

STATE OF SOUTH CAROLINA )  
)  
IN THE COURT OF APPEALS )  
State of South Carolina )  
)  
-vs- )  
)  
Kejuan Deangelo Dye, )  
)  
)  
Defendant. )  
)  
\_\_\_\_\_ )

Indictment Nos.: 2018-GS-46-05367,  
2018-GS-46-08061

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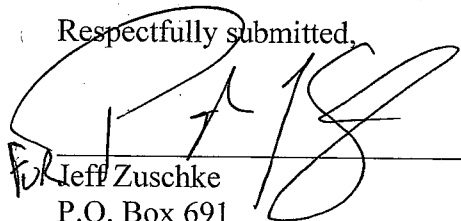
SC Court of Appeals

**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 8 year and 5 year concurrent sentences upon the Appellant after he pled guilty to Assault and Battery of a High and Aggravated Nature and Criminal Conspiracy.

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 (4<sup>th</sup> 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,

  
\_\_\_\_\_  
For Jeff Zuschke

P.O. Box 691  
York, South Carolina 29745  
(803) 628-3031  
Attorney for Kejuan Deangelo Dye

York, South Carolina

November 21, 2018

FILED-RECEIVED  
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DAVID HAMILTON  
C.C.P. & GS  
YORK COUNTY, SC

COUNTY OF YORK

STATE VS.

KEJUAN DEANGELO DYE

AKA: Ke'juan De'angelo Dye

Race: Black

Sex: M

Age: 25

DOB: \_\_\_\_\_

SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_

SID# SC01964725

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

INDICTMENT/CASE#: 2018-GS-46-05367

A/W: 2018A4610201050

Date of Offense: 06/30/2018

S.C. Code §: 16-03-0600(B)(1)

CDR Code #: 3411

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SC Court of Appeals

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45 (CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:

Marina Hamilton 80383  
Marina B. Hamilton, Assistant Solicitor SC Bar #

Mr. Kejuan Deangelo  
Defendant

[Signature] 102416  
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 8 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 \_\_\_\_\_ 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 SCDOC.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 140 days

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  Ordered PTUP \_\_\_\_\_ days/hours Public Service Employment  
Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_ pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_ \$ \_\_\_\_\_ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_ Other: \_\_\_\_\_

Proviso (Public Def/Probation) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§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) \$ \$ \_\_\_\_\_

TOTAL \$ 125.00

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [Signature]

Judge Code: 2753

Sentence Date: 11-16-18

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Wanda Nelson

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

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INDICTMENT

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

At a Court of General Sessions, convened on October 11, 2018, the Grand Jurors of York County present upon their oath:

**ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE**

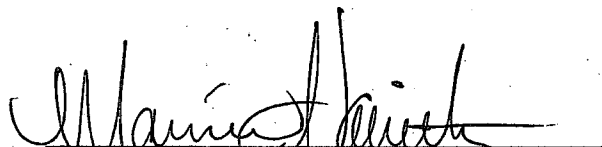
The defendant, Kejuan Deangelo Dye, did on or about June 30, 2018, in York County, South Carolina, unlawfully injure Randall Clayton Bigham and did cause great bodily injury. All in violation of 16-03-0600(B)(1), *Code of Laws of South Carolina*, (1976, as amended).

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SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
MARINA B. HAMILTON  
ASSISTANT SOLICITOR

COUNTY OF YORK

STATE VS.

KEJUAN DEANGELO DYE

AKA: Ke'juan De'angelo Dye

Race: Black

Sex: M

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID# SC01964725

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Criminal Conspiracy (NMT 5 years or \$5,000)

In violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

INDICTMENT/CASE#: 2018-GS-46-08061

A/W: 2018A4610201871

Date of Offense: 10/19/2018

S.C. Code §: 16-17-0410

CDR Code #: 0049

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SC Court of Appeals

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. ADP (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST  
Marina B. Hamilton 80383  
Marina B. Hamilton, Assistant Solicitor SC Bar #

MR. Dye  
Defendant

[Signature] 102416  
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 5 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 \_\_\_\_\_ 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 SCDoc.

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  Ordered PTUP \_\_\_\_\_ days/hours Public Service Employment

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

Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

§ 14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

§ 14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

§ 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§ 56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso (Public Def/Probation) \$500 \$ \_\_\_\_\_

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 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) \$ \$ \_\_\_\_\_

TOTAL \$ 125.00

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,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge: [Signature]

Judge Code: 263

Sentence Date: 11-26-18

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Wanda Nelson

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COUNTY OF YORK

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CLERK OF COURT  
YORK COUNTY, SC

INDICTMENT

NOV 26 2018

SC Court of Appeals

At a Court of General Sessions, convened on January 17, 2019, the Grand Jurors of York County present upon their oath:

**CRIMINAL CONSPIRACY**

The defendant, Kejuan Deangelo Dye, did on or about October 19, 2018, in York County, South Carolina, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree, or have tacit understanding with other prisoners for the purpose of committing the crime of malicious injury to jail and/or escape, all in violation of Section 16-17-0410, Code of Laws of South Carolina (1976, amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
MARINA B. HAMILTON  
ASSISTANT SOLICITOR