

STATE OF SOUTH CAROLINA

) Indictment No.:2020-GS-46-01223, 2018-GS-46-00933

FILED-RECEIVED

IN THE COURT OF APPEALS
State of South Carolina

)
2021 APR -1 PM 12:28

-vs-

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

Anthony Lamont Starr,

Defendant.

RECEIVED

APR 05 2021

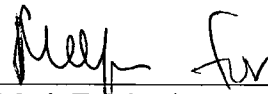
SC Court of Appeals

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 sentence upon the Appellant that pled guilty to Trafficking Methamphetamine 10g or more 1st, Possession with intent to Distribute Marijuana and received a Ten (10) year sentence.

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,



Mark T. McKinnon
Sr. Public Defender
P.O. Box 691
York, South Carolina 29745
(803) 628-3031
Attorney for Erick Laney

York, South Carolina
April 1, 2021

COUNTY OF YORK

STATE VS.

ANTHONY LAMONT STARR

INDICTMENT/CASE#: 2020-GS-46-01223

A/W: 2020-GS-46-01223

AKA: Anthony Starr, Anthony L Starr

Date of Offense: 11/06/2016

Race: Black Sex: M

S.C. Code §: 44-53-375(C)

DOB: SS#: 2021 MAR 31

CDR Code #: 0368

Address: City, State, Zip

DL#: SID# SC01195643

ORIGINAL

SENTENCE SHEET

RECEIVED APR 05 2021 SC Court of Appeals

*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: Trafficking Methamphetamine 10g or more 1st Offense (NLT 3 YEARS TO 10 YEARS & \$25,000)

In violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0450

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:

Hannah R. Woods 101217
Hannah R. Woods, Assistant Solicitor SC Bar #

Anthony L Starr
Defendant

Mark McKinnon 74065
Attorney for Defendant SC Bar #

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 SCDOP.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$	
§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso (Public Def/Probation)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25
§14-1-213 (Drug Court Surcharge)	\$150	\$	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		\$	275

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: 724 days CTS

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge: _____

Judge Code: 2168 Gibbons

Sentence Date: 03/25/2021

Clerk of Court/Deputy Clerk: DAVID HAMILTON

Court Reporter: Mike Watkins

STATE OF SOUTH CAROLINA
COUNTY OF YORK

6
CERTIFIED TRUE COPY
2021 MAR 31 PM 4:02 INDICTMENT

DANIEL HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on February 20, 2020, the Grand Jurors of York County present upon their oath:

TRAFFICKING METHAMPHETAMINE

The defendant, Anthony Lamont Starr, did on or about November 6, 2016, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of one hundred (100) grams or more of methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

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



HANNAH R. WOODS
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: *Smith*

ARREST WARRANT NUMBER
DIRECT INDICTMENT

ACTION OF GRAND JURY

ADQ TRUE BILL
Foreperson of Grand Jury
Date: *2.20.2020*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2020-GS-46-01223
DIRECT INDICTMENT

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 20, TERM 2020

THE STATE

VS.

ANTHONY LAMONT STARR

INDICTMENT FOR

TRAFFICKING METHAMPHETAMINE

SC Code: § 44-53-375(C)
CDR Code: 0368

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

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SC Court of Appeals

COUNTY OF YORK

STATE VS.

ANTHONY LAMONT STARR

AKA: Anthony Starr, Anthony L Starr
Race: Black Sex: M Age: 38
DOB: SS#: 021 MAR 31 PM 4:02
Address:
City, State, Zip:
DL# SID# SC01195643

INDICTMENT/CASE#: 2018-GS-46-00933
A/W: 2016A4620302145
Date of Offense: 11/06/2016
S.C. Code #: 44-53-370
GDR Code #: 0186

RECEIVED APR 05 2021 SC Court of Appeals ORIGINAL SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or TO: Possession with Intent to Distribute Marijuana 1st Offense (NMT 5 YEARS &/OR \$5,000)
In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0186

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Negotiated Sentence, Recommendation by the State.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Hannah R. Woods, Assistant Solicitor SC Bar # 107413
Sharon Chappin 101217
Is Anthony Lamont Starr Defendant
Is Mark McKinnon Attorney for Defendant 100741 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections for a determinate term of 724 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine 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.
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.

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

Table with columns for Recipient, *Fine, and various assessment codes (e.g., §14-1-206, §14-1-211, §56-5-2995) with corresponding dollar amounts and handwritten totals like 100, 25, 150, 275.

Clerk of Court/Deputy Clerk: DAVID HAMILTON
Court Reporter: Mike Watkins
Presiding Judge: Judge Code: 2108 Gibbons
Sentence Date: 03/26/2021

STATE OF SOUTH CAROLINA
COUNTY OF YORK

6
CERTIFIED TRUE COPY
INDICTMENT
2021 MAR 31 PM 4:05

DAVID HAMILTON
CLERK OF COURT

At a Court of General Sessions convened on February 22, 2018, the Grand Jurors of York County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA

The defendant, Anthony Lamont Starr, did on or about November 6, 2016, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana, a schedule I controlled substance, all in violation of Section 44-53-370, Code of Laws of South Carolina (1976, as amended).

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



HANNAH R. WOODS
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: *Price*

ARREST WARRANT NUMBER

2016A4620302145

ACTION OF GRAND JURY

TRUE BILL

YMI Barnett
Foreperson of Grand Jury
Date: *2-22-18*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-46-00933

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 22, TERM 2018

THE STATE

VS.

ANTHONY LAMONT STARR

INDICTMENT FOR

**POSSESSION WITH INTENT TO
DISTRIBUTE MARIJUANA**

SC Code: § 44-53-370
CDR Code: 0186

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

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SC Court of Appeals