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**Jan 06 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County

Honorable R. Keith Kelly, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

JACOB RYAN MIMS,

APPELLANT

APPELLATE CASE NO. 2024-001210

---

ANDERS BRIEF OF APPELLANT

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JOANNA K. DELANY  
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 the court erred where it accepted Appellant's guilty pleas despite information that his offenses were the product of his heroin addiction, where the record did not reflect whether Appellant was aware this could have formed the basis for defenses at trial and thus did not reflect he possessed an understanding of the law in relation to the facts, since the pleas were not knowingly, voluntarily, and intelligently entered?

## STATEMENT OF THE CASE

A Spartanburg County Grand Jury indicted Appellant, Jacob Mims, for a number of offenses. On April 21, 2023, it indicted him for: escape (2023-GS-42-2233); driving under suspension, DUI-related (2023-GS-42-2227); two counts of habitual traffic offender (2023-GS-42-2229 and 2023-GS-42-2228); two counts of failure to stop motor vehicle when signaled by officer (2023-GS-42-2224 and 2023-GS-42-2230); and reckless driving (2023-GS-42-2226). On November 17, 2023, it indicted him for: forgery, less than \$10,000 (2023-GS-42-5965); and trafficking in methamphetamine (2023-GS-42-5966). An additional offense, assault and battery in the first degree (2024-GS-42-2843) had not yet been before the Grand Jury prior to Appellant's plea. R. 25 – 44.

On July 11, 2024, Appellant appeared before the Honorable R. Keith Kelly for a guilty plea hearing. Appellant was represented by Matthew Starling and Christopher Thompson. Spenser Smith prosecuted the case. R. 1. Appellant entered guilty pleas to: escape (2023-GS-42-2233); driving under suspension not for DUI 3rd offense, which was reduced from driving under suspension, DUI-related (2023-GS-42-2227); assault and battery in the first degree (2024-GS-42-2843); forgery, less than \$10,000 (2023-GS-42-5965); habitual traffic offender (2023-GS-42-2229); failure to stop motor vehicle when signaled by officer (2023-GS-42-2224); failure to stop motor vehicle when signaled by officer (2023-GS-42-2230); habitual traffic offender (2023-GS-42-2228); reckless driving (2023-GS-42-2226); and possession with intent to distribute methamphetamine 2nd offense, which was reduced from trafficking in methamphetamine (2023-GS-42-5966). Additionally, the solicitor averred the State was “dismissing a resisting arrest, a possession with intent to distribute fentanyl, a receiving stolen goods, a resisting arrest, a removing, destroying monitoring device and a host of traffic

tickets[.]” R. 3, l. 11 – 9, l. 7; R. 13, l. 20 – 14, l. 3. The court accepted the pleas. R. 16, l. 25 – 17, l. 1.

For possession with intent to distribute methamphetamine 2nd offense (2023-GS-42-5966), Appellant was sentenced to serve fifteen years’ imprisonment and pay \$50,000. For assault and battery in the first degree (2024-GS-42-2843), Appellant was sentenced to ten years. For escape (2023-GS-42-2233), ten years. For forgery, less than \$10,000 (2023-GS-42-5965), ten years. For habitual traffic offender (2023-GS-42-2229), five years. For failure to stop motor vehicle when signaled by officer (2023-GS-42-2224), five years. For failure to stop motor vehicle when signaled by officer (2023-GS-42-2230), five years. For habitual traffic offender (2023-GS-42-2228), five years. For driving under suspension not for DUI 3rd offense (2023-GS-42-2227), ninety days. For reckless driving (2023-GS-42-2226), thirty days. The court ordered the sentences were to be served concurrently. The court further ordered that credit for time served, if any, was to be calculated and applied by the Department of Corrections. R. 22, l. 17 – 23, l. 5; R. 45 – 64.

This appeal follows.

## **STANDARD OF REVIEW**

“In criminal cases, the appellate court sits to review errors of law only.” *State v. Nesbitt*, 411 S.C. 194, 199, 768 S.E.2d 67, 70 (2015) (quoting *State v. Jacobs*, 393 S.C. 584, 586, 713 S.E.2d 621, 622 (2011)).

## ARGUMENT

The court erred where it accepted Appellant's guilty pleas despite information that his offenses were the product of heroin addiction, where the record did not reflect whether Appellant was aware this could have formed the basis for defenses at trial and thus did not reflect he possessed an understanding of the law in relation to the facts, since the pleas were not knowingly, voluntarily, and intelligently entered.

### ***Relevant facts***

At the conclusion of the plea colloquy, defense counsel told the court that Appellant's "life troubles with crime and his personal life has been surrounded by drugs. And he started using drugs at 14 years old. He became a chronic user at 18 years old . . . And his addiction has stood into the crimes that we're here for today and pleading to. He was on drugs when he committed these crimes[.]" R. 17, ll. 10-16. Appellant told the court he was addicted to heroin during the time frame of the offenses. R. 20, ll. 16-21. Appellant stated he had been in "fight or flight mode" on the date of some of his offenses. R. 20, ll. 16-24. However, at no point during the plea colloquy did the judge ask Appellant if he was aware he was waiving potential defenses by pleading guilty or ask whether counsel had gone over potential defenses with him. Similarly, counsel did not aver he had discussed potential defenses with Appellant. R. 3, l. 10 – 17, l. 1.

