

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of General Sessions

The Honorable Robin B. Stilwell, Circuit Court Judge

Indictment No.: 2018-GS-39-02256

The State,

Respondent,

v.

James Aaron Foster,

Defendant.

NOTICE OF APPEAL

Defendant James Aaron Foster appeals his conviction and sentence in this case. The defendant pled guilty to one (1) count of Criminal Domestic Violence, 2nd Degree on April 17, 2019.

Pursuant to the plea, Defendant was sentenced on April 17, 2019 to eighteen (18) months upon the service of twenty-six (26) days of time served, with one (1) year probation contingent upon the completion of Battery classes, random drug and alcohol testing, and a permanent restraining order.

This appeal is taken from the original Sentencing Sheet. (*See* enclosed).

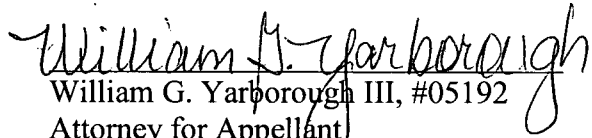
- I. The Defendant's guilty plea was not knowingly or voluntarily entered because he did not adequately understand or was not adequately informed of:
- a. the nature of the charges;
 - b. that he was waiving significant constitutional rights by pleading guilty;
 - c. the collateral consequences of the plea;
 - d. or the potential sentence he could receive.

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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,



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May 1, 2019
Greenville, SC

Other Counsel of Record:
Durham Hill, Assistant Solicitor
Thirteenth Judicial Circuit
County of Pickens
214 E. Main St.
Pickens, SC 29671

Hon. Harold P. Welborn
Clerk of Court, Thirteenth Judicial Circuit
PO Box 215.
Pickens, SC 29671-0215

Honorable Alan Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

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CERTIFICATE OF SERVICE

I, Traci Trouton-Burr, certify on this date, May 1, 2019, I served a Notice of Appeal in this action, dated May 1, 2019 on Alan Wilson, Attorney General, Harold P. Welborn, Clerk of Court Pickens County, and Durham Hill, Assistant Solicitor Thirteenth Judicial Circuit, Pickens County by mailing it to him/her at his/her work address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Durham Hill, Assistant Solicitor
Thirteenth Judicial Circuit
County of Pickens
214 E. Main St.
Pickens, SC 29671

Hon. Harold P. Welborn
Clerk of Court, Thirteenth Judicial Circuit
PO Box 215.
Pickens, SC 29671-0215

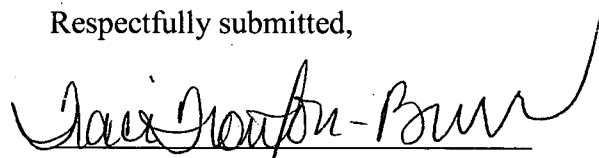
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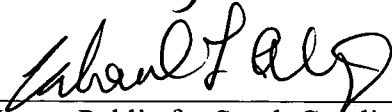
Honorable Alan Wilson
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PO Box 11549
Columbia, SC 29211-1549

Respectfully submitted,



Traci Trouton-Burr
Paralegal to William G. Yarborough, III

SWORN TO before this 1st
Day of May, 2019

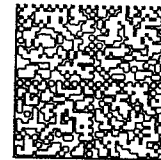


Notary Public for South Carolina
My Commission expires: 06-08-2012

Law Office of William G. Yarborough III
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The Honorable Jenny Abbott Kitchings
Clerk of Court
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