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**Jul 09 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from York County

Honorable R. Keith Kelly, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

KENTAVIOUS JAWAN AGERS,

APPELLANT

APPELLATE CASE NO. 2025-000251

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ANDERS BRIEF OF APPELLANT

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WANDA H. CARTER  
Interim Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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**STATEMENT OF ISSUE ON APPEAL**

Whether appellant's plea was given voluntarily in the case because he was not aware of all rights he waived upon pleading guilty to the offenses charged against him?

## **STATEMENT OF THE CASE**

Appellant Kentavious Jawan Agers pled guilty to trafficking in fentanyl (first offense) and possession with intent to distribute marijuana (first offense) during the February, 2025 term of the York County General Sessions Court before Judge R.K. Kelly. Appellant was sentenced to imprisonment for a period of eight years. Attorney Devon Wilson represented appellant at the guilty plea proceeding and Assistant Solicitor Marina Hamilton prosecuted the case.

Appellant appealed. This brief follows.

### **STANDARD OF REVIEW**

In criminal cases, the appellate court sits to review errors of law only. State v. Nesbitt, 411 S.C. 194, 768 S.E.2d 67 (2015) quoting State v. Jacob, 393 S.C. 584, 713 S.E.2d 621 (2011).

## ARGUMENT

Appellant's plea was not given voluntarily in the case because he was not aware of all rights he waived upon pleading guilty to the offenses charged against him.

A summary of the case was presented to the plea judge at the guilty plea proceeding. Appellant was a passenger inside one vehicle that was stopped by police on July 22, 2023, and in another vehicle stopped by police on September 2, 2023, whereinafter two different drugs, fentanyl and heroin, respectively, were found in his possession pursuant to the searches that followed. Tr. p. 11, l.5-p. 12, l.23.

During the plea proceeding, the trial judge informed appellant of the rights he waived upon pleading guilty as follows:

Court: Sir, you have [the] right to a trial by jury. Do you know that? The jury is assembled and I will qualify them very shortly. Do you want a trial by jury?

Defendant: No, Sir.

Court: You have the right to call any witnesses you choose to testify for you and confront any witness who testifies against you. Do you waive and give up that right?

Defendant: Yes, Sir.

Court: You have the right to remain silent under the constitution of the United States and the constitution of South Carolina. Do you waive that right?

Defendant: Yes, Sir.

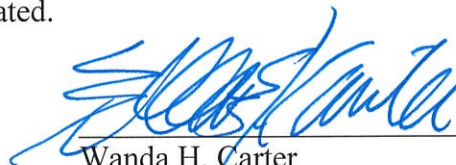
Conspicuously missing from the plea judge's listing of each right waived at a plea proceeding was the waiver of the right to cross-examine one's accusers. The plea judge referred to the waiver of the right to confront witnesses upon pleading guilty without specifically mentioning the additional waiver of the right to cross-examination of the state's accusers also. A defendant who pleads guilty simultaneously waives several constitutional rights, which would include the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Stave v. Patterson, 278 S.C. 319, 295 S.C.2d 264 (1982), citing to Boykin v.

Alabama, 395 U.S. 238 (1969). Furthermore, a guilty plea specifically waives one's right to cross-examine witnesses as well. California v. Green, 399 U.S. 149 (1970).

In the case at bar, the record established that appellant's pleas were not given voluntarily because he was unaware of all rights waived upon entering his guilty pleas in the case.

**CONCLUSION**

Based on the foregoing argument, counsel for appellant would request that appellant's guilty pleas and sentences in the case be vacated.

  
\_\_\_\_\_  
Wanda H. Carter  
Interim Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 9th day of July, 2025.

STATE OF SOUTH CAROLINA  
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THE STATE,

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CASE NO. 2025-000251

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PETITION TO BE RELIEVED AS COUNSEL

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Counsel for Kentavious Agers states that:

1. She is Deputy Chief Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge R. Keith Kelly, which was held on Feb. 3, 2025, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Kentavious Agers.

Respectfully Submitted,



Wanda H. Carter  
Interim Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 9th day of July, 2025.

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**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

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Appellant proposes the following be included in the Record on Appeal:

- (1) Entire Guilty Plea Transcript
- (2) Indictments

I certify that this designation contains no matter which is irrelevant to this appeal.



Wanda H. Carter  
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**CERTIFICATE OF COUNSEL**

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”



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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Kentavious Agers, #396405, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 9th day of July, 2025.



Wanda H. Carter  
Interim Chief Appellate Defender

ATTORNEY FOR APPELLANT