

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable J. Mark Hayes, II Circuit Court Judge

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MAY 29 2018
SC Court of Appeals

Indictment Number(s): 2017-GS-42-03582, 03583, 03584, 03585 & 42-03585

The State,

Respondent

v.

Calvin Lee Phillips, II,

Appellant

NOTICE OF APPEAL

Counsel for Respondent:

The Honorable Alan Wilson
South Carolina Attorney General
Criminal Appeals Division
PO Box 11549
Columbia, SC 29211

Assistant Solicitor Spencer Smith,
Seventh Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, SC 29306

Counsel for Appellant:

William G. Yarborough, III
522 N. Church Street
Greenville, SC 29601

The Defendant, Calvin Lee Phillips, II, appeals his conviction and sentence in this case. The Defendant was found guilty on May 16, 2018 on one (1) Burglary (Violent) (After 06/20/85) – 2nd, one (1) Assault & Battery 1st Degree, one (1) Kidnapping, one (1) Attempted armed, or allegedly armed, robbery and one (1) Poss. Weapon during violent crime. He was sentenced to twenty (20) years. The sentencing sheets are attached to this notice.

STATEMENT OF ISSUES PURSUANT TO RULE 410

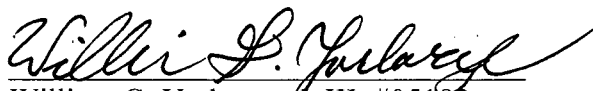
I. The Defendant's guilty plea was not knowingly or voluntarily entered because he did not adequately understand or was not adequately informed of:

- a. the nature of the charges;
- b. that he was waiving significant constitutional rights by pleading guilty;
- c. the collateral consequences of the plea;
- d. or the potential sentence he could receive.

Had the Defendant fully understood or been fully informed of the aforementioned, he would not have pled guilty and instead would have proceeded to trial. *See generally Boykin v. Alabama*, 395 U.S. 238 (1969); *United States v. Ruiz*, 536 U.S. 622, 628 (2002); *Mabry v. Johnson*, 467 U.S. 504, 507 (1984).

II. The Defendant's guilty plea was not knowingly or voluntarily entered because of material defects in the plea colloquy. *See generally Boykin*, 395 U.S. at 241; *State v. Armstrong*, 263 S.C. 594, 598, 211 S.E.2d 889, 891 (1975).

Respectfully submitted,



William G. Yarborough III, #05192
Attorney for Appellant
522 N Church Street Greenville, SC 29601
Telephone (864) 331-1612 Fax (864) 370-0022

May 22, 2018
Greenville, SC

PROOF OF SERVICE

The undersigned hereby certifies that the Appellant's Notice of Appeal has been mailed for filing to the Honorable Jenny Abbott Kitchings, by depositing it in the U.S. Mail with sufficient postage attached, addressed to:

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

The undersigned further certifies that a true copy of same has been served upon Solicitor Spencer Smith, and The Honorable Alan Wilson, by mailing it by U.S. mail, postage prepaid addressed to the following:

Assistant Solicitor Spencer Smith,
Seventh Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, SC 29306

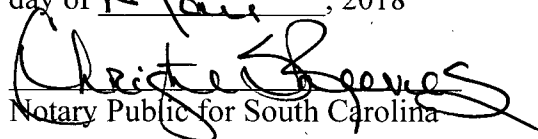
The Honorable Alan Wilson
South Carolina Attorney General
P.O. Box 11549
Columbia, South Carolina 29211

This 22 day of May, 2018



Sandy Ignacio
Legal Assistant to William G. Yarborough III

Sworn to before me this 22
day of May, 2018



Christine Jones
Notary Public for South Carolina

My commission expires: 02/14/2028

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SC Court of Appeals

LAW OFFICE OF WILLIAM G. YARBOROUGH, III

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522 North Church Street
Greenville, SC 29601

May 24, 2018

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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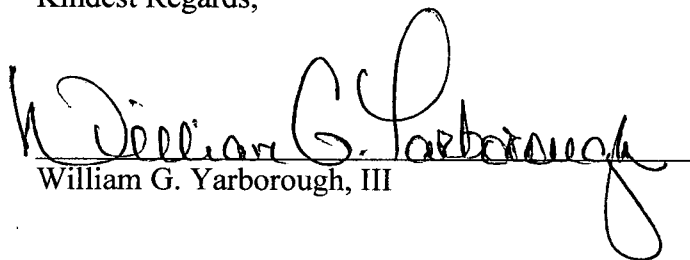
Re: State of South Carolina v. Calvin Lee Phillips, III
Indictment No(s): 2017-GS-42-03582, 03583, 03584, 03585 & 03585A

Your Honor,

I hope this letter finds you well. Please find enclosed original Notice of Appeal and Proof of Service in regards to the above-captioned case, along with a self-addressed stamped envelope for our clocked copy.

If I could be of any assistance or you have any questions or concerns, please feel free to contact my office.

Kindest Regards,


William G. Yarborough, III

WGY/cr

• Law Office of William G. Yarborough III •
522 North Church Street
Greenville, SC 29601



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