

THE STATE OF SOUTH CAROLINA
In the Court Of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

HONORABLE GEORGE C. JAMES, JR., CIRCUIT COURT JUDGE

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MAY 13 2013
SC Court of Appeals

Case No. 11-GS-32-03534
Warrant No. W-32-13-0029

Hahn The State, Respondent.
V.
Nicholas A. Smith, Appellant.

NOTICE OF APPEAL

Nicholas A. Smith, appeals the probation revocation and sentence in this case. The sentence was imposed by the Honorable George C. James, Jr., on April 26, 2013.

Sarah A. Hahn

Sarah A. Hahn
Assistant Public Defender
407 ½ West Main St.
Lexington, SC 29072
(803) 785-8873

OTHER RECORD OF COUNSEL:
Matthew C. Buchanan
General Counsel for Probation
P.O. Box 50666
Columbia, SC 29250

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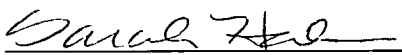
HONORABLE GEORGE C. JAMES, JR., Circuit Court Judge

Case No. 11-GS-32-03534
Warrant No. W-32-13-0029

The State, Respondent.
V.
Nicholas A. Smith, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Matthew Buchanan by depositing a copy of it in the United States Mail, postage prepaid, on May 6, 2013, addressed to Matthew C. Buchanan, Counsel for Probation, P.O. Box 50666, Columbia, SC 29250.



Sarah A. Hahn
Assistant Public Defender
407 ½ W. Main Street
Lexington, SC 29072
(803) 785-8873

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

vs.

NICHOLAS A. SMITH,
Defendant.

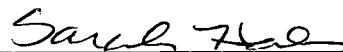
WARRANT NUMBER:

W-32-13-0029

RULE 203(B)

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 his 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
May 2, 2013

May 6, 2013

The Honorable Jenny Kitchings
Clerk of Court
COURT OF APPEALS
1015 Sumter Street
Columbia, SC 29201

RECEIVED

MAY 13 2013

SC Court of Appeals

Re: The State vs. Nicholas A. Smith

Dear Ms. Gee:

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 Matthew C. Buchanan and Robert 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: Matthew C. Buchanan
General Counsel for Probation
P.O. Box 50666
Columbia, SC 29250

Office of Appellate Defense
P.O. Box 11589
Columbia, SC 29211

cc: Lorenzo Jones
SC Probation, Parole & Pardon Services
605 West Main St., Ste. 104
Lexington, SC 29072

Nicholas A. Smith, Inmate#0355214
Kirkland R&E Center
4344 Broad River Road I
Columbia, SC 29210