

STATE OF SOUTH CAROLINA)
)
COUNTY OF UNION)
)
_____)
THE STATE)
)
vs-)
)
BRANDY WADE WILSON)
)
Appellant.)
_____)

IN THE COURT OF APPEALS

Indictment No(s): 2018-GS-44-1728, 2019-GS-44-0227

Warrant #: 2018A4410100666, 2018A4410200205

RULE 203 (B) EXPLANATION

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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 a sentence of two (2) years. The appellant pled guilty to Shoplifting-Enhanced and Possession of Meth 1st offense was sentenced by the Honorable Judge J. Mark Hayes.

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,



Jennifer N. Williams,
Public Defender, Union County, SC
P.O. Box 1
Union, South Carolina 29379
(864) 319-1315
Attorney for Brandy Wade Wilson.

Union, South Carolina
April 22, 2019

DOCKET NO. 2019-GS-44-0227

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

WITNESSES

Bassett/UCSO

**The State of South Carolina
County of Union**

Defendant

COURT OF GENERAL SESSIONS

MARCH 18 TERM, 2019

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

ARREST WARRANT NUMBER

2018A4410200205

THE STATE

vs.

BRANDY WADE WILSON

Brandy W. Wilson
Defendant

Witness:

Melanie Lawson
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Glenn Sullivan
Foreperson of Grand Jury
Date:

VERDICT

Indictment for

POSSESSION OF METHAMPHETAMINE

SC Code: 44-53-375
CDR Code: 3009

Foreperson of Petit Jury
Date:

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WITNESSES

George/UCSO

**The State of South Carolina
County of Union**

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

Defendant

COURT OF GENERAL SESSIONS

DECEMBER 17 TERM, 2018

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

ARREST WARRANT NUMBER
2018A4410100666

THE STATE

Brandy W Wilson
Defendant

vs.

BRANDY WADE WILSON

Witness:
Me James L. Lawton
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: 12-17-18

VERDICT

**Indictment for
SHOPLIFTING**

SC Code: 16-13-110
CDR Code: 2877

Foreperson of Petit Jury
Date:

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COUNTY OF UNION

STATE VS.

BRANDY WADE WILSON

AKA: Brandy M Wade

Race: White Sex: F Age: 40

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED] SID# SC01216777

*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-44-1728
A/W: 2018A4410100666
Date of Offense: 10/25/2018
S.C. Code §: 16-13-0110(A) and 16-1-57
CDR Code #: 2877

SENTENCE SHEET

[] CONVICTED OF or [x] PLEADS

TO: Shoplifting (enhanced)

In violation of § 16-13-110(A) of the S.C. Code of Laws, bearing CDR Code # 2877

[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. (def.'s initials)
The plea is: [] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST: Michael Q Gault, Assistant Solicitor 101205 SC Bar #

Brandy W. Wilson Defendant

Attorney for Defendant 101427 72550 SC Bar #

WHEREFORE, the Defendant is committed to the [x] State Department of Corrections [] County Detention Center, for a determinate term of 2 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.

[x] 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. YDA

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: \$ _____ Obtain GED []
Payment Terms: _____

[] 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) \$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, §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 \$128.75

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

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Other: _____

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[] 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: 2132

Sentence Date: April 18, 2019

Clerk of Court/Deputy Clerk: Melaine Lawson
Court Reporter: A. Rene Butler
SCCA/217 (04/2018)

COUNTY OF UNION

STATE VS.

BRANDY WADE WILSON

AKA: Brandy M Wade

Race: White Sex: F Age: 41

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL#: [redacted] SID# SC01216777

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

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

INDICTMENT/CASE#: 2019-GS-44-0227
A/W: 2018A4410200205
Date of Offense: 01/28/2019
S.C. Code §: 44-53-375(A)
CDR Code #: 3009

SENTENCE SHEET 0-3

TO: Poss. Meth 1st offense

In violation of § 44-53-375(A) of the S.C. Code of Laws, bearing CDR Code # 3009

[] CONVICTED OF or [x] PLEADS

[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. (def.'s initials)

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

ATTEST:

Michael Q Gault, Assistant Solicitor 101205 SC Bar #

Brandy W. Wilson Defendant

Attorney for Defendant 101427 72550 SC Bar #

WHEREFORE, the Defendant is committed to the [x] State Department of Corrections [] County Detention Center, for a determinate term of 2 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.

[x] CONCURRENT or [] CONSECUTIVE to sentence on:

[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. 5 day

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.

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:

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 \$150.00

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ \$8.25

TOTAL \$283.25

[] 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: 2732

Sentence Date: April 18, 2019

Clerk of Court/Deputy Clerk: Melanie Lawson

Court Reporter: A. Rene Batten

SCCA/217 (04/2018)

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SC Court of Appeals

OFFICE OF THE PUBLIC DEFENDER
SIXTEENTH JUDICIAL CIRCUIT
UNION COUNTY OFFICE

POST OFFICE BOX 1, UNION, SOUTH CAROLINA 29379
PHONE: 864-319-1315; FAX: 864-427-1782

Harry A. Dest
Circuit Public Defender

Erik Delaney
Jennifer Williams
Public Defenders

April 22, 2019

Brandy Wade Wilson
Inmate # 00379894
South Carolina Department of Corrections
P. O. Box 21787
Columbia, SC 29221-1787

RE: Appellant: Brandy Wade Wilson
Warrant #: 2018A4410100666; 2018A4410200205
Indictment #'s: 2018-GS-44-1728, 2019-GS-44-0227

Dear Ms. Wilson:


Enclosed please find copies of the Notice of Appeal and Certificate of Service, copy of sentencing sheets, and copy of the indictments and copy of Rule 203(B) explanation regarding your recent trial and sentence.

Please note that you must inform the SC Court of Appeals in writing, within twenty (20) days of the date of this letter of any arguable issues that have been 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, SC 29211

Sincerely,



JENNIFER N. WILLIAMS,
Union County Public Defender
Sixteenth Judicial Circuit

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Enclosures
cc: South Carolina Court of Appeals