

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.

Charles Wayne Sellers Jr

INDICTMENT/CASE#: 2019GS0202183

A/W#: 2019A0210201499

Date of Offense: 10/4/2019

S.C. Code §: 44-53-0375(A)

CDR Code #: 3009

AKA:

Race: White Sex: M Age: 38

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: Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense

SENTENCE SHEET

0-3 years

CONVICTED OF or PLEADS

in violation of § 44-53-0375(A) of the S.C. Code of Laws, bearing CDR Code # 3009
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

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

ATTEST: Cass Holt Solicitor 101417 SC Bar# C. Murphy Defendant Brandon Monte Attorney for Defendant 72900 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 2 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: 28 DAYS
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
Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like Assessments, Conv. Surcharge, DUI Surcharge, etc.

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk: Ann Sanders
Court Reporter: Branda Sigwald
SCCA/217 (04/2018)

PTUP days/hours Public Service Employment

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing

Fine may be paid in equal consecutive weekly/monthly pmts. beginning

Sessions for Aiken Public Defender Fund

Other original documents which have been filed in my office this day of November 2019

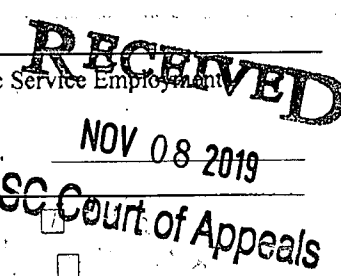
Appointed PD or appointed other counsel

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: G. I. [Signature]

Judge Code: 2126

Sentence Date: 10-31-19





**PRELIMINARY APPOINTMENT OF COUNSEL**

**ORIGINAL**

Name: Charles Wayne Sellers Jr

Warrant/Ticket Number(s) : 2019A0210201499 Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense

- The Defendant verbally waives the right to a court appointed attorney.
- The Defendant requests an attorney. Defendant states that he or she is financially **UNABLE** to employ counsel and will complete an affidavit to request that counsel be assigned to represent me.

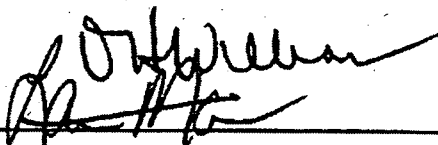
Defendant is currently  Employed  Unemployed

TOTAL HOUSEHOLD INCOME is \$                     , per  Month  Week

You appear to qualify for court appointed counsel. A representative from the Public Defenders Office will complete your application. If you are released prior to completing your application, you must appear at the office of the 2<sup>nd</sup> Circuit Public Defender at 211 York St., NE Aiken, South Carolina 29801 (803) 642-1732 within 72 hours of your release. Failure to do so may constitute a waiver of your right to court appointed counsel, and may affect your bond status.

It appears to the court that you do not qualify for a court appointed attorney. If you believe this decision is in error, you must contact the office of the public defender and submit a full application.

**This preliminary determination does not mean you now have an attorney. A final decision will be made after the \$40.00 application fee is paid and a complete affidavit of indigency is reviewed by the court.**

Judge: 

Date: 10/14/19<sup>5</sup>

**RECEIVED**  
NOV 08 2019  
SC Court of Appeals

ARREST WARRANT

2019A0210201499

STATE OF SOUTH CAROLINA

County/ Municipality of

Aiken

THE STATE

against

Charles Wayne Sellers, Jr

Address:

Sex: M Race: W Height: 6 Weight: 260

DL State: SC DL #: Agency Unit #:

DOB: Prosecuting Agency: S C Highway Patrol Troop 7

Prosecuting Officer: Jonathon E Deas - S00234

Offense: Drugs / Possession of less than one gram of meth.

or cocaine base, 1st offense

Offense Code: 3009

Code/Ordinance Sec: 44-53-0375(A)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Charles Sellers Jr

on 10-4-19 @ 1058

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions P O Box 583 109 Park Avenue Aiken, SC 29802.

