

STATE OF SOUTH CAROLINA

) Indictment Nos.: 2020-GS-46-04847

)
IN THE COURT OF APPEALS

)
State of South Carolina

)
-vs-

)
Freddie Sanders,

)
Defendant.

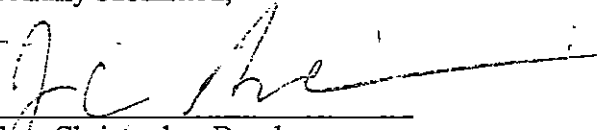
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RULE 203(B) EXPLANATION

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 DUI/Felony driving under the influence, death results (Indictment No: 2020-GS-46-04847) for a sentence of ten (10) years and received one hundred twenty four days (124) days credit for time served.

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,



Jonathan Christopher Bonds
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Freddie Sanders

York, South Carolina

November 19, 2020

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CLERK OF COURT
YORK COUNTY, SC

COUNTY OF YORK
STATE VS.

JAIL

FREDDY SANDERS

AKA: _____
Race: Black Sex: M Age: 64
DOB: _____ SS#: _____
Address: _____
City, State, Zip: Fort Mill, SC 29707

INDICTMENT/CASE#: 2020-GS-46-04847
A/W: 20202280183894
Date of Offense: 07/18/2020
S.C. Code #: 56-05-2945(A)(2)
CDR Code #: 0395

SENTENCE SHEET

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ORIGINAL

DL# _____ SID# SC00690817
*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Felony DUI Resulting in Death (1 year to 25 years & \$10,100 to \$25,100)

In violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Matthew W. Shelton, Assistant Solicitor SC Bar # 74785

Freddy Sanders
Defendant

JCR
Attorney for Defendant SC Bar # 75342

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 10 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 Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 124 days

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 PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$ <u>12</u>
§56-1-286 (DUI Breath Test)	\$25	\$ <u>25</u>
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL		\$ <u>37</u>

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive _____ weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees. *Carroll*

Presiding Judge: _____

Judge Code: 2753

Sentence Date: 11/18/2020

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Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: *Madeline Campy*

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on November 11, 2020, the Grand Jurors of York County present upon their oath:

FELONY DUI RESULTING IN DEATH

The Defendant, Freddy Sanders, did on or about July 18, 2020, in York County, South Carolina, while driving a vehicle under the influence of alcohol, drugs, or a combination thereof, perform an act forbidden by law or neglect a duty imposed by law in the driving of the vehicle. The Defendant committed one or more of the following unlawful acts and/or neglected one or more of the following duties imposed by law while driving under the influence of alcohol and/or drugs causing the deadly wreck: failure to yield the right of way. The Defendant's unlawful act or neglect proximately caused the death of Sherman Jerome Smith. The crime occurred at the intersection of West Main Street and Bynum Avenue in Rock Hill, South Carolina. All in violation of 56-05-2945(A)(2), *South Carolina Code of Laws* (1976; as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

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CLERK OF COURT
YORK COUNTY, SC

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SC Court of Appeals

Sharon Olayon
MATTHEW W. SHELTON SHARON OLAYON
ASSISTANT SOLICITOR