

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Perry H. Gravely, Circuit Court Judge

Khalil Ibn-Thorpe,
Appellant

v.

State of S.C. Greenville
Respondents

INITIAL APPEAL BRIEF
WITH DESIGNATION OF MATTER

RECEIVED

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SC Court of Appeals

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STATEMENT OF FACTS

Appellant appealed a Summary Court Criminal guilty plea dated June 27, 2024 with/to Greenville County circuit court. An appeal hearing was held on October 16, 2024 by the circuit court. Following the hearing the circuit court remanded the case. see Exhibit B

A year later, November 21, 2025 the Circuit Court mysteriously revisits the case, dismisses the Appeal and Affirms the magistrate Court decision alleging "At the hearing on this appeal on October 16, 2024, Appellant failed to establish any of the claims set forth in his Notice of Criminal Appeal (July 5, 2024).

ARGUMENT

Appellant's first argument is simple. Appellant was facing a prison term / Jail sentence of up to 1 (one) to 5 (five) years under S.C. Code of Laws (§47-1-40).

Hence, Appellant was appointed counsel by the court to represent him in this matter. See Exhibit D. States Attorney acknowledge this fact. However, Appellant's appointed counsel did not show up the date of the Trial court Hearing, therefore leaving Appellant with no counsel and no representation in this criminal matter which is Appellant's first claim in his Notice of Criminal Appeal to the Circuit Court. Appellant had an expectancy and legal right to representation where he faced prison time, and never knowingly, voluntarily or intelligently waived this right and the record is void of any such action claiming he/Appellant did do so.

Therefore, the circuit court erred in its decision to dismiss Appellant's initial Appeal as the record reflects Appellant did establish his very first claim in his Notice of Appeal where he was in fact denied Counsel. *Gideon v. Wainwright*, 372 U.S. 335 (1963) as well as *Argersinger v. Hamlin* (1972) which extended this right to counsel to any crime punishable by imprisonment, including misdemeanors.

Appellants Second Argument, Involuntary Plea, Coercion with threat and Intimidation. It is uncontested that Greenville County Sheriff and Animal Control took appellants puppies and dogs. However, it is also uncontested that the Judge subsequently ordered for them (pups and dogs) to be returned after appellant makes corrective changes to his yard, this is why the sheriff was ordered to go to Appellant's yard after this hearing, to inform Appellant of necessary changes. Then the dogs were to be returned despite the outcome of the criminal charges.

However, a bias and prejudice one sided hearing was held without Appellant being permitted to attend, and the pups and dogs are now held ~~without~~ until disposition of the case (criminal). So what happens the day of Appellant's case to go to Trial, appellant is stripped of legal representation, ~~indigent~~ indigent facing a jail term and Police threatening to keep his pups and dogs if Appellant does not just go ahead and pay the fine, confused, stressed and under duress, appellant goes to the window and pays one of the four (4) fines/tickets without going before the judge where he could have notified him (Judge) of the coercion and been informed of his rights that he never waived, in ~~the~~ writing nor verbally.

Hence, Appellant argues that Supreme Court Cases (Boykin v. Alabama 395 U.S. 238 (1969); Brady v. U.S. 397 U.S. 742 (1970) United States v. Tateo 377 U.S. 463 (1964) established that a guilty plea is a grave waiver of constitutional rights that must be voluntary, knowing and intelligent; if coerced, it is reversible error. Key rulings confirm that pleas resulting from coerced confessions, judicial coercion, or lack of understanding of the charges constitute involuntary pleas. Judicial coercion, a judge must not involve themselves in the plea bargaining process to force a plea. In this case the judge held a private hearing with a female officer and changed his order to help the state force a plea from Appellant. This is Judicial coercion.


Appellants final arguments of Improper court room for hearing where no transcripts are made, lack of evidence, equal treatment, practice and due process of law. Appellant directs this court to Exhibit C, the magistrates Supplemental Return where it clearly states, "There is no audio available." Then to add insult to injury the magistrate concludes saying "if this matter had been handled without a hearing, a signed guilty plea form would be in this court's file."

So it is verified that there was no signed guilty plea form and none of Appellant's rights was ever advised to him that he would lose them. However the magistrate in his attempt to pursue the circuit court to go along with their error, the magistrate alleges "this gives this court further confidence that this was handled in the court room." So here he wants you to clearly assume that appellant rights weren't violated when in fact they undoubtedly were.

The Supreme Court has made the Law clear in cases of this nature, Boykin v. Alabama (1969) established that a guilty plea is invalid, constituting reversible error, if the record does not affirmatively show it was voluntary and intelligent. A silent record does not affirmatively show it was voluntary and intelligent.

A silent record - Lacking a transcript of the colloquy - cannot sustain a conviction, as a waiver of constitutional rights cannot be presumed.

WHEREBY Appellant request this court to reverse the Circuit Court decision and Order the original charges Dismissed with prejudice or remanded back to Summary Court.

S/ Khalil 
Khalil Ibn-Thorpe