



13TH 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 13 2023

RECEIVED

Dec 13 2023

SC Court of Appeals

Eberette Lamar Babb
719 Oak Hill Lane
Belton, SC 29627

Re: *State v. Eberette Lamar Babb*

Warrant/Ticket No(s): 2021A2320400673, 2021A2320400672, 2021A2320400674,
2023A2320600953

Dear Mr. Babb:

Please see attached notice from the Court of Appeals and our notice of appeal with our explanation for the appeal. Please write to the Court of Appeals why you wish to appeal. Please send that to:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

You have twenty (20) days from today's date to state any arguable basis that there are issues preserved for appeal.

Very truly yours,

GREENVILLE COUNTY PUBLIC DEFENDER

By:  (102084)

Andre Ta Nguyen, Esq.
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Enclosed: Notice of Appeal, Notice from COA



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 11, 2023

Mr. Andre Ta Nguyen, Esquire
305 East North Street
Suite 123
Greenville SC 29601

Re: The State v. Eberette L. Babb
Appellate Case No. 2023-001883

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal will be dismissed.

Very truly yours,


CLERK



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
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TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 11, 2023

Mr. Andre Ta Nguyen, Esquire
305 East North Street
Suite 123
Greenville SC 29601

Re: The State v. Eberette L. Babb
Appellate Case No. 2023-001883

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

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,

Eberette Lamar Babb,

v.

Respondent.

Appellant.

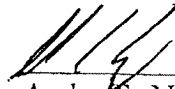
NOTICE OF APPEAL

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. Frazer 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

AP: ✓

23 DEC 5 AM 11:13
Brice Garrett CEC SCL SC

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.

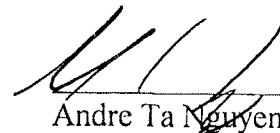
PROOF OF SERVICE

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

23 DEC 5 AM 11:13
Brice Garrett COC 604L SC