

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
)
State of South Carolina)
)
-vs-)
)
Lamar Jacquise Floyd, Appellant)
)
)
Defendant.)
)
_____)

Indictment No.: 2016-GS-46-1529
2015-GS-46-2580
2015-GS-46-2581
2015-GS-46-2582

RECEIVED

JUN 13 2016

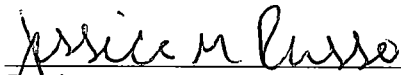
SC Court of Appeals

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 Five (5) years sentence upon the Appellant after he pled guilty to Possession of meth or cocaine base, 2nd offense (Indictment Nos. 2016-GS-46-1529) and received a sentence of Two (2) years, to run concurrent with the Probation Violation Revocations, (Indictment Nos. 2015-GS-46-2580; 2581; and 2582) of Five (5) years.

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,



Jessica M. Russo
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Donald A. Sibley

York, South Carolina

May 26, 2016



**16th JUDICIAL CIRCUIT
PUBLIC DEFENDER OFFICE
Moss Justice Center
PO Box 691
1675-1E York Hwy
York, SC 29745-0691**

CHARLOTTE NC 282

10 JUN 2016 PM



***V. Claire Allen, Deputy
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211***

RECEIVED

JUN 13 2016

SC Court of Appeals

2921181629

