

State of South Carolina
Public Defender, Sixth Judicial Circuit

Devon R. Nielson, Assistant Public Defender
140 Main Street
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Chester, South Carolina 29706

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MAR 18 2016

SC Court of Appeals

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Devon R. Nielson Assistant Public Defender

March 15, 2016

Mr. Dale Mack Feaster
4344 Broad River Road
Columbia, SC 29210

Re: Appeal

Dear Mr. Feaster,

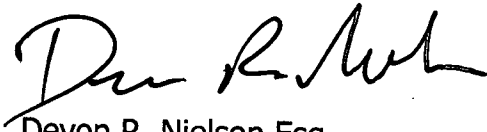
Pursuant to your request before you left the Chester County Detention Center, I filed an appeal from your guilty plea. In addition to filing the Notice of appeal, the SC Rules of Appellate Procedure require me to file a "written explanation showing that there is an issue which can be reviewed on appeal." I know of no such issue from the appeal itself but there may be an issue regarding the minimum time the judge said on the record was required for you to serve, and that he did not even consider a lesser sentence or a time served sentence. Enclosed is a copy of the Notice of Appeal, my statement pursuant to SC Rule 206(d)(1)(B)(iv), and the proof of service served on the solicitor in your case.

You have twenty (20) days from the date of this letter to inform the court of appeals in writing of any arguable basis that exists that are issues preserved for appeal in your case. You are to write the court at the following address:

South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

If you require anything further from me, please let me know.

Thanks,

A handwritten signature in black ink, appearing to read "Devon R. Nielson". The signature is fluid and cursive, with the first name being the most prominent.

Devon R. Nielson Esq.
Attorney SC 6th Circuit Assistant Public Defender
(803) 385-3232

Cc: Jenny Abbot Kitchings

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM CHESTER COUNTY
Court of General Sessions

SC Court of Appeals

Brian M. Gibbons, Circuit Court Judge

Case No(s): 2016-GS-12-072

The State of South Carolina,

Respondent.

Dale Mack Feaster,

v.

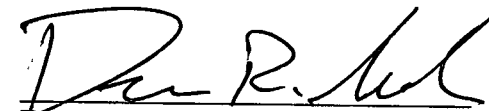
Appellant.

NOTICE OF APPEAL

Dale Mack Feaster appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Brian M. Gibbons on February 24, 2016.

PLEASE TAKE FURTHER NOTICE THAT this appeal shall be upon a case and exceptions to be served upon you and filed hereafter in accordance with the rules of the court and laws in such cases made and provided.

Date: March 3, 2016



Devon R. Nielson, Esq.

Public Defender
Post Office Box 132
Chester, SC 29706
SC Bar #101444

Other Counsel of Record:
Karen Fryar, Esq.
Assistant Solicitor
6th Judicial Circuit
Chester SC

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHESTER COUNTY
Court of General Sessions

Brian Gibbons, Circuit Court Judge

Case No(s): 2016-GS-12-072

The State of South Carolina,

Dale Mack Feaster

v.

Respondent.

Appellant.

STATEMENT PURSUANT TO RULE 203(d)(1)(B)(iv)

Appellant pled guilty on February 24, 2016. Undersigned counsel files this appeal at the request of Appellant and pursuant to In re Anonymous Member of the Bar, 303 S.C. 306, 400 S.E.2d 483 (1991).

The only issue that counsel knows that may be preserved is the judge's interpretation of S.C. Code 23-03-470(A). Counsel does not read this statute that the judge had to give 3 years mandatory active time. The judge made a finding on the record that he was required to give this much time and could not give a time served sentence for the months Mr. Feaster was incarcerated. Defense counsel believes it was within the judge's discretion and he did not consider this as he claimed he could consider nothing less than a 3 year minimum.

Counsel knows of no other issue that can be reviewed on appeal.

Date: March 3, 2016



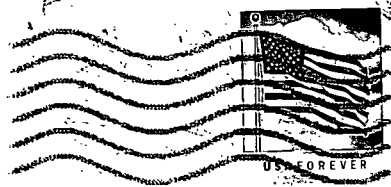
Devon R. Nielson, Esq.
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Other Counsel of Record:
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