

STATE OF SOUTH CAROLINA )

Indictment No.: 2007-GS-46-02365 )

IN THE COURT OF APPEALS  
State of South Carolina

FILED RECEIVED  
2019 AUG 26 PM 12:26

-vs-

Melvin Lindsey,

Defendant. )  
)

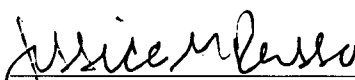
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**RULE 203(B) EXPLANATION**

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 time served upon the Appellant after he pled guilty to Possession of Cocaine 1<sup>st</sup> Offense on Indictment No. 2007-GS-46-02365.

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 (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,



\_\_\_\_\_  
Jessica M. Russo  
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York, South Carolina 29745  
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Attorney for Melvin Lindsey

York, South Carolina

August 26, 2019

**Sixteenth Circuit  
Public Defender  
Office**

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**Harry A. Dest**  
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**Mark T. McKinnon**  
**Mindy Hervey Lipinski**  
**Jessica M. Russo**  
**R. Harris Kaufman**  
**Jeff Zaszke**  
**Adrian Peguese**  
**Michael Morin**  
**Chris Bonds**  
**Amber Holt**  
**Ronnie Yasbeav**  
**Heather Burdette**

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

August 26, 2019

Melvin Lindsey  
225 Greenland Rd.  
Anderson, S.C. 29626

Dear Mr. Lindsey:

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,

A handwritten signature in cursive script that reads "Jessica M. Russo".

Jessica M. Russo  
Assistant Public Defender  
Sixteenth Judicial Circuit

JMR/jbb

Enclosures

Cc: South Carolina Court of Appeals

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