

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
Delvinche Keon Williams,)
)
Defendant.)
_____)

Indictment Nos.: 2018-GS-46-07460,
2018-GS-46-07461

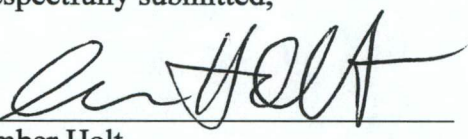
FILED-RECEIVED
2019 FEB -7 AM 10:14
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

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 (5) five year and (2) two days and (3) three year's probation sentences upon the Appellant after he pled guilty to Possession with Intent to Distribute Methamphetamine 1st and Unlawful Carrying of a Pistol.

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,



Amber Holt
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Delvinche Keon Williams

York, South Carolina

February 7, 2019

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FEB 11 2019
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**

**Bryson J. Barrowclough
Deputy Public Defender**

**Stacey D. Coleman
Juvenile Division**

**Melissa A. Inzerillo
Philip L. Smith
Mindy Lipinski
Mark McKinnon
Sr. Assistant Public Defenders**

**Assistant Public Defenders
Chris Bonds
Amber Holt
Mike Morin
Devon Nielson
Charles Rudnick
Jessica Russo
Jeff Zuschke**

**Magistrate Court Division
Harris Kauffma
Toni Johnson
Yale Haymond**

**Union County Public Defender
Erik D. Delaney
Jenny Williams**

February 7, 2019

Delvinche Keon Williams
1675 York Hwy Ste. 2A
York, South Carolina 29745

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SC Court of Appeals

Dear Mr. Williams:

Enclosed please find certified copies of the Notice of Appeal, Rule 203(B) Explanation, and Certified Certificate of Service regarding your recent 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,

Amber Holt
Assistant Public Defender
Sixteenth Judicial Circuit

ABH/mns
Enclosure
Cc: South Carolina Court of Appeals

COUNTY OF YORK
STATE VS.

DELVINCHE KEON WILLIAMS

AKA: _____
Race: Black Sex: M Age: 37
DOB: 06/26/1981 SS: _____
Address: _____
City, State, Zip: York, SC 29745-0000
DI _____ SID# _____

INDICTMENT/CASE#: 2018-GS-46-07460
A/W: 2018GS4607460
Date of Offense: 02/02/2018
S.C. Code §: 44-53-375(B)
CDR Code #: 3198

ORIGINAL

SENTENCE SHEET

*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: **Possession with Intent to Distribute Methamphetamine 1st Offense (NMT 15 YEARS &/OR \$25,000)**

In violation of § 44-53-375(B) of the S.C. Code of Laws, bearing CDR Code # 3198

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

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:

Daniel K. Porter 101574
Daniel K. Porter, Assistant Solicitor SC Bar #

[Signature] 103192
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 2 days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3
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: all 1/31/19 pleas

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 _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

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

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

§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

§14-1-213 (Drug Court Surcharge) \$150 \$ 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 \$ 275

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning FEB 11 2019

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: \$10/mo supervision fee

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Aileen Butler

Presiding Judge: [Signature]

Judge Code: 2761

Sentence Date: 1-31-19

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FEB 11 2019

SC Court of Appeals

YORK COUNTY, SOUTH CAROLINA
CLERK OF COURT
DAVID HAMILTON
FEB-6 PM 4:58
DEPT. OF TRUE COPY

STATE OF SOUTH CAROLINA
COUNTY OF YORK

DIRECT INDICTMENT

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

POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE

The defendant, Delvinche Keon Williams, did on or about February 2, 2018, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase methamphetamine in violation of the provisions of Section 44-53-370, all in violation of Section 44-53-375(B), Code of Laws of South Carolina (1976, as amended).

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



DANIEL K. PORTER
ASSISTANT SOLICITOR

YORK COUNTY, SC
CLERK OF COURT
DAVID HAMILTON
2019 FEB 6 PM 4:58
CERTIFIED TRUE COPY

WITNESSES

SCHP

Witnessing Officer: *Hassen*

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL

MD Barnett

Foreperson of Grand Jury

Date: *10-11-18*

VERDICT

Foreperson of Petit Jury

Date:

DIRECT INDICTMENT
DOCKET NO. 2018-GS-46-07460

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 11, TERM 2018

THE STATE

VS.

DELVINCHE KEON WILLIAMS

DIRECT INDICTMENT FOR
POSSESSION WITH INTENT TO
DISTRIBUTE METHAMPHETAMINE

SC Code: § 44-53-375(B)

CDR Code: 3198

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

[Signature]
Defendant

Witness:

[Signature]
C.C.C. PLS. AND G.S.

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FEB 11 2019
SC Court of Appeals

CERTIFIED TRUE COPY
2019 FEB - 6 PM 4: 58
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

COUNTY OF YORK

STATE VS.

DELVINCHE KEON WILLIAMS

INDICTMENT/CASE#: 2018-GS-46-07461
A/W: 2018A4610200170
Date of Offense: 02/02/2018
S.C. Code §: 16-23-0020
CDR Code #: 0044

AKA:
Race: Black Sex: M Age: 37
DOB:
Address:
City, State, Zip: York, SC 29745-0000
DL# SID#

CERTIFIED TRUE COPY
2019 FEB - 7 AM 10:15
ORIGINAL
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

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

TO: Unlawful Carrying of a Pistol (NMT 1 YEAR &/OR \$1,000)

In violation of § 16-23-0020 of the S.C. Code of Laws, bearing CDR Code # 0044

[X] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS [] §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: [X] As indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury.
The plea is: [] Without Negotiations or Recommendation, [X] Negotiated Sentence, [] Recommendation by the State.

ATTEST: Daniel K. Porter, Assistant Solicitor 101574 SC Bar # Defendant Attorney for Defendant 103192 SC Bar #

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections [] County Detention Center,
for a determinate term of 1 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 2 days/months/years and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

[X] CONCURRENT or [] CONSECUTIVE to sentence on: all 1/31/19 pleas
[X] 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
Total: \$ plus 20% fee: \$ days/hours Public Service Employment
Payment Terms: Obtain GED []

[] Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1)(Conv. Surcharge) \$100, §14-1-211 (A)(2)(DUI Surcharge) \$25, §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, §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.

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: \$10/mo supervision fee

[] 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:
Judge Code:
Sentence Date: 1-31-19

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Aileen Butler

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CERTIFIED TRUE COPY

2019 FEB 7 AM 10:17

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:

UNLAWFUL CARRYING OF A PISTOL

The defendant, Delvinche Keon Williams, did in York County, South Carolina, on or about February 2, 2018, unlawfully carry about his or her person a handgun, whether concealed or not, all in violation of Section 16-23-20, Code of Laws of South Carolina (1976, as amended).

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


DANIEL K. PORTER
ASSISTANT SOLICITOR

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FEB 11 2019
CLERK OF COURT

WITNESSES

SCHP

Witnessing Officer: *Hassen*

ARREST WARRANT NUMBER

2018A4610200170

ACTION OF GRAND JURY

TRUE BILL

MO Barrett

Foreperson of Grand Jury

Date: *10-11-18*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-07461

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

OCTOBER 11, TERM 2018

THE STATE

VS.

DELVINCHE KEON WILLIAMS

INDICTMENT FOR

UNLAWFUL CARRYING OF A PISTOL

SC Code: § 16-23-0020

CDR Code: 0044

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

[Signature]
Defendant

Witness:

[Signature]
C.C.C. PLS. AND G.S.

RECEIVED

FEB 11 2019

SC Court of Appeals