

Mr. Timothy James Phillips #260439  
Broad River Correctional Institution  
4460 Broad River Rd.  
Columbia, South Carolina 29210

Date: 2-27-17

The Supreme Court Of South Carolina  
The Honorable Daniel E. Shearouse,  
Clerk Of Court  
Post Office Box 11330  
Columbia, South Carolina 29211

RECEIVED

MAR -3 2017

S.C. SUPREME COURT

RE: THE STATE V. TIMOTHY J. PHILLIPS  
APPELLATE CASE NO. 2016-002-444

Dear Mr. Shearouse:

This is in reference to the appeal that was filed on November 28, 2016, on behalf of defendant, Timothy James Phillips, # 260439. From Calhoun County the Honorable Diane S. Goodstein, circuit court Judge. I have enclosed some letters from my previous attorney informing defendant that he had received a letter from the court of Appeals. He told the defendant that they are asking for the defendant's to explain his reasons for the appeal. And counsel Banks, also stated that defendant have very little time to respond. All this took place on December 8, 2016, defendant could not respond to the letter that his attorney forward to him.

Because the defendant were at the Kirkland Correctional Institution, which is the R&E Center for inmates transition into the Department of Corrections prison system. Defendant had no way to get access to any legal library and he didn't understand the appeal procedures to be able to comply with the letter. Mr. Martin R. Banks, from the Public Defender office, Attorney: Martin R. Banks, 716 F.R. Huff Drive St. Matthews, South Carolina 29135.

Please expedite this. Failing to respond will result in an automatic dismissal of the appeal.

This appeal may not be in proper form I would request that your office inform me on the status of the appeal.

Comes Now the defendant, Timothy James Phillips, #260439, who requests pursuant to the requirements of Rule 267 of the South Carolina Appellate court Rules (SCACR). Defendant respectfully requests that this Honorable court grant him the appropriate appellate review in this case.

The defendant is presently confined at the Broad River Correctional Institution, of the South Carolina Department of Corrections, pursuant to order of commitment of Calhoun County Clerk of Court. The Calhoun county grand jury indicted the defendant at the November 18, 2016, term of General Sessions, for (code: 0122/weapons/pointing and presenting firearms at a person, (code: 3434/weapons/possession of firearms or Ammunition by person convicted of violent felony, (code: 3412/ Assault & Battery 1st degree, (SC code: 16-3-910 Kidnapping). The defendant was reresented by Martin R. Banks, Public Defender Office, On November 28, 2016, the defendant pled guilty to Kidnapping the other three charges was Nol prossed. The defendant was sentenced by the Honorable Diane S. Goodstein, circuit court Judge, to twenty years 85 %.

Arguable basis for asserting that the trial court's finding regarding defendant;s appeal was improper this court should find the defendant's allegation that he is entitled to a belated appeal due to his previous trial attorney's failure to perfected and appeal on defendant behalf is not procedurably barred and is meritorious. When the defendant did not freely and voluntarily waive his appellate rights, the defendant may petition the South Carolina supreme court for review.

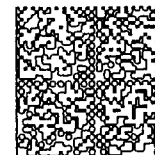
Wherefore, defendant prays this Honorable court will allow him to have his fair bite at the apple to this appeal through the appropriate procedures available under the requirement of Rule 267 of the South Carolina Appellate court Rules (SCACR). By state prisoner seeking relief.

RESPECTFULL SUBMITTED,

I will look forward to your reply at your earliest convenience time.

SINCERELY YOURS,

s/ Timothy J. Phillips



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Columbia, SC 29210

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LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS NOT  
CENSORED THIS ITEM; THEREFORE, THE DEPARTMENT  
DOES NOT ASSUME RESPONSIBILITY FOR ITS CONTENTS.

BROADRIVER CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS



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