

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

RECEIVED

DEC 07 2023

APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions

SC Court of Appeals

23 DEC 5 AM 11:12  
Brice Garrett COC GUL SC

Perry H. Gravely, Circuit Court Judge

Case No(s): 2023GS2307360

The State,

Respondent.

v.

Eberette Lamar Babb,

Appellant.

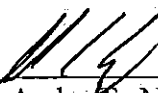
NOTICE OF APPEAL

Eberette Lamar Babb appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Perry H. Gravely on December 4, 2023.

Defendant would show that his guilty plea was defective. Defendant raised an objection at the time of his guilty plea that the facts presented to the Court was not the set of facts he wished to plead to. Defense Counsel proposed a remedy to Defendant that he could plead pursuant to North Carolina v. Alford. Defendant agreed to move forward and the judge converted his guilty plea to a plea pursuant to North Carolina v. Alford. Defendant raised no further objections at the time of the guilty plea pursuant to North Carolina v. Alford. Undersigned counsel is aware of no reasons for overturning the plea or the sentence, however defendant has communicated to counsel that he desires an appeal.

Counsel is filing this appeal pursuant to his ethical duty to his client, and Defendant's constitutional right to appeal. *Frazier v. South Carolina*, 430 F.3d 696, 706 (2005) ("A Defendant has the right to pursue a direct appeal, even if frivolous, which counsel must assist as an active advocate in behalf of his client.")

Date: December 05, 2023



Andre Ta Nguyen, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Other Counsel of Record:  
Jeff Weston  
13th Circuit Solicitor's Office  
305 E. North Street  
Suite 325  
Greenville, SC 29601-2185  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

---

APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions

Perry H. Gravely, Circuit Court Judge

---

Case No(s).: 2023GS2307360

The State,

Respondent.

v.

Eberette Lamar Babb,

Appellant.

---

**PROOF OF SERVICE**

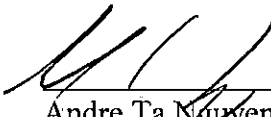
---

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 December 05, 2023, addressed to:

Jeff Weston  
13th Circuit Solicitor's Office  
305 E. North Street  
Suite 325  
Greenville, SC 29601-2185

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

Date: December 05, 2023

  
\_\_\_\_\_  
Andre Ta Nguyen, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

RECEIVED

DEC 07 2023

SC Court of Appeals

23 DEC 5 AM 11:12  
Bribe Garrett CDD CIVIL SC



# 13<sup>TH</sup> CIRCUIT PUBLIC DEFENDER

Mindy 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

December 05, 2023

**Via Regular Mail**

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

**RECEIVED**  
DEC 07 2023  
SC Court of Appeals

**Re: State v. Eberette Lamar Babb**  
Case No(s): **2023GS2307360**

Dear Mr. Wilson:

Enclosed please find a copy of the Notice of Appeal in the above matter along with Proof of Service. This matter is being referred to the Office of Appellate Defense.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER

By: \_\_\_\_\_

Andre Ta Nguyen, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Enclosure(s)

Notice of Appeal  
Indictment(s)  
Proof of Service



# 13<sup>TH</sup> CIRCUIT PUBLIC DEFENDER

Mindy 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

December 05 2023

**Via Regular Mail**

Della White  
S.C. Office of Appellate Defense  
P.O. Box 11433  
Columbia, SC 29211

**RECEIVED**  
DEC 07 2023  
SC Court of Appeals

**Re: State v. Eberette Lamar Babb**  
Case No(s): **2023GS2307360**

Dear Ms. White:

Enclosed please find a copy of the Notice of Appeal in the above matter. The Court Reporter's name and address is as follows:

Hollie M. Jenkins  
Post Office Box 16506  
Greenville, SC 29606

Also enclosed are copies of our letters to the Court of Appeals and the Attorney General's office as well as Proof of Service on all parties involved. Copies of the indictments are also enclosed.

Please let us know what further service we can be in this matter.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER

By: \_\_\_\_\_

Andre Ta Nguyen, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Enclosure(s)

Notice of Appeal  
Indictment(s)  
Proof of Service



# 13<sup>TH</sup> CIRCUIT PUBLIC DEFENDER

Mindy 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

December 05 2023

**Via Regular Mail**

Jeff Weston  
305 E. North Street  
Suite 325  
Greenville, SC 29601-2185

**RECEIVED**  
**DEC 07 2023**  
**SC Court of Appeals**


**Re: State v. Eberette Lamar Babb**  
Case No(s): **2023GS2307360**

Dear :

Enclosed please find a copy of the Notice of Appeal in the above matter along with Proof of Service.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER

By:   
Andre Ta Nguyen, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Enclosure(s)

Notice of Appeal  
Indictment(s)  
Proof of Service



# 13<sup>TH</sup> CIRCUIT PUBLIC DEFENDER

Mindy 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

December 05, 2023

**RECEIVED**

DEC 07 2023

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. Eberette Lamar Babb**  
Case No(s).: **2023GS2307360**

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 trial.

Thank you for your attention to this matter.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER

By: \_\_\_\_\_

*Andre Ta Nguyen*  
Andre Ta Nguyen, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Enclosure(s)

Notice of Appeal  
Indictment(s)  
Proof of Service

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

**CERTIFIED MAIL®**



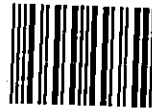
**13th Circuit Public Defender**  
Greenville County Courthouse  
305 E. North Street, Suite 123  
Greenville, SC 29601

*AN*



9589 0710 5270 1194 5049 68

**Retail**



29211

U.S. POST  
FCM LETT  
GREENVIL  
DEC 05, 20

**\$5.25**

R2304H10E

**RDC 99**



**RECEIVED**

DEC 07 2023

SC Court of Appeals

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

*[Handwritten signature]*

2921181629 8012

