

# OFFICE OF THE PUBLIC DEFENDER

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**Eleventh Judicial Circuit**  
Lexington, Saluda, Edgefield,  
and McCormick Counties

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Post Office Box 1852  
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May 13, 2016

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MAY 18 2016

**SC Court of Appeals**

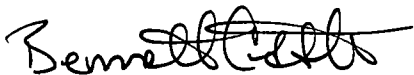
Ms. Jenny Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29072

Re: The State v. Eric Marsh  
Appellate Case No. 2013-002816

Dear Mr. Kitchings,

Enclosed you will find a copy of my letter to Mr. Marsh where I explained that I did not believe that any appealable issues exist in his case. Please let me know if you should need any additional information from me with regard to this appeal.

Sincerely,



Bennett Elliot Casto  
Tri-County Public Defender

# OFFICE OF THE PUBLIC DEFENDER

## Eleventh Judicial Circuit

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SC Court of Appeals

Mr. Eric Dewayne Marsh (SCDC#: 354716)  
Broad River Correctional Institution  
4460 Broad River Rd.  
Columbia, SC 29210

Dear Mr. Marsh,

I filed an appeal from the guilty plea that you entered on March 20, 2013, in Richland County. This plea resolved your charges in Lexington County. After speaking with the clerk's office at the Court of Appeals, the issue regarding your appeal on your Lexington County case has been resolved and out of an abundance of caution I am resending some important information to you regarding the Lexington County appeal.

Please know that I do not believe there are any appealable issues arising out of this matter and I have submitted a form explaining this to the Court, which is required under Rule 203 (B).

This explanation to the Court does not take away your right to appeal issues arising out of your guilty plea. If you believe there exists an arguable basis to appeal an issue that has been properly preserved for appeal, you have (20) days from receipt of this letter to inform the South Carolina Court of Appeals of any issues that you would like to raise.

The mailing address for the Court of Appeals is as follows:

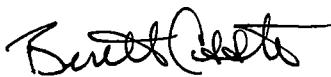
South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

The new assigned appellate case number is: **2013-002816**. The Court of Appeals has asked that you use this number on all future correspondence relating to this matter.

Sincerely,



Bennett Elliot Casto  
Tri-County Public Defender

STATE OF SOUTH CAROLINA )  
)  
)  
vs. )  
)  
)  
ERIC MARSH, )  
)  
Defendant. )  
\_\_\_\_\_ )

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Case Number: 2013-002816

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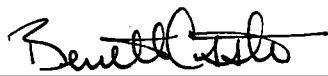
MAY 18 2016

**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. 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, 706 (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,

  
Bennett Elliot Casto  
Tri-County Public Defender  
407 W. Main Street  
Lexington, South Carolina  
(803) 785-8873

Lexington, South Carolina  
May 13, 2016

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