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**May 04 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of General Sessions

Heath P. Taylor, Circuit Court Judge

LOWER COURT CASE NOS.: 2012A4010600436-440

Carroll Lee Phillips,..... Appellant,

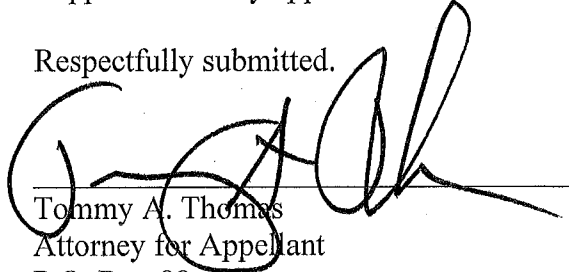
vs.

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

NOTICE OF APPEAL

The Appellant, Carroll Lee Phillips, was sentenced by the Honorable DeAndrea G. Benjamin on September 5, 2013 to a twenty (20) year sentence. On September 12, 2013 a Motion to Reconsider was filed. On February 4, 2026 the Honorable Heath P. Taylor heard the Motion for Reconsideration. On February 6, 2026 Judge Taylor signed an Order Denying Defendant's Motion for Reconsideration, which was filed on February 6, 2026. This Order was received by counsel on April 28, 2026. The Appellant hereby appeals this decision.

Respectfully submitted.



Tommy A. Thomas  
Attorney for Appellant  
P.O. Box 88  
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(803) 732-5507

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EXPLANATION PURSUANT TO  
RULE 203 (d)(1)(B)(iv)

That in explanation pursuant to Rule 203 (d)(1)(B)(iv), the Appellant would respectfully submit the following:

PROCEDURAL HISTORY

Underlying Conviction

Appellant, Carrol Lee Phillips, III and his Co-Defendant, Ryais Rivers, were jointly charged with 3 counts of Kidnapping and 2 counts of Armed Robbery. On September 5, 2013, a joint guilty plea was held before the Honorable DeAndrea G. Benjamin in Richland County. The Co-Defendant's were sentenced as follows:

Ryais Rivers was sentenced to the state department of corrections for a period of 20 years with credit for 260 days on indictments 2013-GS-40-1521; 1522, 1520, 1524, and 1526.

Carroll Phillips was sentenced to the state department of corrections for a period of 20 years with credit for 260 days on indictments 2013-GS-40-1577, 1578, 1579 , 1576 and 1580.

#### Reconsideration Hearing

A Reconsider hearing was convened on February 4, 2026, before the Honorable Heath P. Taylor. Present before the Court was Tommy A. Thomas, Attorney for the Defendant, Carroll Lee Phillips. Also present was John Yurco, Assistant Solicitor, on behalf of the State. The Defendant was also present.

#### Argument Presented Before the Court

The Co-Defendant Rivers had unresolved charges in Orangeburg County for Armed Robbery and Possession of a Weapon during a violent crime. Those charges were resolved on March 19, 2019. Ryais Rivers was sentenced to 10 years concurrent on the Orangeburg Armed Robbery charge, and the weapons charge was Nolle Prosequi as part of the plea.

In summary, Plea Counsel's argument is that when Rivers' charges in Orangeburg were disposed of, there is a strong argument for a sentence reduction. The argument is if Rivers were to get a 20 year sentence concurrent with the 20 he received in Richland County, then Rivers would get the same sentence for two armed robberies as Phillips got for one. Rivers actually received a 10 year sentence for the Orangeburg charges running concurrent. The argument is that the Co-Defendant received a concurrent sentence for two armed robberies, as compared to Mr. Phillips' one armed robbery, which was a relevant consideration for the Court to take into account in sentencing and thus this Motion to reconsider his sentence.

There is also a secondary argument that the Co-Defendant could potentially have been given the chance to avoid exposure to a life without parole sentence considering the fact that Rivers had two armed robberies. It is understandable in this case that no Defendant has the

ability to demand the same sentence as the Co-Defendant,. But it is only fair and equitable where Rivers received a concurrent sentence for two armed robberies as compared to Mr. Phillips one armed robbery. Counsel argues that this a relevant and material issue.

The Honorable Heath P. Taylor denied the Motion for Reconsideration. An Order was signed and filed on February 6, 2026.

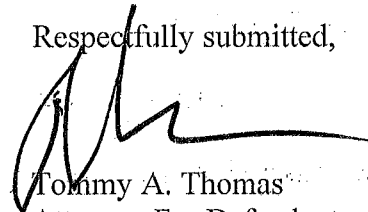
Explanation

That the Court erred in its decision not to grant a reduction in sentence. That the Appellant would assert that there are issues that can be reviewed on Appeal.

The Plea Judge failed to balance the goals of punishment, rehabilitation and sentencing, leaving an unjust and cruel sentence. The Court abused its discretion in this determination.

Therefore, the Appellant would respectfully request that he be allowed to proceed with this appeal.

Respectfully submitted,



Tommy A. Thomas  
Attorney For Defendant  
7588 Woodrow Street  
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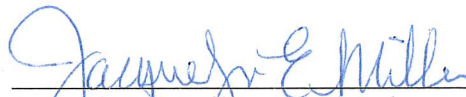
vs.

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**PROOF OF SERVICE**

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Attorney for the Appellant,  
hereby certify that I emailed and placed in the mailed a copy of a Notice of Appeal and  
Explanation to the Richland County Solicitor's Office at:

Johyn Yurco, Esq.  
Richland County Solicitor's Office  
P.O. Box 192  
Columbia, SC 29202



Jacquelyn E. Miller, Paralegal  
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Irmo, South Carolina  
May 4, 2026



THOMAS LAW

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**SC Court of Appeals**

May 4, 2026  
Via Email

The Honorable V. Claire Allen, Clerk  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Carroll Lee Phillips v. State of South Carolina  
Lower Court Case Nos.: 2012A4010600436-440

Dear Ms. Allen:

Please find attached for filing a Notice of Appeal, Explanation, and Certificate of Service in the above referenced matter.

Thank you and should you have any questions, please feel free to contact me.

Yours truly,

Tommy A. Thomas,  
Attorney at Law  
SC Bar No.: 5536

TAT/jem  
cc: John Yurco, Esq. via email

**TOMMY A. THOMAS, P.C.**

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