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THE STATE OF SOUTH CAROLINA

RECEIVED

In the U.S. District Court of Appeals

MAR 27 2018

Brooks P. Goldsmith, Circuit Court Judge

SC Court of Appeals

Joshua B. Phillips, Appellant,

v.

state of South Carolina Respondent.

APPELLATE CASE NO. 2016-001288

NOTICE OF APPEAL

Joshua B. Phillips appeals the order of the Honorable Brooks P. Goldsmith dated March 13, 2018. Appellant received written notice of entry of this order on March 15, 2018.

March 22, 2018

sj Joshua B. Phillips
Joshua B. Phillips
1578 Clarence Coker Hwy.
Turbeville, S.C. 29162

Other Counsel of Record:
Patrick Schmeckpeper
1000 Assembly Street, Room 519
Columbia, S.C. 29201

WEST COLUMBIA P.D.
SC0320500

INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER
0408890

NCIC
INQ. Yes No
INTD. Yes No

INCIDENT TYPE 1. CRIMINAL DOMESTIC VIOLENCE										COMPLETED YES <input type="checkbox"/> NO <input type="checkbox"/>	FORCED ENTRY YES <input type="checkbox"/> NO <input type="checkbox"/>	PREMISE TYPE APARTMENT/CONDO	UNITS ENTERED	TYPE VICTIM <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc. Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.																																																																																																																																										
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 1600 PLATT SPRINGS ROAD, 74, West Columbia, SC										ZIP CODE 29169-		WEAPON TYPE PERSONAL WEAPON																																																																																																																																												
INCIDENT DATE 05/23/2004	24 HR. CLOCK 08:45	TO	DATE 05/23/2004	24 HR. CLOCK 08:45	DISPATCH DATE/TIME DISP. DATE 05/23/2004	DISPATCH DATE/TIME DISP. TIME 09:51	ARRIVAL TIME TIME ARRIVED 09:53	DEPART TIME 10:24	LOCATION NO. 4B																																																																																																																																															
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE																																																																																																																																												
ADDRESS					CITY		STATE	ZIP CODE	LOCATION NO.																																																																																																																																															
VICTIM'S NAME (LAST, FIRST, MIDDLE) DANIELS, FETA, COPPER			RELATIONSHIP TO SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE																																																																																																																																												
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M.O.A. / VEH. ONE / M.VEH. DETECT. / ES / PLAS. / IT. OTHER ALONE ASSISTED J-This Jurisdiction. S-State. O-Out of State. U-Unknown.																																																																																																																																																								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td><input checked="" type="checkbox"/> SUSPECT</td> <td colspan="5">NAME (LAST, FIRST, MIDDLE) DANIELS, PHILLIP, YOULEE</td> <td>RACE</td> <td>SEX</td> <td>AGE</td> <td>ETH</td> <td>HEIGHT</td> <td>WEIGHT</td> <td>HAIR</td> <td>EYES</td> </tr> <tr> <td><input type="checkbox"/> RUNAWAY</td> <td colspan="12"></td> </tr> <tr> <td><input type="checkbox"/> WANTED</td> <td colspan="10">FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.</td> <td>DAYTIME PHONE</td> <td>EVENING PHONE</td> </tr> <tr> <td><input type="checkbox"/> WARRANT</td> <td colspan="12"></td> </tr> <tr> <td><input type="checkbox"/> ARREST</td> <td colspan="5">ADDRESS</td> <td colspan="2">CITY</td> <td>STATE</td> <td>ZIP CODE</td> <td colspan="3">LOCATION NO.</td> </tr> <tr> <td><input type="checkbox"/> JAIL</td> <td colspan="12"></td> </tr> <tr> <td><input type="checkbox"/> SUMMONS</td> <td colspan="3">SUBJECT NO. 1) USING ALCOHOL YES NO UNK.