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August 21, 2026

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

Re: **State of South Carolina v. Seth J. Phillips**
RESPONSE
Appellate Case No.: **2026-001650**

RECEIVED
Aug 21 2026
SC Court of Appeals

Dear Ms. Kitchings:

After review, it appears that the undersigned Counsel did not receive an email with the attached Order of Dismissal on August 4, 2026. Counsel respectfully requests confirmation that the email was sent to the email address on file with AIS. Counsel is extremely concerned about the email issue since he has pending appeals before this Court and wants to ensure not miss any future communications or deadlines.

Notably, Counsel was unaware that Appellant had filed a pro se notice of appeal until Counsel received correspondence from the Court on July 30, 2026. Appellant did not request Counsel to file an appeal on his behalf after his guilty plea on February 19, 2026, or after the denial of the motion for reconsideration on April 17, 2026 (filed April 27, 2026).

In the letter to the Court dated August 3, 2026, Counsel enclosed a copy of the sentencing sheet, the order denying the motion to reconsider, and the following response:

The undersigned Counsel did not file a Notice of Appeal in this case for the following reasons: (1) Appellant Mr. Seth Phillips pleaded guilty on February 19, 2026; (2) Appellant did not request for Counsel to file an appeal on his behalf after the Honorable Maite Murphy denied the motion for reconsideration; (3) Counsel is unaware of any legal issues that are preserved for appellate review; and (4) Counsel was not retained for continued representation on direct appellate review. See Rule 203(d)(1)(B)(iv), SCACR; *In re Anonymous Member of the Bar*, 303 S.C. 306, 400 S.E.2d 483 (1991); see

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also *Wilson v. State*, 348 S.C. 215, 218, 559 S.E.2d 581, 582 (2002).

Counsel also mailed an affidavit of indigency to Appellant upon learning that he had filed a notice of appeal with a self-addressed, stamped envelope. Counsel's office received the unnotarized affidavit from Appellant on August 10 but had to send it back for notarization.

Counsel did receive an email from the Court today responding to Appellant's letter that the case was dismissed on August 4 and that the remittitur would be sent as provided by Rule 221(c), SCACR.

Notably, Appellant did not request Counsel to file an appeal on his behalf after his guilty plea on February 19, 2026, or the denial of the motion for reconsideration on April 17, 2026 (filed April 27, 2026). Counsel filed the motion for reconsideration based on Counsel's belief that the Court should have imposed a lesser sentence based on the mitigating circumstances.

Counsel was unaware that Appellant had filed a pro se notice of appeal until Counsel received correspondence from the Court on July 30, 2026, and is also unaware of any legal issues that are preserved for appellate review. See Rule 203(d)(1)(B)(iv), SCACR; *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).

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

Yours Sincerely,

s/ Dayne C. Phillips 

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Enclosure (noted)

cc: **Seth J. Phillips**
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Mark Farthing, Esq.