

State of SOUTH CAROLINA  
County of CHARLESTON

State,  
Respondant,

- vs -  
Kenneth B. Brown

Defendant

COURT OF GENERAL SESSIONS  
9th Judicial Circuit

Indictment Numbers: \_\_\_\_\_  
2021A-1010200244; 2019A-101090030; 2019-65-10-676  
2019A-1010900409; 2019A-1010900449; 2019-65-10-189  
2019A-1010204903

Defendants  
Notice of Intent to  
APPEAL

Defendant, Kenneth B. Brown

convicted and/or sentenced on \_\_\_\_\_  
before the Honorable \_\_\_\_\_  
and sentenced to a term of \_\_\_\_\_  
years for the charges of:

RECEIVED

OCT 15 2021

SC Court of Appeals

FILED  
2021 SEP 30 PM 12:21  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY [Signature]

FILED  
2021 SEP 30 PM 12:34  
JULIE J. ARMSTRONG  
CLERK OF COURT

World Respectively asks that an Attorney  
be duly assigned by the South Carolina office  
of Appellate Defense (office of Defense of  
Indigents), to raise Issues or Legal Arguments  
on Appeal.

Respectfully Submitted,

Date: 9/30/2021, 2021

Chas, SC

Kenneth B. Brown  
Address: 2716 West Spray Dr  
Charleston, SC 29405

FILED

2025 SEP 30 PM 12:34

JULIE J. ARMSTRONG  
CLERK OF COURT

BY

Appealable Issues

and/or Arguments He wishes  
His Appellate Attorney Raise  
On His Behalf During the Appeal.

1. Whether He is entitled to the  
Lesser Included offense of Distribution  
of Cocaine/Base and Lesser Included  
offense of Possession which would  
Entitle Him to A Much Lesser Prison  
Sentence.
2. Whether the State (prosecution) Lacked  
Evidence to Charge Him with Trafficking  
When the Actual Charge Should have  
Been Possession with Intent to Distribute?
3. Whether The Trafficking Charge Should  
Have been Summarily Dismissed.

4. Whether the Sentencing Judge Abused His/Her Discretion In Allowing the State to Compile or Enhance His Sentence for 2nd Offenses He Never Had..?

5. Whether Appellant, Kenneth B. Brown's Sentence Should Be Reversed and/or Remanded for a Lesser Sentence and Some of the Current Charges He's Convicted on Dismissed.

6. Whether Plea was voluntarily and Intelligently Entered?

### Legal Analysis (Cases Law)

of Trafficking and Distribution where Defendant's Sentence was Reversed

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2021 SEP 30 PM 12:34

JULIE J. ARMSTRONG  
CLERK OF COURT

BY State v. Thompson, 419 SC 250  
State v. Grandy, 306 SC 224  
State v. Brightman, 336 SC 348  
State v. Gordon, 2004 WL 6396012  
State v. Granger, 333 SC 2

**CERTIFICATE OF SERVICE BY HAND DELIVERY**

I hereby certify that the Appeal Letter regarding the case of Kenneth Bernard Brown v. State of South Carolina has been served on *Kenneth Bernard Brown* in receipt for defendant, Kenneth Bernard Brown Circuit on October 8, 2021.

*DG Wain*  
AFFIANT  
*Inn Wilson*

**RECEIVED**  
OCT 15 2021  
SC Court of Appeals

To: Julie Armstrong, Clerk  
Court of General Sessions  
100 Broad Street  
Charleston, SC 29401

Date: Sept 9, 2021.

2018-65-1  
L78F

Indictment Nos.: 2021A1010220244, 2018A1011300030  
2019A1010204903, 2018-101090049 2019-65-10-1915, 2019A1010204903

Re: State v. Kenneth B. Brown  
\* Notice of Intent to Appeal.

Dear Ms. Armstrong:

Please find ENCLOSED for filing my [Notice of Intent to Appeal] in the above Referenced matter. Please send a copy to All parties deserving such and likewise send me a copy of the same. Thank you.

\*Note. This Notice is made in the event Counsel of Record failed to file.

FILED

2021 SEP 30 PM 12:22

JULIE J. ARMSTRONG  
CLERK OF COURT

BY

✓  
Kenneth B. Brown  
Address: 2718 West Surrey  
Drive N. Chas SC  
29405

BY

JULIE J. ARMSTRONG  
CLERK OF COURT

2021 SEP 30 PM 12:22

- cc. Chief Administrative Judge:
- Scarlett Wilson, Solicitor of Ninth Judicial Circuit
  - South Carolina Court of Appeals
  - Attorney of Record

Appellate pro  
FILED  
Clocked in  
date canceled

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, 5<sup>th</sup> Floor  
Charleston, SC 29401-2214  
(843) 958-1850  
(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

**RECEIVED**

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 style with a large initial "A".

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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MAILED FROM ZIP CODE 29401

