

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
Michael Martin Deal,)
)
Defendant.)
_____)

Indictment Nos.: 2018-GS-46-04884

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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 (60) Sixty day sentence upon the Appellant after he pled guilty to Domestic Violence 3rd Degree.

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 B. Holt
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Michael Martin Deal

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

2019 APR 25 AM 9:53

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York, South Carolina

April 24, 2019

COUNTY OF YORK

STATE VS.

MICHAEL MARTIN DEAL

AKA:

Race: White Sex: M Age: 46

DOB: SS:

Address:

City, State, Zip:

DL: SID# SC01057445

*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: Domestic Violence, 3rd Degree (NMT 90 days &/or \$1000-2500)

In violation of § 16-25-20(D) of the S.C. Code of Laws, bearing CDR Code # 3813

INDICTMENT/CASE#: 2018-GS-46-04884
A/W: 2018A4610200888
Date of Offense: 05/31/2018
S.C. Code §: 16-25-20(D)
CDR Code #: 3813

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ORIGINAL

SENTENCE SHEET

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

ATTEST:

Leslie D. Robinson, Assistant Solicitor SC Bar # 80151
Defendant
Attorney for Defendant PROSE SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 60 days/months/years or under the Youthful Offender Act not to exceed
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
Total: \$ plus 20% fee: \$
Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. Or Job Corp.
May serve W/E beginning
Substance Abuse Counseling

Recipient: Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ Beginning
\$ Paid to Public Defender Fund

Table with 3 columns: Description, Amount, Total. Includes items like Assessments, Surcharges, and Fees.

Other: Suspended on completion
of DV diversion program
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: Shirley Broom

Presiding Judge: [Signature]
Judge Code: 2761
Sentence Date: 1-10-19

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

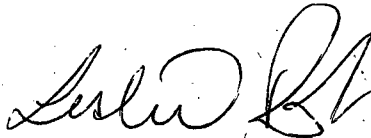
At a Court of General Sessions, convened on August 16, 2018, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 3RD DEGREE

The defendant, Michael Martin Deal, on or about May 31, 2018, in York County, South Carolina, did cause physical harm or injury to Katie Elizabeth Deal, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. All in violation of 16-25-20(D), *Code of Laws of South Carolina* (1976, as amended).

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

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


LESLIE D. ROBINSON
ASSISTANT SOLICITOR

REC'D CIVIL RIGHTS DIVISION
APR 25 2019 10:00 AM
COURT CLERK'S OFFICE
YORK COUNTY, SOUTH CAROLINA

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2018A4610200888

ACTION OF GRAND JURY

TRUE BILL

mo Barrett

Foreperson of Grand Jury

Date: 8-16-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-46-04884

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 16, TERM 2018

THE STATE

VS.

MICHAEL MARTIN DEAL

INDICTMENT FOR

DOMESTIC VIOLENCE, 3RD DEGREE

SC Code: § 16-25-20(D)
CDR Code: 3813

100 APR 22 10 09 AM '19

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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

Michael Martin Deal
Defendant

Witness:

J Childers Court Specialist
C.C.C. PLS. AND G.S.

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**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
Adrian Peguese
Jessica Russo
Jeff Zuschke**

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

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

Michael Martin Deal
1675 York Hwy Ste. 2A
York, South Carolina 29745

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Dear Mr. Deal:

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 B. Holt
Assistant Public Defender
Sixteenth Judicial Circuit

ABH/mns
Enclosure
Cc: South Carolina Court of Appeals