of Notice of Intent to Appeal, Indictment 2015 GS 02 00611, Arrest Warrant, Sentence Sheet, defendant's affidavit of indigency and the Rule 203 (B) Explanation.

Gerald Cheeks pled guilty and was convicted of two counts of Stalking and was sentenced on September 14, 2015 before the Honorable Tanya A. Gee. Ms. Cheri Young served as the Court Reporter. Her address is Post Office Box 5232, Aiken, South Carolina 29804.

I am available to discuss this case if you so desire.

Sincerely,



M. Bradley McMillian
Assistant Public Defender

MBM:tpc
Enclosure