

STATE OF SOUTH CAROLINA)
)
)
vs.)
)
)
David Onley,)
)
)
Defendant.)
_____)

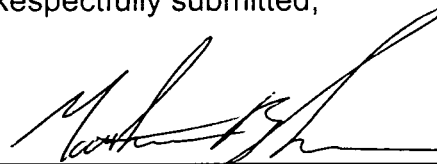
STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Indictment #: 2012-GS-32-03276

RULE 203(B) EXPLANATION

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a ~~good faith basis to believe that any issues are 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, 706 (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,



Matthew C. Buchanan
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(803) 957-8873

Lexington, South Carolina
January 24, 2013

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JAN 23 2013

SC Court of Appeals

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January 24, 2013

Jenny Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: ~~The State v. David Onley~~
Case #: 2012-213656

Dear Ms. Kitchings:

Please find enclosed my written explanation regarding appealable issues, pursuant to Rule 203 (d)(1) (B)(iv), SCACR.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Matthew C. Buchanan
Attorney for Appellant

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott
Rick Collins, Assistant Solicitor 11th Judicial Circuit

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JAN 25 2013

SC Court of Appeals