

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)
State of South Carolina)
)
-vs-)
)
Bruce Buckner,)
)
Defendant.)
_____)

Indictment Nos.: 2019-GS-46-01923 and 2733

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SC Court of Appeals

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 sentence on July 22, 2019 upon the Appellant after he pled guilty to Possession of Methamphetamine and Possession of a Schedule II.

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,



Mindy Hervey Lipinski
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Bruce Buckner

York, South Carolina

July 29, 2019

FILED-RECEIVED
2019 JUL 30 PM 12:24
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

COUNTY OF YORK

STATE VS.

BRUCE ALLEN BUCKNER

AKA:
Race: White Sex: M Age: 58
DOB: SS#:
Address:
City, State, Zip:
DL# SID# SC00247874

INDICTMENT/CASE#: 2019-GS-46-02733
A/W: 2019A4620300932
Date of Offense: 04/08/2019
S.C. Code §: 44-53-370
CDR Code #: 0183

JAIL

ORIGINAL SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was [] CONVICTED OF or [X] PLEADS

TO: Possession of Heroin 1st Offense (NMT 2 YEARS &/OR \$5,000)

In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0176

[X] 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, [X] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury.
The plea is: [] Without Negotiations or Recommendation, [X] Negotiated Sentence, [] Recommendation by the State.

ATTEST:

Aaron J. Hayes, Assistant Solicitor General 100114 SC Bar # Defendant Bruce Buckner Attorney for Defendant 103010 SC Bar #

WHEREFORE, the Defendant is committed to the [] State Department of Corrections [X] County Detention Center,
for a determinate term of 1 year 9 months days/months/years or [] under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ 5000; 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: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED []

[] Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

Table with 2 columns: Description and Amount. 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) \$30, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$, TOTAL \$2025.00

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 \$ _____

\$ _____ Paid to Public Defender Fund

Other: _____

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SC Court of Appeals

[] 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: 2753

Sentence Date: 4-22-19

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Wanda Nelson

STATE OF SOUTH CAROLINA

COUNTY OF YORK

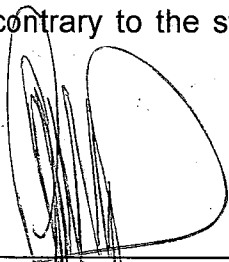
INDICTMENT

At a Court of General Sessions, convened on July 18, 2019, the Grand Jurors of York County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE HEROIN

The defendant, Bruce Allen Buckner, did on or about April 8, 2019, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase heroin, a schedule I controlled substance narcotic, all in violation of Section 44-53-370, Code of Laws South Carolina (1976, as amended).

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



AARON J. HAYES
ASSISTANT SOLICITOR

YORK COUNTY, S.C.
CLERK OF COURT
DAVID HAMILTON
2019 JUL 30 AM 10:48
CERTIFIED TRUE COPY

FILED
JUL 30 2019
CLERK OF COURT
YORK COUNTY, S.C.

WITNESSES

RHPD

Witnessing Officer: *Price*

ARREST WARRANT NUMBER

2019A4620300932

**ACTION OF GRAND JURY
TRUE BILL**

Sarah Niven
Foreperson of Grand Jury
Date: *7/18/19*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-46-02733

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

JULY 18, TERM 2019

THE STATE

VS.

BRUCE ALLEN BUCKNER

INDICTMENT FOR

**POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN**

SC Code: § 44-53-370
CDR Code: 0183

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

Possession Heroin

Bruce Buckner
Defendant

Witness:

Amber C. Pec
C.C.C. PLS. AND G.S.

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SC Court of Appeals

COUNTY OF YORK

STATE VS.

BRUCE ALLEN BUCKNER

AKA:
Race: White Sex: M Age: 58
DOB: SS#:
Address:
City, State, Zip:
DL# SID# SC00247874

INDICTMENT/CASE#: 2019-GS-46-01923
A/W: 2019A4620300637
Date of Offense: 03/05/2019
S.C. Code §: 44-53-375(A)
CDR Code #: 3009

JAIL

ORIGINAL SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was [] CONVICTED OF or [X] PLEADS

TO: Possession of Methamphetamine 1st Offense (NMT 3 YEARS &/OR \$5,000)

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

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

ATTEST: Aaron J. Hayes, Assistant Solicitor 100114 SC Bar #
Bruce Buckner Defendant
Marilyn Lynn... Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the [] State Department of Corrections [X] County Detention Center, for a determinate term of 1 year days/months/years or [] under the Youthful Offender Act not to exceed ___ years and/or to pay a fine of \$ 500; 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: \$ ___ days/hours Public Service Employment
Payment Terms: Obtain GED []

[] 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) \$40/ea, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$, TOTAL \$2000.00

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: RECEIVED AUG 02 2019

[] Appointed PD or appointed... 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: Wanda Nelson

Presiding Judge:
Judge Code: 2753
Sentence Date: 7-22-19

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on June 20, 2019, the Grand Jurors of York County present upon their oath:

POSSESSION OF METHAMPHETAMINE

The defendant, Bruce Allen Buckner, did on or about March 5, 2019, in York County, South Carolina, knowingly or intentionally possess methamphetamine as defined in Section 44-53-110, all in violation of Section 44-53-375(A), Code of Laws of South Carolina (1976, as amended).

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


AARON J. HAYES
ASSISTANT SOLICITOR

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2019 JUL 30 AM 10:48
CERTIFIED TRUE COPY

WITNESSES

RHPD

Witnessing Officer: *R. Smith*

ARREST WARRANT NUMBER

2019A4620300637

ACTION OF GRAND JURY

TRUE BILL

Jack N...
Foreperson of Grand Jury
Date: *6/20/17*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-46-01923

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JUNE 20, TERM 2019

THE STATE

VS.

BRUCE ALLEN BUCKNER

INDICTMENT FOR

POSSESSION OF METHAMPHETAMINE

SC Code: § 44-53-375(A)
CDR Code: 3009

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

Bruce Buckner
Defendant

Witness:

Angie Neil C. Spec
C.C.C. PLS. AND G.S.

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SC Court of Appeals