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STATE OF SOUTH CAROLINA )
X County/ )
Municipality of )
Aiken )

AFFIDAVIT

ORIGINAL

Form Approved by S C Attorney General April 21, 2000 SCCA 518

Personally appeared before me the affiant Jonathon E Deas who

being duly sworn deposes and says that defendant Charles Wayne Sellers, Jr

did within this county and state on or about 10/4/2019 violate the criminal laws of the

State of South Carolina (or ordinance of X County/ Municipality of Aiken )

in the following particulars

DESCRIPTION OF OFFENSE: Drugs / Possession of less than one gram of meth. or cocaine base. 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On the above date, I was flagged down by a concerned citizen who stated that a white male was passed out on the sidewalk at the McDonalds, 4403 Jefferson Davis Hwy, Clearwater, County of Aiken, SC. I arrived and attempted to wake the subject who was partially blocking a parking space. I woke the subject up and observed a small baggy laying by his head that had a clear rock substance inside of it that appeared to be Methamphetamine. The subject Mr. Charles Sellers stated that he found the meth but it wasn't his. Mr. Sellers did knowingly possess the methamphetamine which is in violation of the SC Code of Laws, as amended. The methamphetamine was later weighed at .4 grams.

Signature of Affiant

Signature of Affiant (Handwritten)

STATE OF SOUTH CAROLINA

X County/ Municipality of

Aiken

Affiant's Address 802 E. Martintown Road, Suite 404

North Augusta, SC 29841-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/4/2019 defendant Charles Wayne Sellers, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

X County/ Municipality of Aiken ) as set forth below

DESCRIPTION OF OFFENSE: Drugs / Possession of less than one gram of meth. or cocaine base. 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 10/4/2019

Signature of Issuing Judge

Lauren Maurice

Judge Code: 7406

(L.S.)

Judge's Address 435 Wire Road

Aiken, SC 29801-

Judge's Telephone (803)642-2044

Issuing Court: X Magistrate Municipal Circuit

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BAIL set by

WITNESSES

Judge L. Maurice Williams  
on 10-4-79 10/5/19  
Type and Amount: 3000

Name of Surety \_\_\_\_\_

**PRELIMINARY HEARING held by**

Judge \_\_\_\_\_

on \_\_\_\_\_

Defendant Attorney \_\_\_\_\_

Decision: \_\_\_\_\_

**DISPOSITION before**

Judge \_\_\_\_\_

on \_\_\_\_\_

by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition \_\_\_\_\_

Sentence \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
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Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_



**BAIL PROCEEDING  
FORM II**

STATE OF SOUTH CAROLINA  
COUNTY OF Aiken

IN THE General Sessions

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

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99 Court of Appeals

Sellers, Charles Wayne Jr  
NAME OF DEFENDANT

Offense Charged: Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense (2019A021029) (99)

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Nature of Circumstances of Offense: Must Notify Court Immediately of Change of Address

*JSC - Bond*

(Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.)

**THEREFORE, IT IS HEREBY ORDERED:**

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

**CASH IN LIEU OF BOND**

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

**CASH PERCENTAGE IN LIEU OF BOND**

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ % (not to exceed 10%) of the full amount of the bond, deposits \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

**APPEARANCE RECOGNIZANCE WITH SURETY**

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ \_\_\_\_\_.

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on December 13, 2019 at 9:00 o'clock, AM, at General Sessions - P O Box 583/109 Park Avenue/Aiken, SC 29802 / (803) 642-1715 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of  MAGISTRATE COURT  MUNICIPAL COURT beginning on \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ at \_\_\_\_\_  
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$3,000.00 (CS) or \$3,000.00 (SB)

INITIALS OF DEFENDANT

*[Handwritten Signature]*

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

*[Handwritten Signature]*  
SIGNATURE OF JUDGE

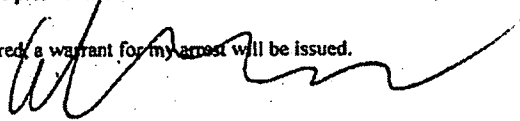
10/05/2019  
DATE

**ACKNOWLEDGEMENT BY DEFENDANT**

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.



