

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

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2018 JUL 13 PM 2:55

DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

Case No.: 2018-GS-46-00972, 2018-GS-46-00793

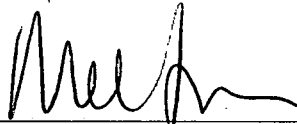
The State of South Carolina, Respondent

v.

Scott Carlton Bowers, Appellant

NOTICE OF APPEAL

Scott Carlton Bowers appeals his conviction and the sentence imposed by the Honorable Roger L. Couch. On July 10, 2018, the Appellant pled to Driving Under the Influence 1st offense (Indictment No. 2018-GS-46-00792) and Habitual Traffic Offender (Indictment No. 2018-GS-4600793). The Appellant received a sentence of time served on Indictment No. 2018-GS-46-00792 and a sentence of three (3) years on Indictment No. 2018-GS-46-00793.



Melissa A. Inzerillo
Assistant Public Defender
Sixteenth Judicial Circuit
P.O. Box 691
York, SC 29745
(803) 628-3031
Attorney for Appellant

This 13 day of July 2018,
York, South Carolina

Other Counsel of record:
Matthew Shelton, Assistant Solicitor
Sixteenth Judicial Circuit
1675-1A York Highway
York, SC 29745
(803) 628-3020

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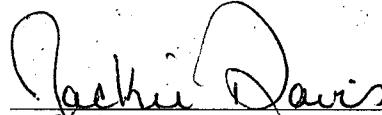
The State of South Carolina, Respondent

v.

Scott Carlton Bowers, Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Scott Carlton Bowers was served upon Assistant Solicitor Matthew Shelton on July 13, 2018, by hand-delivering a copy to the Solicitor's Office, second floor of the Moss Justice Center, 1675 York Highway, York, South Carolina, by the undersigned.



Jackie Davis
Legal Secretary for Melissa A. Inzerillo
Attorney for the Defendant

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
Scott Carlton Bowers,)
)
)
Defendant.)
)
_____)

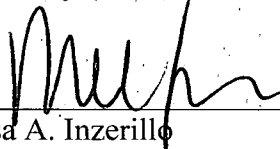
Indictment Nos.: 2018-GS-46-00792,
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DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

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 time served and 3 year concurrent sentences upon the Appellant after he pled guilty to Driving Under the Influence 1st offense and Habitual Traffic Offender.

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,



Melissa A. Inzerillo
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Scott Carlton Bowers

York, South Carolina

July 13, 2018

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SC Court of Appeals

**Sixteenth Circuit
Public Defender
Office**

Moss Justice Center
1675-1E York Highway
P.O. Box 691
York, S.C. 29745



Harry A. Dest
Sixteenth Circuit Defender

July 13, 2018

Scott Carlton Bowers, SCDC# 00298832
Kirkland R&E
4344 Broad River Road
Columbia, SC 29210


Dear Mr. Bowers:

Enclosed please find certified copies of the Notice of Appeal, Rule 203(B) Explanation and Certificate of Service regarding your recent guilty plea. Please note that you must inform the South Carolina Court of Appeals in writing, within **twenty (20) days** of the date of this letter, of any arguable basis that there are issues preserved for appeal.

You must send your arguments for your appeal to the following address:

**South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211**

Sincerely,


Melissa A. Inzerillo
Assistant Public Defender
Sixteenth Judicial Circuit

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SC Court of Appeals

MAI/jmd

Enclosure

cc: South Carolina Court of Appeals

Bryson J. Barrowclough
Deputy Public Defender

Stacey D. Coleman
Juvenile Division

Melissa A. Inzerillo
Philip L. Smith
Sr. Assistant Public Defenders

Assistant Public Defenders
Mindy Lipinski
Mark McKinnon
Jessica Russo
Charles Rudnick
Monier Abusoft
Raia J. Hirsch
Devon Nielson
Jeffery B. Zuschke

Magistrate Court Division
Toni Johnson
Sherril Alford
Harris Kaufman

Union County Public Defender
Erik D. Delaney
Jenny Williams

**Sixteenth Circuit
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Office**

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Harry A. Dest
Sixteenth Circuit Defender

July 13, 2018

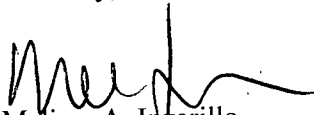
The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: Scott Carlton Bowers (Indictment Nos.: 2017-GS-46-00792, 2017-GS-46-00793)

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal, Rule 203(B) Explanation, and Certified Certificate of Service in the above captioned matter. On July 10, 2018, the Appellant pled guilty Driving Under the Influence 1st offense and Habitual Traffic Offender. The Appellant received of time served on the Driving Under the Influence charge and three(3) years on the Habitual Traffic Offender charge. Copies of these documents were sent under separate cover letter to the defendant. A copy of said letter is included in this packet.

Sincerely,


Melissa A. Inzerillo
Assistant Public Defender
Sixteenth Judicial Circuit

MAI/jmd

Enclosures

Bryson J. Barrowclough
Deputy Public Defender

Stacey D. Coleman
Juvenile Division

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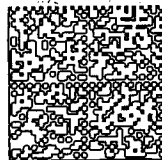
16th JUDICIAL CIRCUIT
PUBLIC DEFENDER OFFICE
Moss Justice Center
P.O. Box 691
1675-1E York Highway
York, South Carolina 29745

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SC Court of Appeals



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