

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

The Honorable Letitia H. Verdin, Circuit Court Judge

Indictment Nos.: 2019-GS-23-07201
2019-GS-23-07306

RECEIVED
DEC 13 2019
SC Court of Appeals

The State,

Respondent,

v.

Demond Derrick Burgess,

Defendant.

NOTICE OF APPEAL

Defendant Demond Derrick Burgess appeals his conviction and sentence in this case. The defendant pled guilty to Trafficking Cocaine 10 grams or more but less than 28 grams-2nd Offense and Trafficking Heroin 4-14 grams 1st offense.

Pursuant to the plea, Defendant was sentenced on December 5, 2019, to a total of fifteen (15) years on each charge to run concurrently.

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:

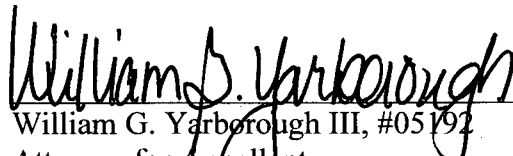
- a. the nature of the charges;
- b. that he was waiving significant constitutional rights by pleading guilty;

- c. the collateral consequences of the plea;
- d. or the potential sentence he could receive.

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
308 W. Stone Avenue, Greenville, SC 29609
Telephone (864) 331-1612 Fax (864) 271-0711

December 10, 2019
Greenville, SC

Other Counsel of Record:

Edward Walker Miller
Assistant Solicitor
Thirteenth Judicial Circuit
305 E. North Street
Greenville, SC 29601

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CERTIFICATE OF SERVICE

I, Traci Trouton-Burr, certify on this date, December 10, 2019, I served a Notice of Appeal in this action, dated December 10, 2019 on Jenny Abbott Kitchings, Clerk of Court, S.C. Court of Appeals, Assistant Solicitor David Walker Miller, and Greenville County Clerk of Court Paul Wickensimer, 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:

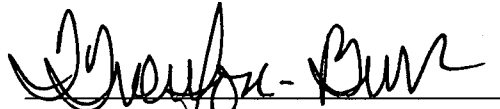
The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

Edward Walker Miller, Assistant Solicitor
305 E. North Street
Greenville, SC 29601

Hon. Paul B. Wickensimer
Clerk of Court, Thirteenth Judicial Circuit
305 E. North Street
Greenville, SC 29601

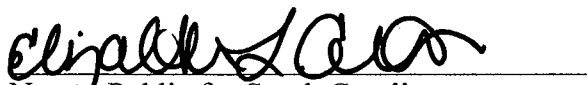
Honorable Alan Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

Respectfully submitted,



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

SWORN TO before this 10th
Day of December, 2019


Notary Public for South Carolina
My Commission expires: 10/21/2029



**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**

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