

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

**APPEAL FROM YORK COUNTY**  
Court of General Sessions

Daniel D. Hall, Circuit Court Judge

Case No.:2018-GS-46-04263(VOP)  
2020-GS-46-00421, 2020-GS-46-02373  
The State of South Carolina, Respondent

vs

Anthony Tremaine Avera, Appellant

NOTICE OF APPEAL

Anthony Tremaine Avera appeals his Probation Violation, guilty plea and the sentence imposed by the Honorable Judge Daniel D. Hall. On May 7, 2020 the Appellant pled guilty to Probation Violation (indictment no:2018-GS-46-1929), Domestic Violence 1<sup>st</sup> (indictment No. 2020-GS-46-0237) and Domestic Violence 2<sup>nd</sup> (indictment no:2020-GS-46-00421). Appellant received a partial revocation of three (3) years on the Probation Violation (indictment 2018-GS-46-04263) and on the Domestic Violence 1<sup>st</sup> (indictment no: 2020-GS-46-02373) and Domestic Violence 2<sup>nd</sup> degree (indictment no:2020-GS-46-00421) time served.



Jeff Zuschke  
Deputy Public Defender

This 13 day of May, 2020  
York, South Carolina

Other Counsels of Record:  
Jenny Desch  
Assistant Solicitor  
1675-1A York Hwy  
York, SC 29745  
(803)628-3020

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SC Court of Appeals

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C.C.P. & GS  
YORK COUNTY, SC

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

**APPEAL FROM YORK COUNTY**  
Court of General Sessions

Daniel D. Hall, Circuit Court Judge

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Case No.: 2018-GS-46-04263(VOP),  
2020-GS-46-00421, 2020-GS-46-02373

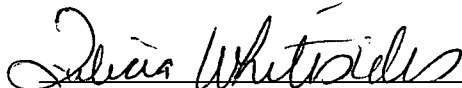
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The State of South Carolina, Respondent  
v.  
Anthony Tremaine Avera, Appellant

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**Certificate of Service**

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Anthony Tremaine Avera was served upon counsel for the State, Jenny Desch Assistant Solicitor on Friday May 13, 2020 by hand-delivering a copy to his office located at the 1675-1A York Hwy, York, South Carolina, 29745 by the undersigned.



Felicia Whitesides  
Legal Secretary for Jeff Zuschke,  
Assistant Public Defender

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STATE OF SOUTH CAROLINA )  
)  
IN THE COURT OF APPEALS )  
State of South Carolina )  
)  
-vs- )  
)  
Anthony Tremaine Avera, )  
)  
Defendant. )  
)  
\_\_\_\_\_ )

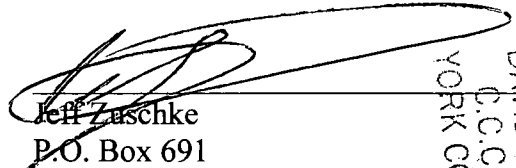
Indictment Nos.: 2020-GS-46-00421,  
2020-GS-46-02373, VOP (2018-GS-04263)

**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 three (3) year sentence upon the Appellant after he pled guilty to Probation Violation (2018-GS-46-04263) and Time Served on Domestic Violence 1<sup>st</sup> & 2<sup>nd</sup> degree (2020-GS-46-00421, 2020-GS-46-02373).

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,



Jeff Zuschke  
P.O. Box 691  
York, South Carolina 29745  
(803) 628-3031  
Attorney for Anthony T. Avera

DAVID HAMILTON  
C.C.P. & GS  
YORK COUNTY, SC

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May 13, 2020

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**Sixteenth Circuit  
Public Defender  
Office**

Moss Justice Center  
1675-1E York Highway  
P.O. Box 691  
York, S.C. 29745



**B.J. Barrowclough**  
Sixteenth Circuit Defender

Melissa Inzerillo  
Phil Smith  
Deputy Public Defender

Sr. Assistant Public Defenders  
Mindy Lipinski  
Mark McKinnon  
Mike Morin

Assistant Public Defenders  
Chris Bonds  
Heather Burdette  
Colin Okoye  
Ryan Newkirk  
Adrian Peguese  
Jeff Zuschke

May 13, 2020

Anthony Tremaine Avera  
York County Detention Center  
1675 York Highway  
York, South Carolina 29745

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SC Court of Appeals

Dear Mr. Avera:

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 black ink, appearing to read "Jeff Zuschke", written over a horizontal line.

Jeff Zuschke  
Assistant Public Defender  
Sixteenth Judicial Circuit

JZ/fnw

Enclosure

Cc: South Carolina Court of Appeals

**Sixteenth Circuit  
Public Defender  
Office**

Moss Justice Center  
1675-1E York Highway  
P.O. Box 691  
York, S.C. 29745



**B.J. Barrowclough**  
Sixteenth Circuit Defender

May 13, 2020

Melissa Inzerillo  
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Sr. Assistant Public Defenders  
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The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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MAY 19 2020  
SC Court of Appeals

Re: State v. Anthony Tremaine Avera (Indictment No. 2018-GS-46-04263 (VOP),  
2020-GS-46-02373 and 2020-GS-0421

Dear Ms. Abbott:

Enclosed please find the Notice of Appeal, Certified Certificate of Service, Rule (203), sentencing sheets and copy of appellant's letter in the captioned matter. On May 7, 2020 the appellate pled guilty in front of the Honorable Daniel D Hall. Appellants received a partial revocation of three (3) years on his Probation Violation (indictment no: 2018-GS-46-04263 and time Served on Domestic Violence 1<sup>st</sup> degree (indictment no: 2020-GS-46-02373) and Domestic Violence 2<sup>nd</sup> degree (indictment no:2020-GS-46-00421).

Sincerely,

  
Jeff Zuschke  
Assistant Public Defender

MHL/fnw

Enclosures



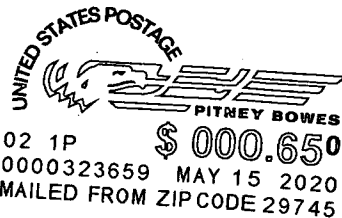
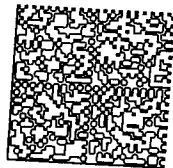
16<sup>th</sup> JUDICIAL CIRCUIT  
PUBLIC DEFENDER OFFICE  
Moss Justice Center  
P.O. Box 691  
1675-1E York Highway  
York, South Carolina 29745

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MAY 19 2020

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
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