

ds

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
THE STATE)
)
vs.)
)
)
JONATHAN CHRISTIAN HUGHES,)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT

INDICTMENT NUMBERS:
2015GS3200897, 98

RULE 203(B) MEMORANDUM

RECEIVED

MAY 23 2016

SC Court of Appeals

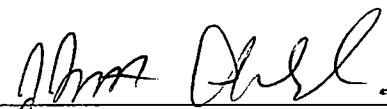
Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that there is a good faith basis to believe that an issue is properly before the Court of Appeals. The Defendant pled guilty to one count of Burglary in the First Degree and one count of Armed Robbery on April, 14, 2016 and was sentenced to forty (40) years on the Burglary charge and thirty (30) years on the Armed Robbery charge. The sentences were to run concurrently with each other. The undersigned did properly file a motion to reconsider the sentence on April 14, 2016. On April 21, 2016, the Honorable William H. Seals requested written grounds from both parties for the reconsideration of the sentence. Judge Seals subsequently denied the motion to reconsider on May 2, 2016.

The Defendant, through his attorney, based this motion on the grounds of the disparity of the sentence given to the Defendant as compared to a similarly situated codefendant. The codefendant pled on December 14, 2015 in front of the Honorable Frank R. Addy, Jr. to one count of Burglary First Degree and one count of Armed Robbery and received a twenty (20) year sentence to run concurrently with each other. As with the Defendant, the State dismissed two counts of Kidnapping charges and one count of Possession of a Weapon in the Commission of a Violent Crime with no other recommendations or negotiations from the State. The Defendant, through his attorney, submits to the court that there is no rational basis for the Defendant to receive a sentence double the length of that of a similarly situated codefendant, that the sentencing court abused its discretion in passing such a sentence, and that the sentence given to the Defendant violates the Eight Amendment to the United

States Constitution and the Article I, Section 15 of the South Carolina Constitution.

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 (4th Cir. 2005)

Respectfully submitted,



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May 19, 2016

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MAY 23 2016
SC Court of Appeals


Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, SC 29211

RE: The State v. Jonathan Hughes
Appellate Case No. 2016-000965

Dear Madam Clerk,

Pursuant to your letter dated May 12, 2016, please find attached "a written explanation showing there is an issue which can be reviewed on appeal" in accordance with Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules.

Sincerely,


Jason Scott Chehoski
Assistant Public Defender