</td> <td colspan="3">ARRESTED NEAR OFFENSE: SCENE TO YES NO</td> <td colspan="3">DATE/TIME OF OFFENSE 05/23/2004 8:45:00 AM</td> <td colspan="3">DATE/TIME OF ARREST 05/23/2004 10:00:00 AM</td> </tr> <tr> <td colspan="12"> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">DAY OF THE WEEK</td> <td>HOW REPORTED</td> <td>A= OFFICER DISPATCHED ON CALL</td> <td>D= COMPLAINT WRITTEN IN</td> <td colspan="2">DIFF. FACTOR</td> <td>A= RESISTANCE/HOSTILITY</td> <td>E= COMPLAINT FRE-QUENTLY INTOXICATED</td> </tr> <tr> <td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td><td>UNK</td> <td>B= REPORT TAKEN BY PHONE</td> <td>E= OFFICER INITIATED</td> <td>B= WEAPONS</td> <td>C= UNFOUNDED CALLS</td> <td>F= DOMESTIC</td> <td>H= NORMAL</td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td>C= COMPLAINANT WALKED IN</td> <td>F= OTHER</td> <td>D= MENTAL SUBJECT</td> <td></td><td></td><td></td> </tr> </table> </td> </tr> </table>												<input checked="" type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE) DANIELS, PHILLIP, YOULEE					RACE	SEX	AGE	ETH	HEIGHT	WEIGHT	HAIR	EYES	<input type="checkbox"/> RUNAWAY													<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										DAYTIME PHONE	EVENING PHONE	<input type="checkbox"/> WARRANT													<input type="checkbox"/> ARREST	ADDRESS					CITY		STATE	ZIP CODE	LOCATION NO.			<input type="checkbox"/> JAIL													<input type="checkbox"/> SUMMONS	SUBJECT NO. 1) USING ALCOHOL YES NO UNK.			ARRESTED NEAR OFFENSE: SCENE TO YES NO			DATE/TIME OF OFFENSE 05/23/2004 8:45:00 AM			DATE/TIME OF ARREST 05/23/2004 10:00:00 AM			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">DAY OF THE WEEK</td> <td>HOW REPORTED</td> <td>A= OFFICER DISPATCHED ON CALL</td> <td>D= COMPLAINT WRITTEN IN</td> <td colspan="2">DIFF. FACTOR</td> <td>A= RESISTANCE/HOSTILITY</td> <td>E= COMPLAINT FRE-QUENTLY INTOXICATED</td> </tr> <tr> <td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td><td>UNK</td> <td>B= REPORT TAKEN BY PHONE</td> <td>E= OFFICER INITIATED</td> <td>B= WEAPONS</td> <td>C= UNFOUNDED CALLS</td> <td>F= DOMESTIC</td> <td>H= NORMAL</td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td>C= COMPLAINANT WALKED IN</td> <td>F= OTHER</td> <td>D= MENTAL SUBJECT</td> <td></td><td></td><td></td> </tr> </table>												DAY OF THE WEEK		HOW REPORTED	A= OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF. FACTOR		A= RESISTANCE/HOSTILITY	E= COMPLAINT FRE-QUENTLY INTOXICATED	S	M	T	W	T	F	S	UNK	B= REPORT TAKEN BY PHONE	E= OFFICER INITIATED	B= WEAPONS	C= UNFOUNDED CALLS	F= DOMESTIC	H= NORMAL									C= COMPLAINANT WALKED IN	F= OTHER	D= MENTAL SUBJECT			
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<p>ON THE ABOVE DATE, TIME AND LOCATION R/O RESPONDED TO A REPORT OF AN ACTIVE CDV INCIDENT. UPON R/O'S ARRIVAL R/O MET WITH MRS. FETA DANIELS (VICTIM) WHO EXPLAINED THAT SHE AND HER HUSBAND PHILLIP DANIELS (SUBJECT) HAD BEEN ARGUING OVER AN UNKNOWN FEMALE CALLING THEIR RESIDENCE LOOKING FOR THE SUBJECT.</p> <p>VICTIM CONTINUED TO EXPLAIN THAT IN THE DURATION OF THEIR ARGUING SHE WENT TO USE THE RESTROOM AND THAT THE SUBJECT DEMANDED THAT SHE LEAVE THE RESTROOM SO HE COULD TAKE A BATH. VICTIM THEN EXPLAINED THAT THE SUBJECT HAD PLACED A PAIR OF PANTS IN THE BATHROOM AND SHE WENT TO RETRIEVE THE PANTS TO SEE IF THERE WAS ANY EVIDENCE OF THE SUBJECT BEING INVOLVED IN A RELATIONSHIP OUTSIDE OF THEIR MARRIAGE.</p>																																																																																																																																																								
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REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. EXTRADITION DENIED 4. VICTIM DECLINES COOPERATION 5. J.A. ENCL. STUDY																																																																																																																																																								
REPORTING OFFICER(S) HENDRIX, JOHN			DATE 05/23/2004 9:51:00	UNIT NUMBER 150	APPROVING OFFICER			DATE	UNIT NUMBER 23A																																																																																																																																															
FOLLOW UP INVESTIGATION YES NO																																																																																																																																																								

