

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

HONORABLE Clifton B. Newman, CIRCUIT COURT JUDGE

Case No.: 2013-GS-32-00654

RECEIVED
APR 19 2013
SC Court of Appeals

1/11/13
The State, Respondent.
v.
Ashley Cook, Appellant.

NOTICE OF APPEAL

Ashley Cook, appeals her guilty plea and sentence in this case. The sentence was imposed by the Honorable Clifton B. Newman on April 11, 2013.

Sarah A. Hahn

Sarah A. Hahn,
Asst. Public Defender
407 ½ W. Main Street
Lexington, SC 29072
(803) 957-8873

OTHER COUNSEL OF RECORD:
Casey Rankin,
Assistant Solicitor
Lexington County Courthouse
Lexington, SC 29072

THE STATE OF SOUTH CAROLINA
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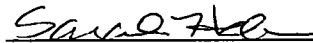
The State,.....Respondent.

V.

Jenny Kitchings,.....Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Casey Rankin, by depositing a copy of it in the United States Mail, postage prepaid, on April 16, 2013, addressed to Casey Rankin, Assistant Solicitor, Lexington County Courthouse, Lexington, SC 29072.



Sarah A. Hahn
Assistant Public Defender
407 ½ W. Main Street
Lexington, SC 29072

OFFICE OF THE PUBLIC DEFENDER

ELIZABETH FULLWOOD
Lexington Public Defender
407½ W. Main St.
Lexington, SC 29072
Telephone (803) 957-8873
Fax (803) 957-1443

Eleventh Judicial Circuit
Lexington, Saluda, Edgefield,
and McCormick Counties

ROBERT M. MADSEN
Circuit Public Defender

W. GREG SEIGLER
Tri-County Public Defender
Post Office Box 1852
McCormick, SC 29835
Telephone (864) 852-9555
Fax (864) 852-9554

April 16, 2013

The Honorable Jenny Kitchings
Clerk of Court for Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED

APR 19 2013

Re: The State vs. Ashley Cook - appeal

SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed an original and one (1) copy of a Notice to Appeal in the above matter for filing in your office. Please file the original and return the date/time stamped copy to me in the envelope provided.

I am, by copy of this letter, serving a copy of this Notice to Appeal on Casey Rankin, and Robert M. Dudek, together with my Certificate of Service.

Thank you for your assistance in this matter. With kind regards, I am

Sincerely,



Sarah A. Hahn

Enclosures

CC: Casey Rankin,
Assistant Solicitor
Lexington County Courthouse
Lexington, SC 29072

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

INDICTMENT NUMBERS:

2013-GS-32-00654

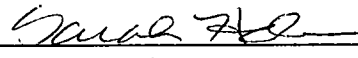
vs.

RULE 203(B)

ASHLEY SHAY COOK,
Defendant.

Pursuant to Rule 203(B)(iv), the undersigned asserts that she does not have a good faith basis to believe that any issues are properly before the Court of Appeals. Nevertheless, the undersigned has advised the Appellant about her right to appeal, and 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, 706 (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,



Sarah A. Hahn
Lexington County Public Defender's Office
407 ½ W. Main St.
Lexington, SC 29072
(803) 785-8873

Lexington, South Carolina
April 16, 2013

STATE OF SOUTH CAROLINA

0-: YEARS AND/OR 0-50K

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS. Ashley Cook
AKA:
Race: Sex: F Age: 30
DOB: 06-06-1982 SS#: 248-55-1972
Address: 1043 Meadowfield Rd
City, State, Zip: Gaston, SC 29053-9349
DL#: 011230988 SID#:

INDICTMENT/CASE#: 2013GS3200654
A/W#: 2012A3210201086
Date of Offense: 11/24/2012
S.C. Code § : 44-53-0375 (B) (2)
CDR Code #: 3199

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 44-53-0375 (B) (2) of the S.C. Code of Laws, bearing CDR Code # 3199
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §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, Defendant's initials: AK

ATTEST: Casey Rankin, Solicitor; Defendant; Attorney for Defendant; SC Bar# 78939; 73031

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 4 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 Services 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 the State Department of Corrections. (139 days credit)

The Defendant is to be placed on the 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 (Criminal 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: \$

Payment Terms: Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$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, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$280.00

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be paid in equal consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: Lex. Ct. C.C.C., D.S. & P.C.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: C. Vernon
Judge Code: 2127
Sentence Date: April 11, 2013

Clerk of Court/ Deputy Clerk: Beth A. Huffine
Court Reporter: Carol Thorne
SCCA/217 (03/2011)

WITNESSES

Lexington County Sheriffs Department

Paige B. Tucker

Law Enforcement Case #:

DOCKET NO. 2013GS3200654

The State of South Carolina

County of Lexington

CNR

ARREST WARRANT NUMBER

2012A3210201086

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2013

THE STATE

vs.

Ashley Cook

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

CDR #: 3199

Indictment for

Manufacturing Methamphetamine

§ 44-53-0375 (B) (2)

DONALD V. MYERS, SOLICITOR

I DO HEREBY WAIVE MY RIGHT TO GRAND JURY PRESENTMENT

Ashley Cook
DEFENDANT

4/11/13
DATE

[Signature]
WITNESS

A TRUE COPY

Lex. Co. C.C.C.S. G.S. & F.C.

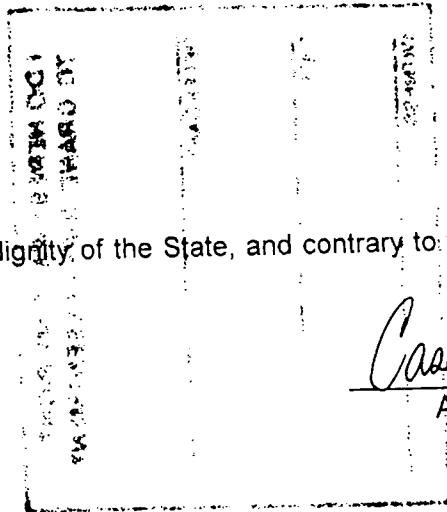
STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Manufacturing Methamphetamine
§ 44-53-0375 (B) (2)

At a Court of General Sessions, convened on February 2013, the Grand Jurors of Lexington County present upon their oath:

That in Lexington County, South Carolina, on or about November 24, 2012, the Defendant, Ashley Cook, did manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to distribute, dispense, or deliver methamphetamine, all in violation of Section 44-53-375, 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.



Casey Rank
ASSISTANT SOLICITOR

NOTICE TO APPELLATE DEFENSE

To: Division of Appellate Defense/Office of Attorney General

From: L. Bellamy

Date: April 23, 2013

Re: Notice of Filing of Notice of Appeal

Case Name: The State v. Ashley Cook

Case Number: 2013-GS-32-654

County: Lexington

Date of Filing: April 19, 2013

Filed by: Sarah A. Hahn, Esquire

Judge: The Honorable Clifton B. Newman

Hearing Date: April 11, 2013

Guilty plea: Yes