

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

Honorable R. Keith Kelly, Circuit Court Judge

RECEIVED  
MAR 15 2024  
SC Court of Appeals

Case No(s): 2023GS4202028, 2023GS4202029, 2024GS4201079

The State

Chase Smith Keller

v.

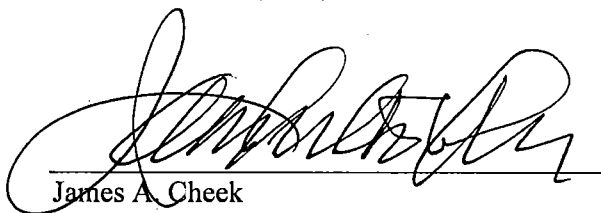
Respondent,

Appellant.

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

Pursuant to Rule 203(d)(1)(B), SCACR, Chase Smith Keller files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable R. Keith Kelly on March 6, 2024. 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).

March 13, 2024



James A. Cheek  
Bar number: 1207  
Seventh Judicial Circuit Public Defender Office  
180 Magnolia Street, Suite 2137  
Spartanburg, South Carolina 29306  
(864) 596-2561  
Attorney for Appellant

Other Counsel of Record:

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

WITNESSES

Spartanburg County Sheriff's Office

*Jimmy W. Powers*

ARREST WARRANT NUMBER

2021A4210204359

ACTION OF GRAND JURY

MAR 24 2023

*Tom Wine*

Foreperson of Grand Jury  
Date:

**True Bill**

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 23-GS-42-2028

The State of South Carolina  
County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS  
MAR 27 2023

THE STATE  
vs.

Chase Smith Keller

Indictment for  
TRANSPORTATION OR POSSESSION  
OF STOLEN  
NONFERROUS METALS

SC Code: 16-17-680 (G)(5)  
CDR Code: 3585  
Class FEL E

RECEIVED

MAR 15 2024  
SC Court of Appeals

2023 MAR 30 AM 10:44  
CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX

FILED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

MAR 24 2023

At a Court of General Sessions, convened on \_\_\_\_\_ the Grand Jurors  
of Spartanburg County present upon their oath:

**TRANSPORTATION OR POSSESSION OF STOLEN NONFERROUS  
METALS**

That the defendant, Chase Smith Keller, did in Spartanburg County, on or about August 12, 2021, willfully and unlawfully possess and/or transport in a vehicle nonferrous metals that the Defendant knew were stolen, to wit: the Defendant did possess 20 ft. of 200 cable and/or copper wire, belonging to PRTC (Piedmont Rural Telephone Company), in violation of §16-17-680 (G) (5), *THE 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.

  
\_\_\_\_\_  
ASSISTANT SOLICITOR- BLYTHE WALTERS



**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:	\$	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 \$ <u>100-</u>
§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 \$ <u>25-</u>
§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 \$ _____
<b>TOTAL</b>			<b>\$ <u>128<sup>95</sup></u></b>

Clerk of Court/Deputy Clerk: Lynsley  
Court Reporter: Colleen

Presiding Judge: R. Keith Kelly  
Judge Code: 2165  
Sentence Date: 6 March 2024

WITNESSES

Spartanburg County Sheriff's Office

*Jimmy G. Powers*

ARREST WARRANT NUMBER

2021A4210204360 (DIRECT INDICTMENT)

ACTION OF GRAND JURY

*Tim N. Wine*  
Foreperson of Grand Jury  
Date:

MAR 24 2023

**True Bill**

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 23-GS-42-2029

The State of South Carolina

County of Spartanburg

*Barry Barnette, Solicitor*

COURT OF GENERAL SESSIONS

MAR 27 2023

TERM

THE STATE

vs.

Chase Smith Keller

Indictment for

GRAND LARCENY

SC Code: 16-13-30 (B), 16-1-57

CDR Code: 3587

Class FEL-E

FILED

2023 MAR 30 AM 10:44  
CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX

RECEIVED

MAR 15 2024  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

MAR 24 2023

At a Court of General Sessions, convened on \_\_\_\_\_, the Grand Jurors of Spartanburg County present upon their oath:

**GRAND LARCENY**

That the defendant, Chase Smith Keller, did in Spartanburg County, on or about August 12, 2021, feloniously take and carry away goods and/or property, belonging to PRTC (Piedmont Rural Telephone Company), valued at greater than Two Thousand Dollars but less than Ten Thousand Dollars, described as follows: 20 ft. of 200 cable and/or copper wire, against the owner's will or without the owner's consent and with the intent to deprive the owner permanently of such property, all in violation of §16-13-30 (B) and §16-1-57, *THE 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.

