

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

COPY

APPEAL FROM SUMTER COUNTY
John M. Milling, Circuit Court Judge

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DEC 02 2015

THE STATE,

RESPONDENT

SC Court of Appeals

V.

FAVIAN HAYES,

APPELLANT

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APPELLATE CASE NO. 2009-129706

MAY 02 2016

Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR

SC Court of Appeals

Pursuant to the South Carolina Supreme Court Order dated September 3, 2015 and Rule 203(d)(1)(B)(iv), SCACR, Appellant Favian Hayes, through undersigned counsel, files this explanation of the basis for the appeal of his guilty plea and sentence in this case:

Statement of Appealable Issue

The trial court abused its discretion in finding Hayes freely, voluntarily, and intelligently pled guilty to armed robbery, conspiracy, and possession of cocaine base; where prior to Hayes's decision to plead guilty, the trial judge denied Hayes's motion to relieve counsel without conducting an adequate inquiry into Hayes's complaint that counsel had an actual conflict of interest, due to his simultaneous representation of Stacy Rhodes, that resulted in the total breakdown of the attorney-client relationship and prevented Hayes from receiving a constitutionally adequate defense.

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SC OFFICE OF
APPELLATE DEFENSE



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

December 2, 2015

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MAY 02 2016

SC Court of Appeals

Mr. Favian A. Hayes, #293544
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your appeal

Dear Mr. Hayes:

Enclosed is a copy of the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR in your case, which I have filed with the South Carolina Court of Appeals.

Please contact me if you have any questions.

Sincerely,

John H. Strom
Appellate Defender

JHS/css

Enclosure



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SC Court of Appeals

J. Benjamin Aplin, Esquire
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Re: The State v. Favian A. Hayes

Dear Ben:

Enclosed are two copies of the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR in the above-entitled case, which I have filed today with the South Carolina Court of Appeals.

Please call me if you have any questions.

Sincerely,

John H. Strom
Appellate Defender

JHS/css

Enclosure



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

December 2, 2015

The Honorable Jenny Kitchings
Clerk, S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: The State v. Favian A. Hayes

Dear Ms. Kitchings:

Enclosed herewith is a copy of the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR in the above-entitled case.

Please call me if you have any questions or concerns.

Sincerely,

John H. Strom
Appellate Defender

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