

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

Sep 19 2023

SC Court of Appeals

Appeal from York County Court of General Sessions

The Honorable Eugene C. Griffith, Jr.

Indictment Nos. 2023GS4605165, 2023GS4605165A

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

v.

John Kenneth
Totherow.....Appellant

NOTICE OF APPEAL

The Appellant, John Kenneth Totherow, by and through undersigned counsel William G. Yarborough III, hereby appeals his conviction and sentence in the above-captioned case. The Appellant pleaded guilty and was sentenced on September 12, 2023 before the Honorable Eugene C. Griffith, Jr.

STATEMENT OF ISSUES PURSUANT TO RULE 203(d)(1)(B)(iv)

I. The Appellant was a fourteen (14) year old juvenile when the alleged crimes were committed. He was sentenced two days after his 16th birthday. The Appellant’s guilty plea was not knowingly or voluntarily entered because he was not adequately informed of or did not understand the constitutional rights he was waiving by pleading guilty, including the right to be

adjudicated in family court as a juvenile or challenging the waiver to the Court of General Sessions to be prosecuted as an adult. Counsel will file the sentencing sheets with this Court upon receipt.

Respectfully submitted,

By: s/ William G. Yarborough
South Carolina Bar No. 10271
William G. Yarborough III, Attorney at Law
308 West Stone Avenue
Greenville, South Carolina 29609
(864) 331-1612

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

Sep 19 2023

SC Court of Appeals

Appeal from York County Court of General Sessions

The Honorable Eugene C. Griffith, Jr.

Indictment Nos. 2023GS4605165, 2023GS4605165A

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

v.

John Kenneth
Totherow.....Appellant

CERTIFICATE OF SERVICE & NOTICE OF FILING WITH LOWER COURT

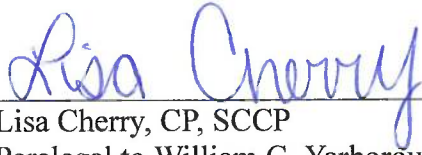
The undersigned hereby certifies that the Notice of Appeal filed in the above-captioned case was served upon the Respondent State of South Carolina by USPS mail to the office of the Assistant Solicitor John Cleveland Anthony and to the Honorable Alan Wilson located at the following address:

16th Circuit Solicitor's Office
Moss Justice Center
1675 York Highway
York, SC 29745

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

The undersigned further certifies that a copy of the Notice of the Appeal filed in this case was filed with the York County Clerk of Court.

This day, the 19th day of September 2023.



Lisa Cherry, CP, SCCP
Paralegal to William G. Yarborough, III