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Apr 12 2024

SC Court of Appeals

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ANGIE M. BRYANT
C.C.C.P. & GS
YORK COUNTY, SC**

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Appeal from York County Court of General Sessions

The Honorable Daniel Dewitt Hall

Indictment No. 2023GS4604939

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

v.

Jonathan Ostrowski.....Appellant

NOTICE OF APPEAL

The Appellant, Jonathan Ostrowski, hereby appeals his conviction sentence in the above-captioned case. On April 4, 2024, the Appellant pleaded guilty before the Honorable Daniel Dewitt Hall to the charge of Drugs / Trafficking in ice, crank or crack – 28 grams or more, but less than 100 grams – 2nd offense. Judge Hall sentenced Appellant to twelve (12) years imprisonment with credit for time served. Counsel will file the sentencing sheet with this Court upon receipt.

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

- I. The Appellant’s guilty plea was not knowingly or voluntarily entered due to insufficient advisement and understanding of: (1) the nature of the charges and the potential sentencing range, including the charge classification and sentencing computation as a violent, second

(2nd) offense; (2) the significant constitutional rights he was waiving, including his right to a jury trial; (3) the State's evidence against him and the factual basis underlying the acceptance of the guilty plea; and (4) any implication of the reversal of his prior conviction and subsequent time-served plea on the above-captioned charge or sentence. *See generally, e.g., Boykin v. Alabama*, 395 U.S. 238 (1969); *United States v. Ruiz*, 536 U.S. 622, 628-29 (2002); *State v. Hazel*, 275 S.C. 392, 271 S.E.2d 602 (1980) *State v. Rikard*, 371 S.C. 295, 300, 638 S.E.2d 72, 75 (Ct. App. 2006); *State v. Armstrong*, 263 S.C. 594, 598, 211 S.E.2d 889, 891 (1975).

Respectfully submitted,

By: s/ William G. Yarborough, III
South Carolina Bar Number 10271
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Greenville, South Carolina 29609
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Notice of Appeal was served upon Assistant Solicitor Austin Newman Smith via email to his AIS email address: austin.smith@yorkcountygov.com.

This 4th day of April, 2024.

By: s/ William G. Yarborough, III
South Carolina Bar No. 10271