PROOF OF SERVICE OF A NOTICE OF APPEAL
THE STATE OF SOUTH CAROLINA
In the U.S. District Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Brooks P. Goldsmith, Circuit Court Judge

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MAR 27 2018

SC Court of Appeals

APPELLATE CASE NO. 2016-001288

Joshua B. Phillips, Appellant,
v.
State of South Carolina, Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on State of South Carolina to their attorney of Record Patrick Schmeckpeper, 1000 Assembly Street, Room 519, Columbia, S.C. 29201, The Honorable Brooks P. Goldsmith, P.O. Box 11629, Columbia, S.C. 29211 and U.S. District Court of Appeals, Clerk, 901 Richland Street, Columbia, S.C. 29201 by depositing a copy of it in the United States, postage prepaid, on March 22, 2018.

March 22, 2018

s/ Joshua B. Phillips
Joshua B. Phillips
1528 Clarence Coker Hwy.
Turbeville, S.C. 29162

15
01HU00008W.DMV.XLIC.20050422142721.

TO: WCLPD001-00229964 20050422 14:27:21 001EC90889

FROM: DMV 20050422 14:27:09

XLIC

ID NO 0007534113

ROBERTS, CHRISTY L

1305 SUNBRIGHT DR

WEST COLUMBIA SC 291701527 LEXI CNTY

SEX F HGT 4 11 WGT 118 BIRTH [REDACTED]

SSN [REDACTED] RACE WHITE

STATUS-DL:NO SUSPENSION CDL:NO DISQUALIFICATION

DRIVER LICENSE CLASS D ISSUED 03/14/2003

**** IDENTIFICATION ONLY **** ISSUED 03/02/1993

NO CURRENT VIOLATIONS, SUSPENSIONS, OR ACCIDENTS

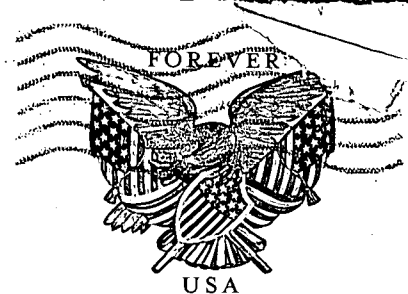
** END OF INQUIRY **

09-22-2009 0190

Joshua B. Phillips #335243
Turbeville Corr. Inst., TA-211
1578 Clarence Coker Hwy.
Turbeville, S.C. 29162

COLUMBIA SC 290

24 MAR 2018 PM 4 L



S.C. Court of Appeals
The Honorable Brooks P. Goldsmith
P.O. Box 11629
Columbia, S.C. 29211

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MAR 27 2018

SC Court of Appeals


29211-162929



THE DEPARTMENT OF CORRECTIONS HAS NEITHER
CENSORED NOR INSPECTED THIS ITEM. THEREFORE
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

TURBEVILLE CORRECTIONAL INSTITUTION
& C. DEPARTMENT OF CORRECTIONS



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