

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

APPEAL FROM YORK COUNTY
Court of General Sessions

Daniel D. Hall, Circuit Court Judge

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2019 MAR 27 AM 11:23
DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

Case No.: 2018-GS-46-05920, 2018-GS-46-05921, 2018-GS-46-05922

The State of South Carolina, Respondent
vs
Daniel D. Hall, Appellant

NOTICE OF APPEAL

David Allen Naundorff appeals his guilty plea and the sentence imposed by the Honorable Daniel D. Hall. On March 25, 2019 the Appellant pled guilty to Resisting Arrest on indictment no: 2018-GS-46-05921 and Possession of Methamphetamine 1st on indictment no: 2018-GS-46-05922 and Shoplifting-Enhancement on indictment no: 2018-GS-46-05920


Jonathan C. Bonds
Senior Public Defender

This 27 day of March, 2019
York, South Carolina

Other Counsels of Record:
Paul Walton
16th Circuit Solicitor
1675-1A York Hwy
York, SC 29745
(803)628-3020

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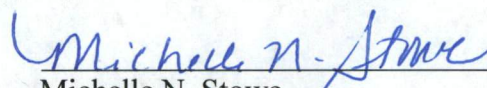
Case No.: 2018-GS-46-05920, 2018-GS-46-05921, 2018-GS-46-05922

The State of South Carolina, Respondent
v.
David Allen Naundorff., Appellant

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Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. David Allen Naundorff was served upon counsel for the State, Paul Walton, 16th Circuit Solicitor on March 27, 2018 by hand-delivering a copy to his office located at the 1675-1A York Hwy, York, South Carolina, 29745 by the undersigned.



Michelle N. Stowe
Legal Secretary for Jonathan C. Bonds,
Assistant Public Defender

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
David Allen Naundorff,)
)
)
Defendant.)
)
_____)

Indictment Nos.: 2018-GS-46-05920,
2018-GS-46-05921,
2018-GS-46-05922

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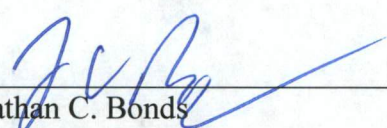
DAVID HAMILTON
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YORK COUNTY, SC

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, (12) twelve months concurrent credit for time served (17) seventeen days and (24) twenty four months concurrent credit for time served (17) seventeen days sentences upon the Appellant after he pled guilty to Resisting Arrest, Possession of Methamphetamine 1st and Shoplifting-Enhancement.

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,



Jonathan C. Bonds
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for David Allen Naundorff

York, South Carolina
March 27, 2019

**Sixteenth Circuit
Public Defender
Office**

**Moss Justice Center
1675-1E York Highway
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**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
Adrian Peguese
Jessica Russo
Jeff Zuschke**

**Magistrate Court Division
Harris Kauffma
Toni Johnson
Roni Yasheav**

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

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1675 York Hwy Ste. 2A
York, South Carolina 29745

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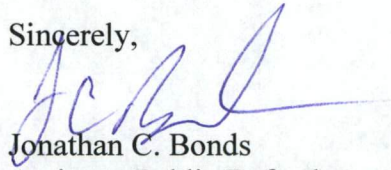
Dear Mr. Naundorff:

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,


Jonathan C. Bonds
Assistant Public Defender
Sixteenth Judicial Circuit

JCB/mns
Enclosure
Cc: South Carolina Court of Appeals

**Sixteenth Circuit
Public Defender
Office**

Moss Justice Center
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March 27, 2019

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

Re: David Naundorff (Indictment Nos.: 2018-GS-46-05920, 2017-GS-46-05921, 2018-GS-46-05922)

Dear Mr. Naundorff:

Enclosed please find the Notice of Appeal, Rule 203(B) Explanation, and Certified Certificate of Service in the above captioned matter. On March 25, 2019, the Appellant pled guilty to Resisting Arrest; Possession of Methamphetamine 1st and Shoplifting Enhancement. The Appellant received of time served on the Possession of Methamphetamine 1st (12) twelve months concurrent credit for time served (17) seventeen days on the Resisting Arrest and (24) twenty four months concurrent credit for time served (17) seventeen days on the Shoplifting-Enhancement. Copies of these documents were sent under separate cover letter to the defendant. A copy of said letter is included in this packet.

Sincerely,

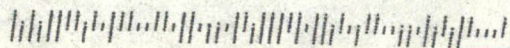
Jonathan C. Bonds
Assistant Public Defender
Sixteenth Judicial Circuit

JCB/mns
Enclosures

Chris Bonds
Assistant Public Defender
P.O. Box 691
York, SC 29745



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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
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