

**RECEIVED**  
**Jan 30 2023**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Greenwood County Court of General Sessions  
The Honorable Donald B. Hocker Circuit Court Judge

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Indictment No. 2018GS2401834

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State of South Carolina,.....Respondent,

v.

Carl Clark.....Appellant.

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**NOTICE OF APPEAL**

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The Defendant, Carl Clark, by and through undersigned counsel hereby appeals his conviction and sentence in the above-captioned case. On January 23, 2023, the Defendant pleaded guilty before the Honorable Donald B. Hocker to ABHAN and received a sentence of five (5) years imprisonment with sexual offender registry.

**ISSUE EXPLANATION PURSUANT TO RULE 203(d)(1)(B)(iv)**

It was error for the plea court to consider the victim impact statement from a different victim involved in a separate case that was ultimately dismissed when making the sentencing determination in this case. The victim impact statements also alleged uncharged conduct never

before heard, including new allegations of elevated forms of sexual abuse, such as rape. The Defendant's five (5) year sentence was thus unfairly and improperly determined pursuant to *State v. Rich*, 269 S.C. 701, 239 S.E.2d 731 (1977). *See Id.* at 704, 239 S.E.2d at 732 (“[D]espite the broad discretion left to the trial judge in assessing background information for sentencing purposes, a defendant retains the rights not to be sentenced on the basis of invalid premises.”).

Respectfully submitted,

William G. Yarborough, III

Lauren Carole Hobbis

By: /s/ Lauren C. Hobbis, #103190

William G. Yarborough III, Attorney at Law, LLC

308 West Stone Avenue

Greenville, South Carolina 29609

(864) 331-1612

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that the Notice of Appeal filed in the above-captioned case was served upon Assistant Attorney General Kinli Bare Abee by email to her AIS email address: kabee@scag.gov

This day, the 30<sup>th</sup> day of January 2023.

s/ Lauren C. Hobbis  
South Carolina Bar No. 103190  
William G. Yarborough III, Attorney at Law, LLC  
308 West Stone Avenue  
Greenville, South Carolina 29609  
(864) 331-1612

