

STATE OF SOUTH CAROLINA )

Indictment Nos.: 2021-GS-46-01980

IN THE COURT OF APPEALS )

State of South Carolina )

-vs- )

Luis Angel Orozco Mercado, )

Defendant. )

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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 10 years, with (302 days credit for time served) sentence upon the Appellant after he pled guilty to Traff Opium/Herion 4g but less than 14g 1<sup>st</sup> offense (NLT 7 years to 25 years & 50,000).

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 (4<sup>th</sup> 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,

  
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February 8, 2022

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