

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LAURENS COUNTY  
Court of General Sessions

The Honorable G. Thomas Cooper Circuit Court Judge

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Indictment Nos.: 2018-GS-30-1392  
2019-GS-30-0640

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**RECEIVED**  
NOV 25 2019  
SC Court of Appeals

The State,

Respondent,

v.

John Collion Calhoun,

Defendant.

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**NOTICE OF APPEAL**

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Defendant John Collion Calhoun appeals his conviction and sentence in this case. The defendant pled guilty to Grand Larceny and Possession of Methamphetamine 1<sup>st</sup>.

Pursuant to the plea, Defendant was sentenced on November 14, 2019, to a total of ten (10) years suspended to five (5) years active with five (5) years probation on the Grand Larceny and three (3) years active to be served concurrent for the Possession charge.

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

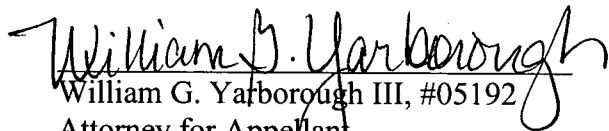
- I. The Defendant's guilty plea was not knowingly or voluntarily entered because he did not adequately understand or was not adequately informed of:
- a. the nature of the charges;
  - b. that he was waiving significant constitutional rights by pleading guilty;
  - c. the collateral consequences of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

d. or the potential sentence he could receive.

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  
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November 21, 2019  
Greenville, SC

Other Counsel of Record:

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Eighth Judicial Circuit  
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100 Hillcrest Square  
Laurens, SC 29360

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**CERTIFICATE OF SERVICE BY U.S. MAIL**

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I, Elizabeth Crowther, certify on this date, November 21, 2019, I served a Notice of Appeal in this action, dated November 21, 2019 on Jenny Abbott Kitchings Clerk of Court of the South Carolina Court of Appeals 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:

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

Micah E. Black, Assistant Solicitor  
Eighth Judicial Circuit  
PO Box 287  
100 Hillcrest Square  
Laurens, SC 29360

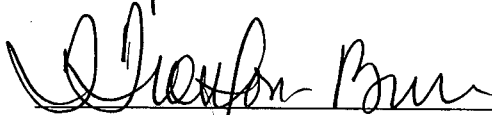
Respectfully submitted,



Elizabeth Crowther

Paralegal to William G. Yarborough, III

SWORN TO before this 21<sup>st</sup>  
Day of November, 2019



Notary Public for South Carolina

My Commission expires: 1/20/24

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SC Court of Appeals

Greenville P&DC 296

FRI 22 NOV 2019 PM

**Law Office of William G. Yarborough III**  
**308 W. Stone Avenue**  
**Greenville, SC 29609**

**The Honorable Jenny Abbott Kitchings**  
**Clerk of Court**  
**SC Court of Appeals**  
**PO Box 11629**  
**Columbia, SC 29211**