

ORIGINAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

The Honorable William P. Keesley., Circuit Court Judge

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JUN 20 2017

SC Court of Appeals

Case No. 2016-GS-32-00119

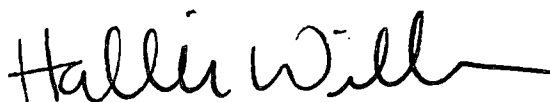
The State,.....Respondent,

v.

Jimmy O. Kanipe.....Appellant.

NOTICE OF APPEAL

Jimmy O. Kanipe appeals the denial of his motion to withdraw plea, or in the alternative reconsider the sentence in this case. The sentence was imposed by the Honorable William P. Keesley pursuant to a guilty plea on April 25, 2017. A hearing was held on June 8, 2017 on Defendant's Motion to Withdraw Plea or in the Alternative, Reconsider Sentence. This motion was subsequently denied.



Hallie M. Willm
Assistant Public Defender
206 E. Main Street
Lexington, SC 29072
(803) 785-8873

Other Counsel of Record:

Melanie Graham, Assistant Solicitor
205 East Main Street
Lexington, SC 29072

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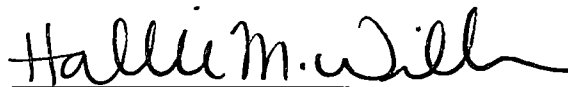
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EXPLANATION PURSUANT TO
RULE 203(d)(1)(B)(iv)

Pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, Undersigned counsel is filing this appeal at the request of Appellant. *See In re Anonymous Member of the Bar*, 303 S.C. 306, 400 S.E.2d 483 (1991); *see also Wilson v. State*, 348 S.C. 215, 218, 559 S.E.2d 581, 582 (2002). Counsel is unaware of any issues that are present and are preserved for appellate review.



Hallie M. Willm
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Lexington, SC 29072

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

INDICTMENT NUMBERS:

2016-GS-32-00119

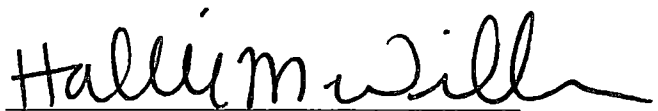
vs.

RULE 203(B)

JIMMY O. KANIPE,
Defendant.

Pursuant to Rule 203(B)(iv), the undersigned asserts that she does not have a good faith basis to believe that any issues are properly before the Court of Appeals. Nevertheless, the undersigned has consulted with the Appellant about his right to appeal, and after consultation, 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) ("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,



Hallie M. Willm
Lexington County Public Defender's Office
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Lexington, SC 29072
(803) 785-8873

Lexington, South Carolina
June 19, 2017

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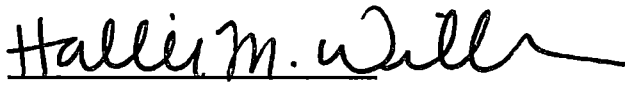
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PROOF OF SERVICE

JUN 20 2017

SC Court of Appeals

I certify that I have served the Notice of Appeal on Melanie Graham, Assistant Solicitor, by depositing a copy of it in the United States Mail, postage prepaid, on June 19, 2017, addressed to Melanie Graham, Esq., 205 East Main Street, Lexington, SC 29072.



Hallie M. Willm
Assistant Public Defender
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Lexington, SC 29072

OFFICE OF THE PUBLIC DEFENDER

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Eleventh Judicial Circuit
Lexington, Saluda, Edgefield,
and McCormick Counties

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June 19, 2017

The Honorable Jenny Kitchings
Clerk of Court for Court of Appeals
1220 Calhoun St.
Columbia, SC 29201

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SC Court of Appeals

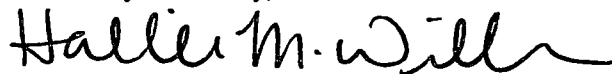
Re: **The State vs. Jimmy O. Kanipe (Notice of Appeal)**

Dear Ms. Kitchings:

I have enclosed an original and one copy of the Notice to Appeal in the above matter for filing in your office. Please file the original and return the date/time stamped copy to me in the envelope provided.

I am, by copy of this letter, serving a copy of this Notice to Appeal on Assistant Solicitor Melanie Graham and Chief Appellate Defender Robert Dudek, together with my Certificate of Service. Thank you for your assistance in this matter.

Yours Very Sincerely,



Hallie M. Willm
Assistant Public Defender

Enclosures

cc: Melanie Graham, Assistant Solicitor
205 East Main Street
Lexington, SC 29072

Robert M. Dudek, Chief Appellate Defender
P.O. Box 11589
Columbia, SC 29211

Jimmy O. Kanipe
South Carolina Department of Corrections

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COLUMBIA, SC 29211



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Columbia, SC 29211