

STATE OF SOUTH CAROLINA)

Indictment No.: 2021-GS-46-02091

FILED - RECEIVED

2022 MAR 17 PM 3:51

IN THE COURT OF APPEALS)

State of South Carolina)

DAY) HAMILTON
C.D.C.P. & GS
YORK COUNTY, SC

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MAR 21 2022

SC Court of Appeals

-vs-

Bobby Ray McClure Jr.,)

Defendant.)

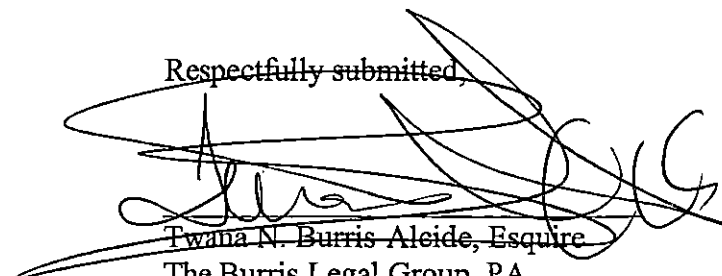
RULE 203(B) EXPLANATION

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 of seven (7) years with credit for time served for three hundred and forty (340) days and a fine of Fifty Thousand Dollars and no/100 (\$50,000) after the Appellant plead guilty to Trafficking Crack Cocaine 28g or more but less than 100g, 2nd offense on Indictment 2021-GS-46-02091.

The undersigned does not have a good faith basis to believe that this issue is properly before the South Carolina Court of Appeals. The undersigned did file a timely post-trial Motion to Withdraw the Guilty Plea on Tuesday, March 8, 2022 and the post-trial Motion to Withdraw the Guilty Plea was heard and denied by The Honorable J. Derham Cole on Thursday, March 10, 2022.

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,



Twana N. Burris Aleide, Esquire

The Burris Legal Group, PA

PO Box 10311

Rock Hill, SC 29731

(803) 980-0100

Attorney for Bobby Ray McClure Jr.

March 17, 2022

WITNESSES

DEU

Witnessing Officer: *Ligon*

ARREST WARRANT NUMBER

2021A4610200647

ACTION OF GRAND JURY

TRUE BILL

Chantal S. Paulsen
Foreperson of Grand Jury
Date: *6/17/2020*

VERDICT

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of
2022 MAR 17 PM 5:55
D. J. WILSON
C.C.C. & G.S.
YORK COUN. SC

DOCKET NO. 2021-GS-46-02091

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JUNE 17, TERM 2021

THE STATE

VS.

BOBBY RAY MCCLURE, JR

INDICTMENT FOR

TRAFFICKING CRACK COCAINE

SC Code: § 44-53-375(C)
CDR Code: 0368

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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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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DAVID HARRISON
CLERK OF COURT
YORK COUNTY, SC

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INDICTMENT 2022 MAR 17 PM 3:51

E. A. HAMILTON
C.C.P. & GS
YORK COUNTY, SC

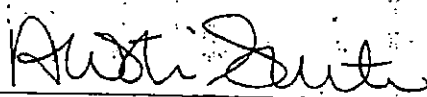
At a Court of General Sessions, convened on June 17, 2021, the Grand Jurors of

York County present upon their oath:

TRAFFICKING CRACK COCAINE

The defendant, Bobby Ray McClure Jr, did on or about April 1, 2021, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of one hundred (100) grams or more of crack cocaine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), 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.


AUSTIN N. SMITH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

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IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

2022 MAR 17 PM 3 51

STATE

VS.

D.A. HAMILTON
C.O.C.R. & GS
YORK COUNTY, SC

INDICTMENT/CASE#: 2021-GS-46-02091

BOBBY RAY MCCLURE, JR

AKA: Bobby Ray Jr McClure, Bobby Ray McClure

Race: B Sex: M Age: 41

DOB: SS#

Address:

City, State, Zip:

DL# SID# SC01127657

A/WH: 2021A4610200647

Date of Offense: 04/01/2021

S.C. Code §: 44-53-375(C)

CDR Code #: 0368

SENTENCE SHEET

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SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF PLEADS

TO: Trafficking Crack Cocaine 28g or more 2nd Offense (NLT 7 YEARS TO 30 YEARS & \$50,000)

In violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0389

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:

Austin N. Smith
Solicitor

102332
SC Bar #

Bobby Ray McClure, Jr
Defendant

Twana Nakeya Burris-Alcide
Attorney for Defendant

72010
SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 7 days/months/years Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$ 50000 provided that upon the service of days/months/years Time Served 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.

The sentence shall run

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.

340 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Bobby Ray McClure, Jr

INDICTMENT/CASE#: 2021-GS-46-02091

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SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. Or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: _____
- Public Service Employment _____ days/hours
- Random Drug/Alcohol Testing
- Domestic Violence Intervention Program

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

RESTITUTION Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ 50,000
§14-1-206 (Assessments 107.5%)			\$ 53,150
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150		\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 3,20.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$
TOTAL			\$ 101,145.75

Clerk of Court/Deputy Clerk:
Court Reporter:

David Hamilton
Shannon McGilberry

Presiding Judge:
Judge Code:
Sentence Date:

9053 Cole
3/17/22