STATE OF SOUTH CAROLINA) Indictment Nos.: 2021-GS-46-01314, 2021-GS-46-01315
)
FILED-RECEIVED
IN THE COURT OF APPEALS)
State of South Carolina 2021 MAR 17 PM 12:06)
)
-vs- DAVID HAMILTON
C.C.C.P. & G.S.
Michael Lee Mitchell, YORK COUNTY, SC)
)
Defendant.)
)

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MAR 19 2021
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 two years suspended on nine days and two years probation, SAC; PTUP with (9) days credit for time served sentence upon the Appellant after he pled guilty to Possession of less than one gram of meth. or cocaine base, 2nd offence and Unlawful to possess, dispose or distribute prescription drug or device without prescription on indictment (s) No. 2021-GS-01314 and 2021-GS-46-01315.

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,

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March 17, 2021