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SC Court of Appeals

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

APPEAL FROM YORK COUNTY
Court of General Sessions

Daniel Hall, Circuit Court Judge

FILED-RECEIVED
2015 NOV -6 AM 10: 56
DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

Case Nos.: 2015-GS-46-3270, 2015-GS-46-3271, 2015-GS-46-3272
2015-GS-46-3273, 2015-GS-46-3274, 2015-GS-46-3275, 2015-GS-46-3276

The State of South Carolina, Respondent
v.
John Brooks Hall Duncan, Appellant

NOTICE OF APPEAL

John Brooks Hall Duncan appeals his guilty plea and sentence imposed by the Honorable Daniel Hall, on October 29, 2015, the Appellant pled guilty, under Alford, to seven (7) counts of Solicitation/Solicitation to Commit a Felony, (Indictment Nos.2015-GS-46-3270; 2015-GS-46-3271;2015-GS-46-3272;2015-GS-46-3273; 2015-GS-46-3274 and 2015-GS-46-3276) and received a sentence of Ten (10) years concurrent; and eight (8) years (Indictment No. 2015-GS-46-3275) consecutive for a total of eighteen (18) years.

Melissa A. Inzerillo
Assistant Public Defender
P.O. Box 691
York, SC 29745
(803) 628-3031
Attorney for Appellant

This 6th day of November, 2015
York, South Carolina

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

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2015-GS-46-3273, 2015-GS-46-3274, 2015-GS-46-3275, 2015-GS-46-3276

The State of South Carolina, Respondent
v.
John Brooks Hall Duncan, Appellant

Certificate of Service

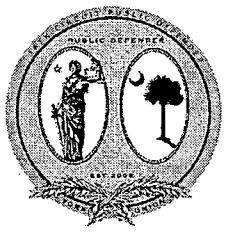
This is to certify that a copy of the Notice of Appeal in the case of the State vs John Brooks Hall Duncan was served upon Assistant Solicitor Christopher Epting, on November 2, 2015 by hand-delivering a copy to the Sixteenth Circuit Solicitors Office at 1675-1A York Highway, York, South Carolina.

Debra A. Bartolotta

Debra A. Bartolotta
Legal Secretary for Melissa A. Inzerillo
Attorney for the Defendant

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

Bryson J. Barrowclough
Deputy Public Defender

Stacey D. Coleman
Family Court Division

Philip L. Smith
Melissa Inzerillo
Sr. Assistant Public Defenders

Assistant Public Defenders
Mark T. McKinnon
E. Ashley Anderson
Mindy Lipinski
Jessica Russo
Thomas L. Bowen, Jr.
Walter Dusky

Magistrate Court Division
Toni L. Johnson
Zachary M. Merritt
Charles Rudnick

Union County Public Defender
Erick D. Delaney
Jenny Williams

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November 6, 2015

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

Re: John Brooks Hall Duncan (Indictment No.: 2015-GS-4603270 thru 2015-GS-4603276)

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal, and Certified Certificate of Service in the above captioned matter. On October 29, 2015 the Appellant pled guilty to six (6) counts of Solicitation/Solicitation to Commit a Felony, and received a sentence of Ten(10) years concurrent, (Indictment Nos. 2015-GS-46-3270 through 2015-GS-46-3274 and 2015-GS-46-3276, and one (1) count of Solicitation/Solicitation to Commit a Felony, and received a sentence of Eight (8) years consecutive (Indictment No.2015-GS-4603275) for a total of Eighteen (18) years. Copies of these documents were sent under separate cover letter to the defendant. A copy of said letter is included in this packet.

Sincerely,

Melissa A. Inzerillo
Assistant Public Defender
Sixteenth Judicial Circuit

MAI/db

Enclosures

STATE OF SOUTH CAROLINA) Indictment No.: 2015-GS-4603270
) 2015-GS-4603271
IN THE COURT OF APPEALS) 2015-GS-4603272
2015-GS-4603273
State of South Carolina) 2015-GS-4603274
) 2015-GS-4603275
-vs-) 2015-GS-4603276
)
John Brooks Hall Duncan)
)
Defendant.)
)

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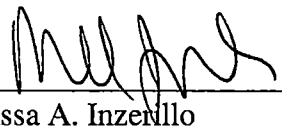
RULE 203(B) EXPLANATION

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 concurrent ten (10) years sentence and consecutive eight (8) years sentence, for a total of eighteen (18) years upon the Appellant after he pled guilty, under Alford, to seven (7) counts of Solicitation/Solicitation to Commit a Felony.

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,



Melissa A. Inzerillo
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for John Brooks Hall Duncan

York, South Carolina

November 6, 2015