

DAVID W. PLOWDEN

ATTORNEY AT LAW

316 N. CHURCH STREET
WALHALLA, SC 29691

TELEPHONE: (864) 710-1577

November 5, 2020

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SC Court of Appeals

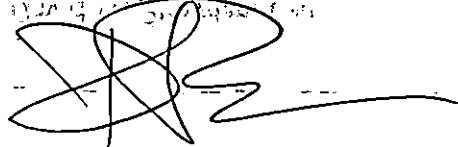
The Honorable Jenny-Abbott Kitchings
Clerk, The S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Richard Anthony Dunston, Jr.
Case Number 2020-001447

Dear Ms. Kitchings:

Enclosed please find a copy of the requested Rule 203(d)(1)(B)(iv) Explanation and a Certificate of Service.

Yours truly,



David W. Plowden, Esq.
316 N. Church Street
Walhalla, SC 29691
Attorney for Appellant

Enclosures

David W. Plowden

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM OCONEE COUNTY
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

Case Number 2020-001447

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SC Court of Appeals

The State, Respondent

v.

Richard Anthony Dunston, Jr., Appellant.

RULE 203(d)(1)(B)(iv) EXPLANATION

Pursuant to Rule 203(d)(1)(B)(iv), the issue to be raised on appeal is whether the trial court accepted the plea to Voluntary Manslaughter without an adequate factual basis admitted to by the Appellant.

The undersigned does not have a good faith basis to believe that this issue is properly before the Court of Appeals. The undersigned did not object to the entry of the guilty plea or file a motion to reconsider the matter.

Nevertheless, the Appellant instructed the undersigned counsel to file an appeal. 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,

A handwritten signature in black ink, appearing to be 'D. Plowden', written over a horizontal line.

David W. Plowden, Esq.
316 N. Church Street
Walhalla, SC 29691
Attorney for Appellant

November 5, 2020

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CERTIFICATE OF SERVICE


I certify that I have served the Rule 203(d)(1)(B)(iv) Explanation on the below listed respondents by depositing a copy in the United States Mail, postage prepaid, on November 5, 2020, addressed to:

Lindsey S. Simmons, Esq.
Oconee County Solicitor's Office
415 S. Pine St
Walhalla, SC 29691

Robert M. Dudek, Esq.
Office of Appellate Defense
PO Box 11589
Columbia, SC 29211

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

Melody Jane Brown, Esq.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211



David W. Plowden, Esq.
316 N. Church Street
Walhalla, SC 29691
Attorney for Appellant

November 5, 2020

David Plowden
Attorney at Law
316 N Church St
Walhalla SC 29691

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The Honorable Jenny Abbott Kitchings
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