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May 12 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Milton Kimpson, Circuit Court Judge

Case No. 2024GS3205141

The State,

Respondent,

v.

Elian German Perez Aguilar,

Appellant.

NOTICE OF APPEAL

Elian German Perez Aguilar appeals his conviction and sentence in this case. The Honorable Milton Kimpson imposed the sentence on February 19, 2026, and the Court issued an Order Denying the Motion for Reconsideration of Sentence on May 1, 2026.


Dayne C. Phillips, Esq.
1614 Taylor Street, Suite D.
Columbia, SC 29201

ATTORNEY FOR APPELLANT

May 11, 2026

Other Counsel of Record:

Robert E. McNair, III, Esq.
Eleventh Circuit Solicitor's Office
205 E. Main Street
Lexington, SC 29072

cc:

Lisa Comer, Lexington County Clerk of Court

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WRITTEN EXPLANATION

Pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, the undersigned counsel is filing this notice of appeal at Mr. Aguilar's request. *See In re Anonymous Member of the Bar*, 303 S.C. 306, 400 S.E.2d 483 (1991); *see also Wilson v. State*, 348 S.C. 215, 218, 559 S.E.2d 581, 582 (2002). Counsel is unaware of any legal issues that are preserved for appellate review.

During the plea hearing, the undersigned Counsel objected to a representative from law enforcement requesting that the Court impose the maximum sentence when the State agreed to remain silent on sentencing. Counsel explained the issue and asked Appellant if he wanted to move to withdraw the guilty plea (both during and after the hearing), and Defendant did not want Counsel to move for withdrawal of the plea. Instead, Defendant wanted Counsel to move for reconsideration of the sentence.


Dayne C. Phillips, Esq.
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Elian German Perez Aguilar,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal by depositing a copy in the United States Mail, postage prepaid, on **May 11, 2026**, addressed to the following parties:

Robert E. McNair, III, Esq., Eleventh Circuit Solicitor's Office
205 E. Main Street, Lexington, SC 29072

Attorney General Alan Wilson, South Carolina Attorney General's Office
Post Office Box 11549, Columbia, SC 29211

Lisa Comer, Lexington County Clerk of Court
205 East Main Street, Suite 128, Lexington, SC 29072



Courtney Powers
Paralegal for Dayne Phillips, Esq.
1614 Taylor Street, Suite D.
Columbia, SC 29201

May 11, 2026

PRICE BENOWITZ LLP

1614 TAYLOR STREET
SUITE D
COLUMBIA, SC 29201

OFFICE: (803) 272-4503
DIRECT: (803) 807-0234
FAX: (803) 380-8035

DAVID BENOWITZ
ADMITTED DC, MD & VA
DAYNE PHILLIPS
ADMITTED SC
JOHN YANNONE
ADMITTED MD & DC
KERRI CASTELLINI
ADMITTED DC, MD & VA
KUSH ARORA
ADMITTED MD & DC
NICOLAS TORRES
ADMITTED FL
SEAN O-BRIEN
ADMITTED IL
PETER KENT ODOM
ADMITTED DC, MD, VA, NH & GA
RAMMY BARBARI
ADMITTED DC & VA
MARVIN OCHOA
ADMITTED MD
ARREN WALDREP
ADMITTED DC, MD & SC
KENNETH LADUCA
ADMITTED DC, MD & VA
JEFF STICKLE
ADMITTED MD & DC
FARRAL HABER
ADMITTED FL, VA & DC
PAULETTE PAGAN
ADMITTED DC, MD & MO
RYAN HUTTAR
ADMITTED VA
DONNA MURPHY
ADMITTED VA & DC
JEANNE BROWN
ADMITTED VA & DC
TAYLOR COMSTOCK
ADMITTED MD, DC & VA
ELIANE MAKHLOUF
ADMITTED MD & DC
TONY MUNTER
ADMITTED DC, MA & MD
DRAKE BIRNBAUM
ADMITTED DC & MD

*OF COUNSEL

409 7TH STREET NW, SUITE 200
WASHINGTON, DC 20004

SETH PRICE
ADMITTED DC & NY
TAMMY BEGUN
ADMITTED DC & MD
KARIN RILEY PORTER
ADMITTED VA
SETH OKIN
ADMITTED MD
DENNIS SOMECH
ADMITTED DC & VA
ABIGAIL BEICHLER
ADMITTED MD
JOEL NIED
ADMITTED VA, PA & GA
MICHAEL LEE
ADMITTED VA & CO
CHAD PROPST
ADMITTED SC
DAMIEN SMITH
ADMITTED DC & VA
W. ANDREW PATZIG
ADMITTED DC & VA
SUKHPREET "VICK" SINGH
ADMITTED SC
KEN KOPPELMAN
ADMITTED IL, DC & VA
RAYAN MOMENAH
ADMITTED DC & MD
HANNAH AMUNDSON
ADMITTED FL, DC & MD
JUSTIN TURNER
ADMITTED MD & DC
KIMBERLY PHILLIPS
ADMITTED VA & DC
ANDREW LINDSEY
ADMITTED VA
EVA SWANSON
ADMITTED VA
ASHLEY WILSON
ADMITTED VA & DC
BRIAN MORRIS
ADMITTED DC, TX & IL
KEVIN KELLEY
ADMITTED MD, SC & FL

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10505 JUDICIAL DRIVE, SUITE 203
FAIRFAX, VA 22030

May 11, 2026

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State of South Carolina v. Elian German Perez Aguilar
NOTICE OF APPEAL
Case No.: 2024GS3205141

Dear Ms. Kitchings:

I have enclosed the original Notice of Appeal and Proof of Service in the above-referenced case that I emailed and mailed for filing today. Thank you for your assistance with filing these documents.

If you have any questions or concerns, please do not hesitate to contact me.

[Signature Page to Follow]

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State of South Carolina v. Elian German Perez Aguilar

NOTICE OF APPEAL

Case No.: **2024GS3205141**

May 11, 2026

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Yours Sincerely,

s/ Dayne C. Phillips

Dayne C. Phillips, Esq.

1614 Taylor Street, Suite D.

Columbia, SC 29201

O: 803-272-4503

C: 803-807-0234

F: 803-380-8035

dayne@pricebenowitz.com

Enclosures (noted)

cc: **Lisa Comer, Lexington County Clerk of Court**
Elian German Perez Aguilar
Alan Wilson, Attorney General
Robert E. McNair III, Esq.