

STATE OF SOUTH CAROLINA

) Indictment Nos.: 2020-GS-46-00348
)

IN THE COURT OF APPEALS
State of South Carolina

FILED-RECEIVED

2021 MAY } 8th AM 9:39

-vs-

Jimmy Buchanon,

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

Defendant.

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MAY 24 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 pled guilty to Habitual Traffic Offender (2020-GS-46-00348) for a sentence of thirty (30) months. The Appellant received 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,



James M. Morton
P.O. Box 707
Rock Hill, South Carolina 29731
(803) 366-3388
Attorney for Jimmy Buchanon

York, South Carolina

May 17, 2021

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

STATE VS.

JIMMY BUCHANON

AKA: _____

Race: Black Sex: M Age: 46

DOB: 1 SS#: _____

Address: _____

City, State, Zip: Lancaster, SC 29720-8005

DL# _____ SID# SC00998221

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Habitual Traffic Offender (NMT 5 YEARS)

In violation of § 56-01-1100 of the S.C. Code of Laws, bearing CDR Code # 0057

INDICTMENT/CASE#: 2020-GS-46-00348
A/W: 20202381238531
Date of Offense: 01/01/2020
S.C. Code §: 56-01-1100
CDR Code #: 0057

JAIL

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SENTENCE SHEET

ORIGINAL

CONVICTED OF or PLEADS

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:

s/Leslie Robinson 80151 s/Jimmy Buchanon s/James Morton 4110
Leslie D. Robinson, Assistant Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 30 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.

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

Payment Terms: _____

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 \$ _____

§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) \$ _____ \$ 3

TOTAL \$ 100

Clerk of Court/Deputy Clerk: DAVID HAMILTON

Court Reporter: Nadine Capps

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CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

Other: MAY 24 2021

SC Court of Appeals

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: 210 McKinnon
Sentence Date: 05/13/2021

STATE OF SOUTH CAROLINA CERTIFIED TRUE COPY
COUNTY OF YORK INDICTMENT
2021 MAY 18 AM 9:30

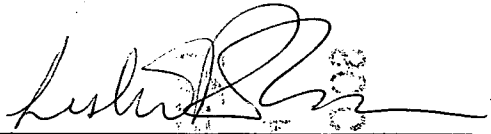
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on March 19, 2020, the Grand Jurors of York County present upon their oath:

HABITUAL TRAFFIC OFFENDER

The defendant, Jimmy Buchanon, on or about January 1, 2020, in York County, did operate a motor vehicle after having been found to be a habitual offender by the South Carolina Department of Motor Vehicles and while the decision of the Department of Motor Vehicles prohibiting the operation of a motor vehicle was in effect, all in violation of Section 56-01-1100, 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.



LESLIE D. ROBINSON
ASSISTANT SOLICITOR

2021 MAY 18 AM 9:30
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

WITNESSES

SCHP

Witnessing Officer: *Revels*

ARREST WARRANT NUMBER

20202381238531

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury
Date: *9-17-2020*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2020-GS-46-00348

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

MARCH 19, TERM 2020

THE STATE

VS.

JIMMY BUCHANON

INDICTMENT FOR

HABITUAL TRAFFIC OFFENDER

SC Code: § 56-01-1100
CDR Code: 0057

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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MAY 24 2021

SC Court of Appeals