

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable Grace G. Knie, Circuit Court Judge

Case No(s): 2020GS4203371, 2020GS4203371A

RECEIVED
FEB 15 2023
SC Court of Appeals

The State

Kevin Calvin Choice

v.

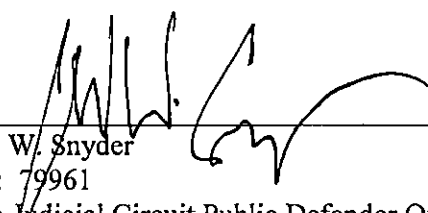
Respondent,

Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Kevin Calvin Choice files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable Grace G. Knie on February 7, 2023. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

February 13, 2023



Charles W. Snyder
Bar No: 79961
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:

Spenser H Smith, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent

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APPEAL FROM THE SPARTANBURG COUNTY
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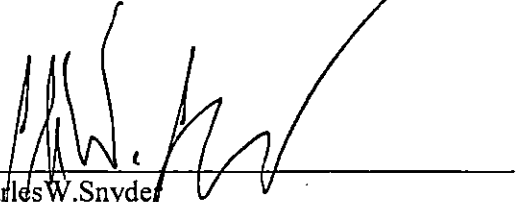
Case No(s): 2020GS4203371, 2020GS4203371A

The State Respondent,
v. Kevin Calvin Choice Appellant.

PROOF OF SERVICE

I certify that I served the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on February 13, 2023 addressed to its attorney of record, Spenser H. Smith, Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

February 13, 2023



Charles W. Snyder
Bar No: 79961
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
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(864) 596-2561
Attorney for Appellant

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

FEB 15 2023

STATE

VS.

SC Court of Appeals

INDICTMENT/CASE#: 2020 - GS - 42 - 03371

Kevin Choice

A/W#: 2019A2320501395

Date of Offense: 10/31/2019

S.C. Code § 16-03-0010; 16-03-0020

CDR Code #: 0116

AKA:
Race: BLACK Sex: M Age: 43
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

SENTENCE SHEET

N.C. v. AHard

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or PLEADS

TO: Voluntary manslaughter (2-30yr)

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

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

SMITH, SPENSER H SC101370 SC Bar # Defendant Snyder W, Charles W. SCB79961 SC Bar#

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

for a determinate term of 25 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; 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. 1160 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.

SPECIAL CONDITIONS:

- PTUP after _____ months/years
- And Other Terms Listed Below:**
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: NO CONTACT WITH VICTIM'S FAMILY MEMBER.

- RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

	\$	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$	_____	_____
§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	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$
§14-1-213 (Drug Court Surcharge)		\$150	\$
§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	\$
<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 \$ 643.75

Clerk of Court/ Deputy Clerk: Camp

Court Reporter: McDaniel

Presiding Judge: [Signature]

Judge Code: 2760

Sentence Date: 2-7-23

WITNESSES

Greer Police Department

DA 6/12/20

ARREST WARRANT NUMBER

COUNT ONE: 2019A2320501395

COUNT TWO: 2019A2320501396

ACTION OF GRAND JURY

True Bill

[Signature] JUN 12 2020

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. - **20-GS-42-3271**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 15 2020

TERM

THE STATE

vs.

Kevin Choice a/k/a Calvin Choice

**Indictment for
MURDER AND POSSESSION
OF FIREARM DURING COMMISSION
OF A VIOLENT CRIME**

SC Code 16-03-0010, 0020; 16-23-490

CDR CODE: 0116: 0549

CLASS: FEL-EXM: FEL/F

SC Court of Appeals

FEB 15 2023

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FILED

COUNT ONE—MURDER

That Kevin Choice, also known as Calvin Choice, did in Spartanburg County on or about October 31, 2019, feloniously, willfully and with malice aforethought, kill

one Adam Vasquez, by shooting the Adam Vasquez with a firearm, and that the Adam Vasquez died as a proximate result thereof, all in violation of §16-3-0010, 0020, *CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

**COUNT TWO—POSSESSION OF FIREARM DURING
COMMISSION OF A VIOLENT CRIME**

That Kevin Choice, also known as Calvin Choice, did in Spartanburg County on or about October 31, 2019, possess a firearm, during the commission of a violent crime as defined in Code §16-1-60, to wit: MURDER, in violation of Code §16-23-490, *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.

s/ Jennifer E. Wells
ASSISTANT SOLICITOR

RECEIVED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG FEB 15 2023

STATE

SC Court of Appeals

INDICTMENT/CASE#: 2020 - GS - 42 - 3371A

VS.

Kevin Choice
AKA:
Race: BLACK Sex: M Age: 43
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

A/W#: 2019A2320501396
Date of Offense: 10/31/2019
S.C. Code § 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

W.C. v. Alford

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

In disposition of the above indictment comes now the Defendant who was [] CONVICTED OF or [X] PLEADS

TO: Poss. weapon during violent crime (5yr)

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

[X] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS [] §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: [X] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST: SMITH, SPENSER H SC101370 SC Bar # Defendant Snyder, Charles W. SCB79961 SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections [] County Detention Center,

for a determinate term of 5 days/months/years/Time Served [] Youthful Offender Act not to exceed years
and/or to pay a fine of \$; 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 [X] CONCURRENT or [] CONSECUTIVE to sentence on:

[X] 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. 1160 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.

SPECIAL CONDITIONS:

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

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	_____	\$ _____
§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		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ _____
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§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		\$ _____
<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				\$ <u>128⁷⁵</u>

Clerk of Court/ Deputy Clerk: Camp
 Court Reporter: McDaniel

Presiding Judge: _____
 Judge Code: 2760
 Sentence Date: 2-7-23

TNESSES

rtment

5/12/20

ARRANT NUMBER

2320501395

2320501396

F GRAND JURY

True Bill

JUN 12 2020

tury

RDICT

y

DOCKET NO.

20-GS-42-3271

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 15 2020

TERM

THE STATE

vs.

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CDR CODE: 0116: 0549

CLASS: FEL-EXM: FEL/F

FILED

2020 JUN 22 PM 3:39

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

RECEIVED

FEB 15 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUN 12 2020, the

Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE—MURDER

That Kevin Choice, also known as Calvin Choice, did in Spartanburg County on or about October 31, 2019, feloniously, willfully and with malice aforethought, kill one Adam Vasquez, by shooting the Adam Vasquez with a firearm, and that the Adam Vasquez died as a proximate result thereof, all in violation of §16-3-0010, 0020, *CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

s/ Jennifer E. Wells
ASSISTANT SOLICITOR

PCL XL Error

Subsystem: KERNEL

Error: IllegalTag