

STATE OF SOUTH CAROLINA

Indictment Nos.: 2019-GS-46-7369; 2019-GS-46-2817  
and 2019-GS-46-2814

FILED-RECEIVED

IN THE COURT OF APPEALS  
State of South Carolina

2020 OCT -8 PM 1:50

-vs-

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

Jeremy Treon Heath,

Defendant.

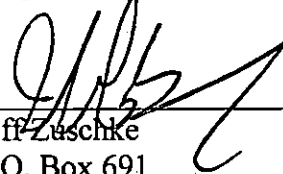
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SC Court of Appeals

**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 pled guilty to Distribution of Methamphetamine 3<sup>rd</sup> or Sub. (Indictment No: 2020-GS-46-7369), Manufacture, distribution of Cocaine Base 3<sup>rd</sup> or Sub. Offense (Indictment No. 2019-GS-46-2817) and Manufacture, distribution of Cocaine Base 3<sup>rd</sup> or Sub. Offense (Indictment No. 2019-GS-46-2814) for a sentence of ten (10) years and received four hundred and fourteen (414) days credit for time served. 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 (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 Jeremy Treon Heath

York, South Carolina

October 8, 2020

**Sixteenth Circuit  
Public Defender  
Office**

Moss Justice Center  
1675-1E York Highway  
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York, S.C. 29745



**Bryson J. Barrowclough**  
Sixteenth Circuit Defender

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Melissa A. Inzerillo  
Phillip L. Smith  
Deputy Public Defender

Stacey D. Coleman  
Juvenile Division

Toni L. Johnson  
Sr. Assistant Magistrate Division

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

Union County Public Defender  
Erik D. Delaney  
Laura Hicks

October 8, 2020

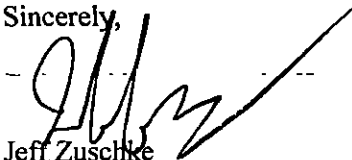
The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: Jeremy Treon Heath (Indictment Nos.: 2019-GS-46-7369, 2019-GS-46-2817 and 2019-GS-46-2814)

Dear Ms. Kitchings:

Enclosed please find copies of the Notice of Appeal, Certificate of Service and Rule 203 Explanation and a letter to Appellant on the above captioned matter. Jeremy Treon Heath appeals his guilty pleas and the sentences imposed by the Honorable Daniel D. Hall. On September 30, 2020 the Appellant pled guilty to Distribution of Methamphetamine 3<sup>rd</sup> or Sub. (Indictment No: 2020-GS-46-7369), Manufacture, distribution of Cocaine Base 3<sup>rd</sup> or Sub. Offense (Indictment No. 2019-GS-46-2817) and Manufacture, distribution of Cocaine Base 3<sup>rd</sup> or Sub. Offense (Indictment No. 2019-GS-46-2814) for a sentence of ten (10) years and received four hundred and fourteen (414) days credit for time served. All sentences are to run concurrent.

Sincerely,

  
Jeff Zuschke  
Assistant Public Defender  
Sixteenth Judicial Circuit

JZ/jbb

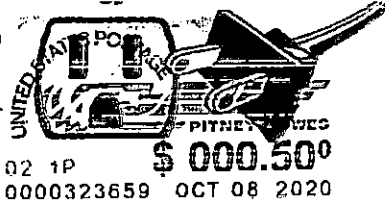
Enclosures



16<sup>th</sup> JUDICIAL CIRCUIT  
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The Honorable Jenny Abbott Kitching  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

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