

**Public Defender for the Second Judicial Circuit**

410 Barnwell Avenue N.W.  
Post Office Drawer 2247  
Aiken, South Carolina 29802

De Grant Gibbons, Circuit Public Defender

**RECEIVED**

July 25, 2019

JUL 29 2019

**SC Court of Appeals**

David Malave 00380630  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210

re: State v. David Malave  
Appellate Case No. 2019-001086

Dear Mr. Malave:

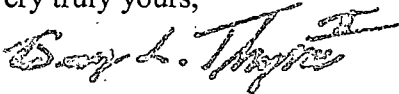
Under Rule 203(B) (iv) of the South Carolina Rules of Appellate Procedure, an appeal from a guilty plea may be dismissed unless you can identify issues that were preserved for appeal or make a sufficient showing to the Court that there are issues which can be argued on appeal. I do not believe that there were any issues preserved for appeal, however, I did file an appeal since you specifically asked me to do so. The paperwork that I filed is enclosed for your review.

You must now contact the appellate court yourself in writing to advise the Court of any issues you feel you may have on appeal.

You must send a written statement to the South Carolina Court of Appeals within twenty (20) days from the date of this letter to inform the Court of any argument you have that there are issues preserved for appeal. Your statement should include your case number as shown above. The address of the Court is:

South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Very truly yours,



Barry Thompson  
Public Defender

Enclosure

cc: V. Claire Allen, Deputy Clerk of the SC Court of Appeals

Telephone: (803) 642-1732

Fax: (803) 642-1739



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

July 17, 2019

Mr. Barry L. Thompson, II, Esquire  
PO Drawer 2247  
Aiken SC 29802

Re: The State v. David A. Malave  
Appellate Case No. 2019-001086

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Please send your letter to your client within ten (10) days, with a copy to this Court or this appeal will be dismissed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Robert Michael Dudek, Esquire  
Paige E. Tiffany, Esquire  
Alan McCrory Wilson, Esquire  
William M. Blich, Jr., Esquire

**OFFICE OF THE SECOND JUDICIAL CIRCUIT PUBLIC DEFENDER**  
**211 York Street, NE**  
**Post Office Box 2247**  
**Aiken, South Carolina 29802**

June 28, 2019

South Carolina Commission  
On Indigent Defense  
Attention: Rhonda Fox  
P. O. Box 11589  
Columbia, SC 29211

**RE: NOTICE OF INTENT TO APPEAL**  
**David Alexander Malave**  
**2019GS0200953, 2019GS0200957,**  
**2019GS0200956, 2019GS0200958,**  
**2018GS0201196**

Dear Mrs. Fox:

Please find enclosed copies of Notice of Intent to Appeal, Indictments  
2019GS0200953, 2019GS0200957, 2019GS0200956, 2019GS0200958, 2018GS0201196  
Arrest Warrant, Sentence Sheet, defendant's affidavit of indigency and the Rule 203 (B)  
Explanation.

David Alexander Malave was sentenced on June 20, 2019, for the above Charges  
before the Honorable Clifton Newman, Ms. Brenda Sigwald served as the Court  
Reporter.

I am available to discuss this case if you so desire.

Sincerely,



Barry Thompson  
Circuit Public Defender

BT;rh  
Enclosure

NOTICE OF INTENT TO APPEAL  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
FROM AIKEN COUNTY  
THE HONORABLE Clifton Newman

June 28, 2019

Indictment # 2019GS0200953, 2019GS0200957,  
2019GS0200956, 2019GS0200958,  
2018GS0201196


THE STATE OF SOUTH CAROLINA -- Respondent

VS.

David Alexander Malave -- Appellant.

NOTICE OF INTENT TO APPEAL

David Alexander was revoked in full on June 28, 2019, for the above before the Honorable Clifton Newman. Ms. Brenda Sigwald served as the Court Reporter in Aiken, South Carolina. He appeals his sentence.

  
Barry Thompson  
Suzanne Hayes  
Attorney for Defendant

Other Counsel of record is:  
Paige Tiffany  
109 Park Avenue  
Aiken, SC 29801

**NOTICE OF INTENT TO APPEAL**

State of South Carolina

Vs:

David Alexander Malave

2019GS0200953, 2019GS0200957,

2019GS0200956, 2019GS0200958,

2018GS0201196

**CERTIFICATE OF SERVICE**

I, Rebecca Halupa, do hereby certify that I have this day served the original of Appellate's Notice to Appeal upon the South Carolina Court of Appeals, and copies of Appellate's Notice of Intent to Appeal to the Clerk of Court of Aiken County and to Ashley Finch, Probation Officer, by placing in the United States Mail properly addressed and with correct postage affixed thereto:

South Carolina Court of Appeals

Post Office Box 11629

Columbia, SC 29211

South Carolina Commission

Of Appellate Defense

P. O. Box 11589

Columbia, SC 29211

Clerk of Court

Aiken County Judicial Circuit

Post Office Box 583

Aiken, South Carolina 29802

Solicitor

Paige Tiffany

109 Park Avenue

Aiken, SC 29801

Dated this 28<sup>th</sup> day of June, 2019



Rebecca Halupa

Secretary to Appellant's Attorney

Post Office Drawer 2247

Aiken, SC 29802

803-642-1732

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

INDICTMENT #:  
2019GS0200953, 2019GS0200957,  
2019GS0200956, 2019GS0200958,  
2018GS0201196

vs.  
David Alexander Malave


DEFENDANT

**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.

The Defendant then did contact an attorney in the Public Defender's Office telling him that he wanted an appeal filed on his case. 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 *Frazier v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> 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,

  
Barry Thompson  
And Suzanne Hayes  
Assistant Public Defender  
Post Office Drawer 2247  
Aiken, South Carolina 29802  
803-642-1732

June 27, 2019

Second Judicial Circuit

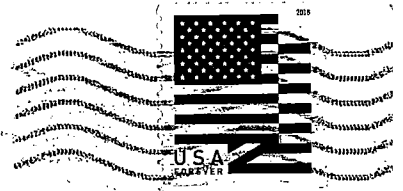
Public Defender

P.O. Box 2247

Aiken, South Carolina 29802

AUGUSTA GA 309

25 JUL 2019 PM 1 L



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South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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JUL 29 2019

SC Court of Appeals

29201-3768