ADDRESS \_\_\_\_\_  
CITY/STATE/ZIP \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
SOCIAL SECURITY NUMBER \_\_\_\_\_ DRIVER'S LICENSE OR ID NUMBER \_\_\_\_\_

SIGNATURE OF DEFENDANT \_\_\_\_\_  
DATE \_\_\_\_\_  
ATTORNEY REPRESENTING ACCUSED (IF KNOWN) \_\_\_\_\_

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SC Court of Appeals

**SPECIAL CONDITIONS OF RELEASE**

a.  Placement in custody. The defendant is placed in the custody of: \_\_\_\_\_  
NAME OF PERSON OR ORGANIZATION

ADDRESS \_\_\_\_\_ CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_ TELEPHONE \_\_\_\_\_

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) \_\_\_\_\_ DATE \_\_\_\_\_

b.  Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions: \_\_\_\_\_

c.  Part-time Release. The defendant will be released from custody from \_\_\_\_\_ o' clock, \_\_\_\_\_ to \_\_\_\_\_ o' clock, \_\_\_\_\_  
TIME AM/PM TIME AM/PM

on \_\_\_\_\_ on condition that he return to the custody of \_\_\_\_\_  
DATE(S) NAME OF PERSON OR ORGANIZATION

at \_\_\_\_\_ as designated.  
LOCATION

d.  Other conditions. The defendant will comply with the following other conditions of release: \_\_\_\_\_  
Second Appearance: February 28, 2020 at 11am

**APPEARANCE RECOGNIZANCE WITH SURETY**

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ \_\_\_\_\_, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN COMPANY \_\_\_\_\_ TELEPHONE \_\_\_\_\_

SIGNATURE OF SURETY BONDSMAN \_\_\_\_\_

ADDRESS OF SURETY BONDSMAN \_\_\_\_\_

SIGNATURE OF JUDGE \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

DATE \_\_\_\_\_

NAME OF INSURANCE COMPANY \_\_\_\_\_

ADDRESS OF INSURANCE COMPANY \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

October 4, 2019

**INFORMATION REGARDING YOUR RIGHTS**

You have been charged with a criminal offense and if you are found guilty, you are facing serious consequences which may include payment of a fine, loss of your driver's license, and the possibility of a jail sentence. In addition, you may face increased penalties for later convictions, the loss of your right to possess firearms and/or ammunition, and your immigration status will be affected. You have important constitutional rights, including the right to representation by an attorney, but you may lose these rights or waive them if you do not act to protect these rights.

You have the right to hire an attorney to represent you in every case. If you cannot afford an attorney, you may be eligible for a free attorney. If you want a determination made as to whether you are qualified for a free lawyer, then it is your obligation to be screened at the location identified in Paragraph 5(c) of the Bond Checklist Form that you received after your Bond Hearing. If you do not hire an attorney or go to be screened, then you may be found to have waived your right to an attorney at your trial.

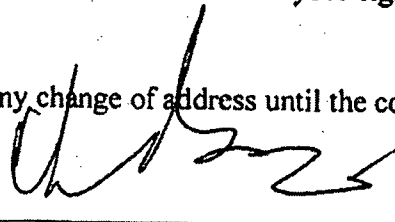
You also have the right to represent yourself. However, you should be aware that self-representation can be dangerous. For example, there may be certain factual or legal defenses to your charge that you are not aware of or legal issues related to the conduct of your trial or guilty plea that an attorney would know how to preserve for an appeal. If you exercise your right to proceed without a lawyer, then you are responsible for complying with all applicable rules of court, including rules of evidence, procedural rules, and proper behavior before the Judge and/or Jury.

If convicted on the charge(s) filed against you and ordered to pay a fine, you may request a reasonable scheduled payment plan to pay the fine.

It is your obligation to keep up with your trial date and to obtain an attorney, either by hiring one or by being screened and found eligible for a court-appointed attorney prior to your trial date. If you do not appear at your trial with your attorney, you may be deemed to have waived your right to have an attorney represent you.

You are required to keep the court notified of any change of address until the completion of the case.

Signature of Defendant



Defendant Refused to Sign

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SC Court of Appeals

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STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

AFFIDAVIT OF INDIGENCY AND  
APPLICATION FOR APPOINTED COUNSEL

STATE VS. Charles Wayne Sellers Jr.  
ARREST WARRANT / TICKET & CHARGE: 2019 A02 102 014 59  
POSS of less than one gram of meth.

1. ARE YOU PRESENTLY EMPLOYED? YES  NO  If yes, Please state the name and address of your employer and the amount of your salary or wages per month and/or week.

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
NET WAGES: \$ \_\_\_\_\_ WEEKLY / BI-WEEKLY / MONTHLY

If No, please state the name and address of your former employer, date of termination and the amount of your salary or wages.

