

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

INDICTMENT #: 2016 GS 02 02373

vs.

JIMMY POWELL

DEFENDANT

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SG 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, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. The Defendant then did make contact with an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. 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 *Frazier v. South Carolina*, 430 F.3d 696, 706 (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



De Grant Gibbons
Circuit Public Defender
Post Office Drawer 2247
Aiken, South Carolina 29802
803-642-1732

November 17, 2016

Public Defender for the Second Judicial Circuit

211 York Street, NE
Post Office Drawer 2247
Aiken, South Carolina 29802

De Grant Gibbons, Circuit Public Defender

November 28, 2016

Mr. Jimmy Powell, 00370541
Kirkland Correctional Inst.
4344 Broad River Road
Columbia, South Carolina 29210

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SC Court of Appeals

Re: The State of South Carolina vs. Jimmy Powell
Appellate Case No. 2016-002351

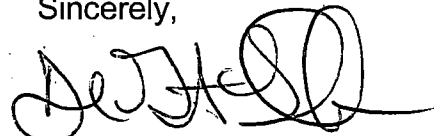
Dear Mr. Powell:

Please find a copy of the explanation I filed regarding the appeal. You have twenty (20) days from the date of this letter to inform the Court of Appeals in writing of any arguable basis that there are issues preserved for appeal. The address to which you should direct your correspondence is:

South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

You must use the appellate case number on all correspondence with the court relating to this matter.

Sincerely,



De Grant Gibbons
Circuit Public Defender

DGG:tpc
ENCLOSURE

Telephone: (803) 642-1732

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November 28, 2016

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SC Court of Appeals

The South Carolina Court of Appeals
ATTN: Jenny Abbott Kitchings
Post Office Box 11629
Columbia, South Carolina 29211

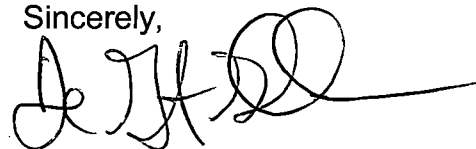
Re: The State v. Jimmy Powell
Appellate Case No. 2016-002351

Dear Ms. Kitchings:

Enclosed please find the letter to my client, Jimmy Powell, regarding the twenty (20) day time frame regarding his appeal.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,



De Grant Gibbons
Circuit Public Defender

DGG:tpc

ENCLOSURE

CERTIFIED MAIL®

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Public Defender
P.O. Box 2247
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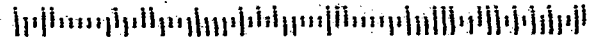
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SG Court of App

South Carolina Court Appeals
Attn: Jenny Abbott Kitchner
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