### ***Discussion***

The decision to plead guilty must be a voluntary and intelligent choice among the alternative courses of action open to the defendant. *Hill v. Lockhart*, 474 U.S. 52, 56 (1985). The record of a guilty plea must be sufficient to show the defendant "has a full understanding of what the plea connotes and of its consequence." *Boykin v. Alabama*, 395 U.S. 238, 244 (1969). See *McCarthy v. United States*, 394 U.S. 459, 466 (1969) ("because a guilty plea is an admission

of all the elements of a formal criminal charge, it cannot be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts”). Before a guilty plea may be accepted, it is required “that the defendant understand the nature and crucial elements of the charges, the consequences of the plea, and the constitutional rights he is waiving, and that the record reflect a factual basis for the plea.” *Rollison v. State*, 346 S.C. 506, 511, 552 S.E.2d 290, 292 (2001). “[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” *Anderson v. State*, 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000) (emphasis removed). “A plea made in ignorance of its direct consequences is entered in ignorance and is invalid.” *Burnett v. State*, 352 S.C. 589, 592, 576 S.E.2d 144, 145 (2003) (citing *State v. Hazel*, 275 S.C. 392, 275 S.E.2d 602 (1980)).

As an initial matter, although Appellant acknowledges that his counsel did not move to withdraw his pleas, fundamental fairness weighs in favor of this Court finding the circuit court erred when it accepted his guilty pleas, particularly given the nature of the offenses, the severity of the penalties, and the gravity of the rights waived.<sup>1</sup> Importantly, the record does not reflect Appellant was advised that he was waiving potential defenses to his charges, such as an insanity defense based on his drug addiction. *Compare Dalton v. State*, 376 S.C. 130, 140, 654 S.E.2d 870, 875 (Ct. App. 2007) (“The plea colloquy record indicates Dalton was fully informed of his constitutional rights . . . Specifically, Dalton told the plea judge he understood by pleading guilty he would be waiving any possible defenses.”); *State v. Hartfield*, 300 S.C. 469, 473, 388 S.E.2d

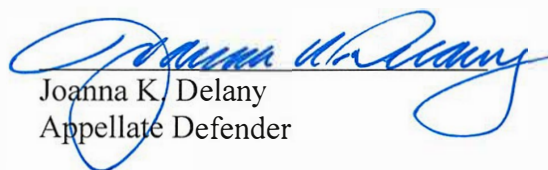
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<sup>1</sup> *Contra State v. Bradley*, 263 S.C. 223, 209 S.E.2d 435 (1974) (defendant who failed to assert at plea hearing that his guilty plea was involuntarily entered was precluded from consideration of such claim on appeal); *In Interest of Arisha K.S.*, 331 S.C. 288, 293–94, 501 S.E.2d 128, 131 (Ct. App. 1998) (juvenile precluded from prevailing on direct appeal claim that guilty plea was not knowingly and voluntarily entered where counsel did not object at plea hearing).

802, 804 (1990) (“Hartfield presented evidence that his use of drugs had caused permanent and irreversible brain damage which manifests itself in a mental illness. Therefore, he was entitled to present the defense of insanity or to attempt to obtain a verdict of guilty but mentally ill.”). Moreover, although voluntary intoxication is not a defense, because Appellant’s drug use began when he was a minor, he may have been able to present a defense that his intoxication was involuntary. *See generally City of Minneapolis v. Altimus*, 238 N.W.2d 851, 856 (Minn. 1976) (“Some courts have declared in general terms that coerced intoxication may be a complete defense to all criminal liability.”). However, the record does not show Appellant was aware of these potential defenses. Therefore, the record did not establish that Appellant possessed “an understanding of the law in relation to the facts,” *McCarthy v. United States*, 394 U.S. at 466, or that his pleas were “a voluntary and intelligent choice among the alternative courses of action open” to him. *Hill v. Lockhart*, 474 U.S. at 56. The court should not have accepted the pleas.

**CONCLUSION**

Based on the foregoing argument, Appellant respectfully requests this Court vacate his guilty pleas and remand the case to the Spartanburg County General Sessions Court for a new trial.



Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

This 6th day of January, 2026.

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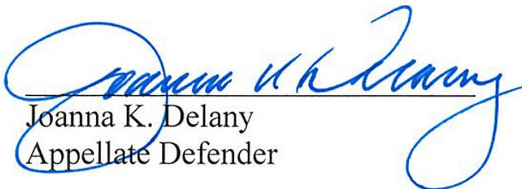
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Jacob R. Mims states:

1. She is 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 plea hearing before Judge R. Keith Kelly, which was held on July 11, 2024, 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 Jacob R. Mims.

Respectfully Submitted,

  
Joanna K. Delany  
Appellate Defender

ATTORNEY FOR APPELLANT

This 6th day of January, 2026.

**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

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 in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Jacob R. Mims, #353242, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 6th day of January, 2026.

  
Joanna K. Delany  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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Columbia, SC 29211-1589  
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ATTORNEY FOR APPELLANT