

THE STATE OF SOUTH CAROLINA
In the Appellate Court

NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT OF
GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In the Supreme Court]

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Edward W. Miller, Circuit Court Judge

Case No(s): 2021-GS-23-01478A

The State,

v.

Lillian Mae Bates,

Respondent.

Appellant.

NOTICE OF APPEAL

Lillian Mae Bates appeals her conviction and sentence in this case. The sentence was imposed by the Honorable Letitia H. Verdin on November 9, 2022. This appeal is taken from the Order of The Honorable Edward W. Miller, dated March 17th, 2023, which denied Appellant's Motion to Vacate the Guilty Plea.

Appellant would show there is a meritorious legal issue underlying the indictment at the center of her plea. Appellant would show that at the time of her plea, counsel did not inform her of an Order from a General Sessions Circuit Court in Newberry County that made findings that trafficking in fentanyl was not considered a crime in the state of South Carolina. Although this Order is not binding on Greenville General Sessions Court, it's content was crucial to a disputed issue in her case. Accordingly, knowledge of its existence would have certainly influenced her decision to plead guilty. Defense counsel's failure to inform Ms. Bates of this information, and the Court's decision to not allow her to withdraw her guilty plea, rendered her plea unlawful without a meaningful, knowing, and intelligent waiver of her rights.

Further, Appellant would show that the indictment under which she pled did not state a valid criminal offense, as trafficking in fentanyl is not included as a crime in our current trafficking statutory scheme by name or reference. Because the indictment failed to state any criminal act under the stated statute, her plea was made without proper subject matter jurisdiction.


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Paul Winkensinger - CJC GUL SC

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SC Court of Appeals

As Appellant is incarcerated in the State Department of Corrections, she would ask the court to give her leave to file out of time due to difficulty in communication with counsel.

Date: March 20th, 2023



Rachel A. Kepley, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

Other Counsel of Record:
Walt Wilkins, Attorney for Respondent

23 MAR 20 PM 3:22
Paul Wickensiner CDC SVL SC

THE STATE OF SOUTH CAROLINA
In the Appellate Court

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APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

SC Court of Appeals

Letitia H. Verdin, Circuit Court Judge

Case No(s): 2021-GS-23-01478A

The State,

Respondent.

v.

Lillian Mae Bates,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on March 20th, 2023, addressed to:

Walt Wilkins
13th Circuit Solicitor
305 E. North Street
Suite 325
Greenville, SC 29601-2185


Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

Date: March 20th, 2023



Rachel A. Kepfey, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

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Paul Wickensiner - COC GUIL SC

13TH  **CIRCUIT PUBLIC DEFENDER**
Hon. Hervey Lipinski, CIRCUIT PUBLIC DEFENDER

Greenville Public Defender Office
Greenville County Courthouse
305 East North Street, Suite 123
Greenville, SC 29601 | (864) 467-8522

Greenville Juvenile and Magistrate Office
Greenville County Family Court Complex
350 Halton Road, Suite 300
Greenville, SC 29607 | (864) 467-8330

Pickens Public Defender Office
Pickens County Courthouse
214 East Main Street, Suite 310
Pickens, SC 29671 | (864) 467-8025

March 20th, 2023

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SC Court of Appeals

Via Regular Mail

The Honorable Jenny Abbott Kitchings
Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Lillian Mae Bates
Case No.:2021-GS-23-01478A


Dear Ms. Kitchings:

Enclosed you will find the original Notice of Appeal in the above matter along with Proof of Service upon the Respondents. The Notice has been filed with the Greenville County Clerk of Court. Also enclosed is a copy of the indictment. These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at the plea hearing.

Thank you for your attention to this matter.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER

By: 

Rachel A. Kepley, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

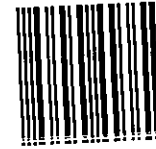
Enclosure(s)

Notice of Appeal
Certified Indictment(s)
Proof of Service

cc: Office of the Thirteenth Circuit Solicitor
Office of the Attorney General
Office of Appellate Defense



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13th Circuit Public Defender

Greenville County Courthouse
305 E. North Street, Suite 123
Greenville, SC 29601

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MAR 22 2023

SC Court of Appeals

The Honorable Jenny-Abbott-Kitchings

Clerk, The S.C. Court of Appeals

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