

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS
State of South Carolina

-vs-

Michael Brian Vignola,

Defendant.

) Indictment Nos.: 2020-GS-46-03856; 2019-GS-46-02584,
FILED - RECEIVED) 2020 AUG 18 PM 4: 41
) C.C.P. & GS
) YORK COUNTY, SC

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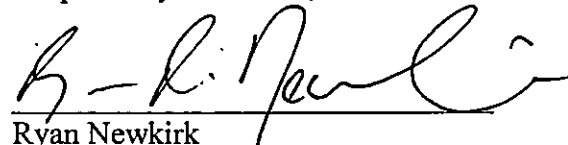
SC Court of Appeals

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 sentence upon the Appellant who pled guilty to Shoplifting Enhancement on Indictment No: 2020-GS-46-03856 for a sentence of six (6) months and received seventy three (73) days credit for time served. In sentencing, the Appellant received a six (6) month sentence on Indictment No: 2020-GS-46-03856 and a portion of the Appellant's probationary sentence was revoked a terminated for (6) months with credit for 400 days on the three indictments 2019-GS-46-02583; 2019-GS-46-02584 and 2019-GS-46-02586. All sentences are to run concurrent.

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,



Ryan Newkirk
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York, South Carolina 29745
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Attorney for Ray Lamara Cooks

York, South Carolina

August 18, 2020

**Sixteenth Circuit
Public Defender
Office**

Moss Justice Center
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York, S.C. 29745



Bryson J. Barrowclough
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Ugonna Udogwu
Juvenile Division

Toni L. Johnson
Sr. Assistant Magistrate Division

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SC Court of Appeals

Assistant Public Defenders
Mark T. McKinnon
Jeff Zuschke
Adrian Peguese
Chris Bonds
Ronnie Yasheav
Heather Burdette
Denise Gregory
Collin Okoye

Union County Public Defender
Erik D. Delaney
Laura Hicks

August 18, 2020

Michael Brian Vignola
Inmate at York County Detention Center
Moss Justice Center
York, S.C. 29745

Re: Shoplifting Enhancement and three Violation of Probation Orders (2020-GS-46-03856; 2019-GS-46-02584; 2019-GS-46-02586 and 2019-GS-46-02583)

Dear Mr. Vignola:

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,

Mr. Ryan Newkirk
Assistant Public Defender
Sixteenth Judicial Circuit

RN/jbb

Enclosures

Cc: South Carolina Court of Appeals



16th JUDICIAL CIRCUIT
PUBLIC DEFENDER OFFICE
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211



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