

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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OCT 15 2021

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

The Honorable Diane Goodstein, Presiding Judge

INDICTMENT NOS.: 2021GS1004137; 2021GS1004138; 2021GS1004139;
2019GS1001945; 2018GS1006788

WARRANT NOS: 2021A1010200244; 2019A1010204903; 2019A1010900409;
2018A1010900449; 2018A1011300030

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

KENNETH BERNARD BROWN, APPELLANT

NOTICE OF APPEAL

FILED
2021 SEP 30 PM 4:42
JULIE J. ARMSTRONG
CLERK OF COURT
BY [Signature]

Defendant appeals from the conviction and the sentence of the Honorable Diane Goodstein, Judge, Ninth Judicial Circuit, on September 23, 2021. Under Rule 203(B)(iv), SCACR, that as an officer of the court I am informing the court that there are no preserved issues to appeal. My client nonetheless demanded that I file a notice of intent to appeal, and I did so as requested.

Alyssa Rae Harnke

Alyssa R. Harnke, Appointed Counsel for Kenneth Bernard Brown
Charleston County Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, SC 29401

Other counsel of record are:
Stephanie Linder, Assistant Solicitor
Office of the Solicitor, Ninth Judicial Circuit
O.T. Wallace County Office Building
101 Meeting Street, 4th Floor
Charleston, SC 29401
(843) 958-1900

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APPEAL FROM CHARLESTON COUNTY & C Court of Appeals
Court of General Sessions

The Honorable Diane Goodstein, Presiding Judge

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2018A1010900449; 2018A1011300030

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

KENNETH BERNARD BROWN, APPELLANT

FILED
2021 SEP 30 PM 4:12
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on, Assistant Solicitor for Charleston County, by-hand delivering a copy of it to the Charleston County Solicitor's Office at-101 Meeting Street, Charleston, South Carolina 29401, on September 30, 2021.



Kaitlin Kuhn
Paralegal to Alyssa R. Hammke
Charleston County Public Defender
O. T. Wallace County Office Building
101 Meeting Street, 5th Floor
Charleston, SC 29401
(843) 958-1850

Dated: 9/30/2021

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
David P. Schwacke
Berkeley County Public Defender

Ninth Circuit Public Defender
Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Megan S. Ehrlich
Charleston County Public Defender

October 11, 2021

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

RE: The State v. Kenneth Bernard Brown
Appellate Case No. 2021-001131

Dear Ms. Kitchings:

Please find enclosed a copy of the letter sent to Mr. Brown that included a copy of the notice of appeal, which provided the explanation for appealing. The letter also informed him that he has twenty days to inform this Court in writing of any arguable basis that there are issues preserved for appeal.

Should you need any additional information from me, please do not hesitate to contact me.

Sincerely,



Alyssa Harmke
Bar #104415

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OCT 15 2021

SC Court of Appeals

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
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(843) 958-1860 Fax
Megan S. Ehrlich
Charleston County Public Defender

October 7, 2021

VIA HAND DELIVERY

Kenneth Bernard Brown
Inmate #1258989
Sheriff Al Cannon Detention Center
3841 Leeds Avenue
North Charleston, SC 29405

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OCT 15 2021

SC Court of Appeals

RE: State of South Carolina v. Kenneth Bernard Brown
Appellate Case No. 2021-001131

Dear Mr. Brown,

I hope this letter finds you well. I received correspondence from The South Carolina Court of Appeals with information regarding the appeal filed on your behalf. Enclosed is a copy of the Notice of Appeal I filed with the Court on September 30, 2021, along with a copy of the Notice of Appeal you also filed on September 30, 2021. As you requested, I included the memorandums filed by both your previous public defender, Daniel Summa, and the State, regarding whether your offenses should be considered second or third offenses to the Court of Appeals. There was a hearing held on that motion, which you were present for, on April 12, 2019.

I am required to provide the Court an explanation for appealing. As you will see in the Notice of Appeal I filed, I listed that in accordance to Rule 203 within the South Carolina Appellate Court Rules (SCACR), there are no preserved issues to appeal but an appeal was filed on your behalf because you indicated you wanted to do so. The specific rule I cited was Rule 203(B)(iv) which states:

"If the appeal is from a guilty plea...a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed."

The Court of Appeals has requested that I forward the explanation to you and that I explain that **you have twenty (20) days from the date of my transmittal letter to inform the court in writing of any arguable basis that there are issues preserved for appeal.**

If you wish to provide the Court of Appeals with a letter explaining any issues you believe are preserved for appeal, you should send the letter to:

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

I am also required to provide a copy of this letter to the Court of Appeals, which I will be sending today as well.

Sincerely,

Alyssa Rae Harmke
SC Bar #104415
Assistant Public Defender

A handwritten signature in black ink that reads "Alyssa Rae Harmke". The signature is written in a cursive, flowing style.

Enclosures as stated.

CHARLESTON COUNTY PUBLIC DEFENDER
O.T. WALLACE COUNTY OFFICE BLDG.
101 MEETING STREET, 5TH FLOOR
CHARLESTON, SC 29401-2214

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OCT 15 2021

SC Court of Appeals



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