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IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

OCT 06 2017
SC Court of Appeals

The Honorable R. Markley Dennis, Jr.

Case No. 2017-001832

The State of South Carolina Respondent
v.
Montre DeSean Brown. Appellant

AMENDED NOTICE OF INTENT TO APPEAL

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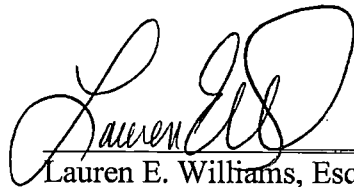
The State of South Carolina Respondent
v.
Montre DeSean Brown. Appellant

PROOF OF SERVICE

I hereby certify that I have served a copy of the Amended Notice of Intent to Appeal on:

1) Respondent State of South Carolina via delivery by U.S. Mail, postage prepaid, on the 4th day of October, 2017, addressed to its counsel of record, Burns Wetmore, Esq., Charleston County Solicitor's Office, 101 Meeting St., Ste. 400, Charleston, SC 29403, and

2) Appellant Montre D. Brown via delivery by U.S. Mail, postage prepaid, Mr. Montre Brown, SCDC # 00347523, Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210.

A handwritten signature in black ink, appearing to read "Lauren E. Williams", is written over a horizontal line.

Lauren E. Williams, Esq.
S.C. Bar # 75158
Williams & Walsh, LLC
652 Rutledge Ave., Unit B
Charleston, SC 29403
(843) 722-0157

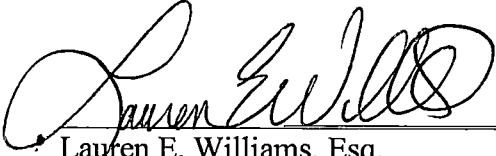
Charleston, South Carolina,
October 4, 2017.

Montre D. Brown appeals his conviction and sentence in the above-captioned matter. The sentence was imposed by the Honorable R. Markley Dennis, Jr. following the Defendant/Appellant's guilty plea on August 25, 2017. Upon information and belief, the Appellant submitted a *Pro Se* Notice of Intent to Appeal to this Honorable Court following his guilty plea hearing. Thereafter, this Honorable Court instructed the undersigned to correct the deficiencies in the Defendant/Appellant's *Pro Se* Notice of Intent to Appeal by correspondence dated September 14 and 27, 2017.

Pursuant to the mandate of Rule 203(d)(1)(B)(iv), the Defendant/Appellant asserts that the issues to be raised on appeal may include whether the trial court abused its discretion in imposing a prison sentence of twenty-eight years, balance suspended upon the service of eighteen year, upon the Defendant/Appellant after he entered a guilty plea in the above-captioned case.

Upon information and belief, 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. The undersigned duly consulted with the Defendant/Appellant about his right to appeal prior to his guilty plea, and following his plea and sentencing, the Defendant/Appellant filed the aforementioned *Pro Se* Notice of Intent to Appeal. As this Honorable Court has instructed via correspondence dated September 14 and 27, 2017, the undersigned files the instant Amended Notice at the direction of this Court and 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 in behalf of his client.’”) (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).



Lauren E. Williams, Esq.
S.C. Bar # 75158
Williams & Walsh, LLC
652 Rutledge Ave., Unit B
Charleston, SC 29403
(843) 722-0157

Charleston, South Carolina,
October 4, 2017.

MONTRE DESEAN BROWN

AKA:

Race: Black/African American

Sex: M

DOB: _____ SS#: _____

Address: _____

City, State, Zip: North Charleston, SC 29405-7384

DL# _____ SID# SCG1929181

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Voluntary Manslaughter (2 - 30 y)

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

Mandatory GPS §17-25-45

(CSC w/minor 1st or Lewd Act)

Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

Negotiated Sentence, Recommendation by the State.

The charge is: As indicted, Lesser Included Offense,

The plea is: Without Negotiations or Recommendation,

ATTEST:

Burns Malpas Wetmore, Asst. Solicitor SC Bar # 7241

Montre Brown, Defendant

Saron E. Wilkins, Attorney for Defendant

75158 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 28 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 18 days/months/years and or payment of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____ 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. 955 day

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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Ordered PTUP _____ days/hours Public Service Employment

Obtain GED

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: _____

Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: R. J. ...

Judge Code: 2060

Sentence Date: 8-25-17

Clerk of Court/Deputy Clerk: Crystal Smith

Court Reporter: _____

INDICTMENT/CASE#: 2015GS1002263
A/W: 2015A1010200160
Date of Offense: 01/09/2015
S.C. Code §: 16-03-0010, 0020
CDR Code #: 0116

RECEIVED

SENTENCE SHEET OCT 06 2017

SC Court of Appeals

CONVICTED OF or

PLEADS

MONTRE DESEAN BROWN

AKA: _____
Race: Black/African American Sex: M
DOB: _____ SS#: _____
Address: _____
City, State, Zip: North Charleston, SC 29405-7384
DL# _____ SID# SC01929181

INDICTMENT/CASE#: 2015GS1002263
A/W: 2015A1010200160
Date of Offense: 01/09/2015
S.C. Code §: 16-03-0010, 0020
CDR Code #: 0116

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SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 7242 Burps Malbae Wetmore, Asst. Solicitor SC Bar # _____
[Signature] Montre Brown Defendant
[Signature] Lauren E. Wilcox 75158 Attorney for Defendant SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 28 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 18 days/months/years and or payment of \$ _____ plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

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SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____ Obtain GED

Payment Terms: _____
 Set by SCDPPPS _____
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

Recipient: _____	
*Fine: _____	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ <u>100.00</u>
§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 \$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ <u>3.75</u>
TOTAL	\$ <u>128.75</u>

Other: _____
_____ 7430

Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: Krystal Smith

Presiding Judge: [Signature]
Judge Code: 2060
Sentence Date: 8-25-17