  
\_\_\_\_\_  
ASSISTANT SOLICITOR- BLYTHE WALTERS

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

MAR 15 2024

STATE

vs.

SC Court of Appeals

INDICTMENT/CASE#: 2023GS4202029

Chase Smith Keller  
AKA:  
Race: White Sex: Male Age: 38  
DOB: SS#: +  
Address:  
City, State, Zip:  
DL#\* SID# SC01530598

AW#: 2021A4210204360  
Date of Offense: 08/12/2021  
S.C. Code §: 16-13-0030(B), 16-01-0057  
CDR Code #: 3587

SENTENCE SHEET

\*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: Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57) (0-10 yrs)

In violation of § 16-13-0030(B), 16-01-0057 of the S.C. Code of Laws, bearing CDR Code # 3587

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45

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  
Blythe Walters 101600 SC Bar # Chase Smith Keller Defendant James Cheek Attorney for Defendant SC Bar # 1207

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

for a determinate term of 7 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.

206 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
- Attend Voc. Rehab. Or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: \_\_\_\_\_
- Public Service Employment \_\_\_\_\_ days/hours
- Random Drug/Alcohol Testing
- Domestic Violence Intervention Program

**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 prmts. of	\$	_____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	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	\$	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	\$	_____
<b>TOTAL</b>		\$	<b>138.75</b>

Clerk of Court/Deputy Clerk: Turley  
Court Reporter: \_\_\_\_\_

Presiding Judge: R. Keith Kelly  
Judge Code: 2-165  
Sentence Date: 6 March 2024

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

2023A4210100855

ACTION OF GRAND JURY

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. **24-GS-42-1079**

**The State of South Carolina**

County of Spartanburg

**Barry J. Barnette, Solicitor**

COURT OF GENERAL SESSIONS

March 11, 2024 TERM

THE STATE  
vs.

Chase Smith Keller

Indictment for  
**RECEIVING STOLEN GOODS, More  
than \$2,000 but Less than \$10,000  
(Enhancement)**

SC Code: 16-13-180(A), (C)(2), 16-01-0057  
CDR Code: 3599  
Class FEL/E

RECEIVED  
MAR 15 2024  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on March 8, 2024, the Grand Jurors of Spartanburg County present upon their oath:

**RECEIVING STOLEN GOODS, MORE THAN \$2,000 BUT LESS THAN \$10,000**

That the defendant, Chase Smith Keller, did in Spartanburg County, on or between June 22, 2023 and July 6, 2023, buy, receive, and/or possess a stolen good or property, and the defendant knew or had reason to believe that the good or property was stolen, and the property was valued at more than Two Thousand Dollars but less than Ten Thousand Dollars, to wit: the defendant did receive and/or possess a 2022 Kawasaki KLX 230 motorcycle, belonging to the victim, Robert Austin Williams, in violation of §16-13-0180, 16-01-0057, *THE 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.

  
\_\_\_\_\_  
ASSISTANT SOLICITOR- BLYTHE WALTERS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg

RECEIVED

STATE VS.

MAR 15 2024

INDICTMENT/CASE#: 2024GS4201079

Chase Smith Keller  
AKA: \_\_\_\_\_  
Race: White Sex: Male Age: 38  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL#\* \_\_\_\_\_ SID# SC01530598

SC Court of Appeals

2023A4210100855  
Date of Offense: 06/22/2023-07/06/2023  
S.C. Code §: 16-13-0180(A),(C)(2); 16-01-0057  
CDR Code #: 3599

SENTENCE SHEET

\*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: RSG / Receiving stolen goods, value more than \$2,000 but less than \$10,000 (Enhancement per 16-1-57) (0-10 yrs)

In violation of § 16-13-0180(A),(C)(2); 16-01-0057 of the S.C. Code of Laws, bearing CDR Code # 3599

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s Initials) JK

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

ATTEST: BW 101600 Chase Smith Keller 1207  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #  
Blythe Walters Chase Smith Keller James Cheek

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

for a determinate term of 10 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 7 days/months/years/Time Served and or payment of \$ —; plus costs and assessments as applicable\*; the balance is suspended with probation for 59

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.

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<sup>s</sup>
- 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 10 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 \$ 500. plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: Separate order

*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		\$ <u>100.-</u>
§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		\$ <u>25.-</u>
§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 checked="" 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		\$
<b>TOTAL</b>			<b>\$ <u>643.75</u></b>

Clerk of Court/Deputy Clerk: Smith  
Court Reporter: Turn

Presiding Judge: R. Keith Kelly  
Judge Code: 2165  
Sentence Date: 6 March 2024