

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
)
State of South Carolina)
)
-vs-)
)
James Odell Hughes)
)
Defendant.)
_____)

Indictment No.: 2016-GS-46-03819

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OCT 25 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 three (3) year probation sentence upon the Appellant after he pled guilty to Domestic Violence-1st degree and received two (2) years suspended on three (3) years probation.

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,

Zachary M. Merritt/db

Zachary M. Merritt

P.O. Box 691

York, South Carolina 29745

(803) 628-3031

Attorney for James Odell Hughes

York, South Carolina
October 21, 2016

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC
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COUNTY OF YORK

STATE VS.

JAMES ODELL HUGHES, II

AKA: James O Hughes, James Odell II Hughes

Race: White Sex: M Age: 37

DOB: 1979 SS#: 247-63-5872

Address: 1969 Beamguard Road

City, State, Zip: Clover, SC 29710

DL# 007450501 SID# SC01063604

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Domestic Violence, 1st Degree (0-10 yrs)

In violation of § 16-25-0020(A) of the S.C. Code of Laws, bearing CDR Code # 3811

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Jenny E. Desch, Assistant Solicitor (Signature) 80151 72806 SC Bar # Defendant James O Hughes (Signature) Attorney for Defendant (Signature) 102079 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 2 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 38 days

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

Set by SCDPPPS _____

Recipient: _____

Table with 3 columns: Fee Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1)(Conv. Surcharge) \$100, §14-1-211 (A)(2)(DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Prob) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40, 3% to County (if paid in installments) \$, TOTAL \$25.00

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: Comply w/ conditions of Supervision for Domestic Violence offenders

Appointed PD or appointed other counsel, Proviso §61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: _____ Judge Code: 2753
Judge Bar ID: _____
Sentence Date: 10-17-16

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Wanda Nelson

SCCA/217 (07/2016)

ORIGINAL

SENTENCE SHEET OCT 25 2016

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File

STATE OF SOUTH CAROLINA
COUNTY OF YORK


INDICTMENT

At a Court of General Sessions, convened on October 13, 2016, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 1ST DEGREE

The defendant, James Odell Hughes II, on or about July 13, 2016 in York County, South Carolina, did cause physical harm or injury to Jamie Nicole Warren, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition the defendant has two or more prior convictions for domestic violence within ten years of the current offense. All in violation of 16-25-0020(A), *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JENNY E. DESCH *Leslie Robinson*
ASSISTANT SOLICITOR

DAVID HAMILTON
S.C.P. & G.S.
YORK COUNTY, SC
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WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2016A4610201521

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016-GS-46-03819

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 13, TERM 2016

THE STATE

VS.

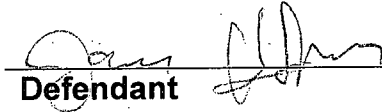
JAMES ODELL HUGHES, II

INDICTMENT FOR

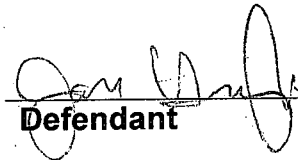
DOMESTIC VIOLENCE, 1ST DEGREE

SC Code: § 16-25-0020(A)
CDR Code: 3811

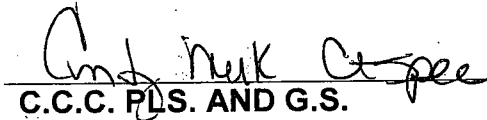
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.


Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to


Defendant

Witness:


C.C.C. PLS. AND G.S.