

NOTICE OF INTENT TO APPEAL  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
FROM AIKEN COUNTY  
THE HONORABLE DOYET A. EARLY, III  
OCTOBER 10, 2012

Indictment # 2012-GS-02-1314 -1315

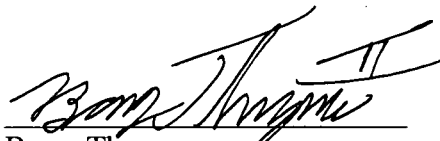
THE STATE OF SOUTH CAROLINA -- Respondent

VS.

MARION JOHNSON -- Appellant

NOTICE OF INTENT TO APPEAL

Marion Johnson pled guilty and was convicted of Forgery, value less than 10,000, 2 counts on October 8, 2012 before the Honorable Doyet A. Early, III in Aiken, South Carolina. He appeals his conviction and sentence.

  
Barry Thompson  
Attorney for Defendant

Other Counsel of record is:

Samuel Grimes  
Assistant Solicitor  
Second Judicial Circuit  
P.O. Drawer 3368  
Aiken, SC 29802

RECEIVED

OCT 15 2012

SC Court of Appeals

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

vs.

Indictment #: 2012-GS-02-01314  
2012-GS-02-01315


Marion Johnson,

Defendant.

**RULE 203(d)(1)(B)(iv) EXPLANATION**

Pursuant to Rule 203(d)(1)(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. 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,

  
\_\_\_\_\_  
Barry L. Thompson II  
Assistant Public Defender  
Aiken County Public Defender's Office  
Post Office Drawer 2247  
Aiken, SC 29802  
(803) 642-1732

Aiken, South Carolina  
October 10, 2012

RECEIVED  
OCT 15 2012  
SC COURT OF APPEALS

NOTICE OF INTENT TO APPEAL

State of South Carolina

Vs:

Marion Johnson- Appellant

2012-GS-02-1314-1315

CERTIFICATE OF SERVICE

I, Mary Rankin, 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 J. Strom Thurmond, 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, SC 29802

J. Strom Thurmond  
Solicitor  
Second Judicial Circuit  
Post Office Box 3368  
Aiken, SC 29802

Dated this 10 day of Oct., 2012

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

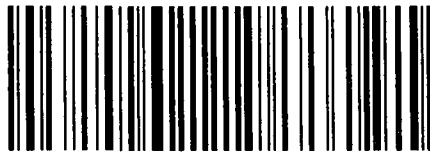
RECEIVED  
OCT 15 2012  
SC Court of Appeals

**Second Judicial Circuit Public Defender**

P.O. Drawer 2247

Aiken, SC 29802

**CERTIFIED MAIL™**



7007 2680 0000 2163 7274

neopost<sup>®</sup>

10/11/2012

**US POSTAGE**

FIRST-CLASS MAIL

**\$05.75<sup>0</sup>**



ZIP 29801  
041L11219893

SC Court of Appeals  
P.O.Box 11629  
Columbia, SC 29211

2921181629 8012



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

11  
11  
11  
11  
11