

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

The Honorable DeAndrea G. Benjamin, Circuit Court Judge

Case No. 2019-GS-32-02644

The State,

Respondent,

v.

Richard Green,

Appellant.

RECEIVED

NOV 07 2019

SC Court of Appeals

EXPLANATION OF APPEAL

This is an appeal from a guilty plea heard on November 5, 2019. A written explanation supplementing this notice of appeal pursuant to Rule 203 (d)(1)(B)(iv), SCACR, is enclosed. I hand delivered a copy of the written explanation and the enclosed letter to Appellant on June 6, 2019.

Respectfully submitted,

Sarah H. Mauldin

Sarah H. Mauldin
Attorney for the Defendant
202 E. Main Street
Lexington, SC 29072

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

THE STATE)

vs.)

Richard Green,
Defendant.

RECEIVED

NOV 07 2019

SC Court of Appeals

) IN THE COURT OF GENERAL SESSIONS
) ELEVENTH JUDICIAL CIRCUIT

) INDICTMENT NUMBERS:
) 2018-GS-32-02644

) RULE 203(B) MEMORANDUM

Pursuant to Rule 203(d)(1)(B)(iv), the undersigned asserts that she 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,



Sarah H. Mauldin
Attorney for the Defendant
202 E. Main St.
Lexington, SC 29072
(803) 957-8873

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

15719

COUNTY OF Lexington
STATE VS.

Richard Green

AKA:

Race: Black Sex: M Age: 47

DOB: SS#

Address:

City, State, Zip:

DL#: SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Burglary second violent

INDICTMENT/CASE#: 2019GS3202644

A/W#: 2019A3221100280

Date of Offense: 5/17/2019

S.C. Code § : 16-11-0311

CDR Code #: 0079

RECEIVED
NOV 07 2019
SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-312 (B) of the S.C. Code of Laws, bearing CDR Code # 0086

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, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

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

Solicitor 64062 Defendant Attorney for Defendant SC Bar# 73681

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 30 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 Services 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 the SCDOC.

The Defendant is to be placed on the 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: A TRUE COPY Obtain GED

Set by SCDPPPS Attend Voc. Rehab. or Job Corp.

Recipient: Lex. Co. C.C.C.P., G.S. & F.C. May serve W/E beginning

*Fine: Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ pmts. of \$ beginning

§ 56-5-2995 (DUI Assessment) \$12 \$ \$ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ Other:

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 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 \$ 125.00

Clerk of Court/ Deputy Clerk

Court Reporter: Sheppan

SCCA/217 (04/2018)

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: 216

Sentence Date: 11579

mauldin

WITNESSES

West Columbia Police Department

Matthew W Deas

Law Enforcement Case #: 1912776

AGM

ARREST WARRANT NUMBER

2019A3221100280

ACTION OF GRAND JURY

Courtney Seely
Foreperson of Grand Jury

Date: 8/5/19

VERDICT

TRUE BILL

Foreperson of Petit Jury

Date:

DOCKET NO. 2019GS3202644

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2019

THE STATE

vs.

Richard Green

CDR #: 0079

Indictment for

Burglary 1st degree

§ 16-11-0311

S.R. Hubbard III, SOLICITOR

RECEIVED

NOV 07 2019

SC Court of Appeals

A TRUE COPY

[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Burglary 1st degree

§ 16-11-0311

At a Court of General Sessions, convened on August 2019, the Grand Jurors of
Lexington County present upon their oath:

That **Richard Green** did in Lexington County, South Carolina on or about May 17,
2019, knowingly and willfully enter a dwelling, to wit: 1126 C Ave. West Columbia being
the dwelling of Bertha Hutto and others without consent and with the intent to commit a
crime therein and the defendant has a prior record of two or more convictions for
burglary or housebreaking or a combination of both; in violation of § 16-11-311 of the
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.


SR. ASSISTANT SOLICITOR