EMPLOYER: Maw Temp Company  
NET WAGES: \$ — WEEKLY / BI WEEKLY / MONTHLY DATE OF TERMINATION: 2yrs

2. HOUSEHOLD MEMBER(S) EMPLOYER (if applicable): Mom & Dad - Don't Work

NET WAGES: \$ — WEEKLY / BI-WEEKLY / MONTHLY

3. Have you or household member(s) received within the past twelve months any money from any of the following sources?

- a. Business, Profession or Self-Employment? Yes  No
- b. Rent Payments, Interest or Dividends? Yes  No
- c. Pensions, Annuities or Life Insurance Payments? Yes  No
- d. Gifts or Inheritance? Yes  No
- e. Any Other Source (including Unemployment, Retirement, Disability and/or Food Stamps)? Yes  No

If the answer to any question above is "Yes", please list the source of the money and the amount received within the last 12 months.

SOURCE: — AMOUNT: —

4. LIST BY NAME, AGE AND RELATIONSHIP TO YOU, ANY PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT. INDICATE BESIDE EACH HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT.

NAME: _____	AGE: <u>f</u>	RELATIONSHIP: <u>f</u>	AMOUNT \$ _____
NAME: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____
NAME: _____	AGE: _____	RELATIONSHIP: _____	AMOUNT \$ _____

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5. DO YOU HAVE CASH, OR DO YOU HAVE ANY MONEY IN A CHECKING OR SAVINGS ACCOUNT  
CASH: \$ \_\_\_\_\_ CHECKING: \$ \_\_\_\_\_ SAVINGS: \$ \_\_\_\_\_

SC Court of Appeals

6. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES OR OTHER VALUABLE PROPERTY, EXCLUDING ORDINARY HOUSEHOLD FURNISHINGS AND CLOTHING? YES  NO

PLEASE SPECIFY: \_\_\_\_\_

7. LIST THE TYPE OF VEHICLE(S) YOU OWN (YEAR, MAKE, MODEL): \_\_\_\_\_  
 PAID FOR? YES \_\_\_\_\_ NO  AMOUNT OF PAYMENT(S) \$ \_\_\_\_\_

8. DO YOU OR HOUSEHOLD MEMBER PAY RENT OR MORTGAGE? Parents - Don't Know

9. AMOUNT OF DEBTS, LIENS, MORTGAGES, ETC.? No Bills AMOUNT \$ \_\_\_\_\_

I do solemnly swear that the information reported by me for this application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was in any way respect, entitled to, in possession, remainder or reversion, and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned, or otherwise disposed of any property, or made over in trust for myself or otherwise, other than mentioned herein.

I understand that the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in the amount equal to the costs of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand such claim shall be filed in the Office of the Clerk of Court where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the Court, part or all of such a claim is reduced to judgment by appropriate Order of the Court, after serving me with at least thirty (30) days notice that judgment will be entered.

*I understand that pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Public Defender's Office for public defender services or other appointed counsel.*

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least 30 days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

[Signature]  
 Applicant

Sworn to before me this 7th day of October, 2019.

[Signature] Notary Public for South Carolina. My commission expires: 6/21/28

RACE: D SEX: M AGE: 38  
 SSN: \_\_\_\_\_  
 DATE OF BIRTH: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY & STATE: \_\_\_\_\_  
 TELEPHONE: \_\_\_\_\_

IN JAIL \_\_\_\_\_ OUT ON BOND  
 DATE OF ARREST: 10/4/19  
 BOND AMOUNT: \_\_\_\_\_  
 BONDSMAN: \_\_\_\_\_  
 CO-DEFENDANTS: \_\_\_\_\_

The applicant's request for counsel is hereby  
 GRANTED  
 \_\_\_\_\_ DENIED

[Signature]  
 Judge/ Clerk or Deputy Clerk  
 DATE: 10/8/19

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

INDICTMENT #:  
2019GS0202183

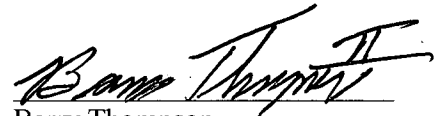
vs.  
Charles Wayne Sellers Jr

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  
Assistant Public Defender  
Post Office Drawer 2247  
Aiken, South Carolina 29802  
803-642-1732

November 5, 2019

**RECEIVED**

NOV 08 2019

SC Court of Appeals