



# The South Carolina Court of Appeals

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March 10, 2021

Mr. William G. Yarborough, III, Esquire  
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Re: The State v. Calvin L. Phillips, II  
Appellate Case No. 2018-001031

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

  
CLERK

cc: Alan McCrory Wilson, Esquire  
Lauren Carole Hobbis, Esquire  
Barry Joe Barnette, Esquire  
The Honorable J. Mark Hayes, II

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Calvin Lee Phillips, III, Appellant.

Appellate Case No. 2018-001031

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Appeal From Spartanburg County  
J. Mark Hayes, II, Circuit Court Judge

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Unpublished Opinion No. 2021-UP-078  
Submitted February 1, 2021 – Filed March 10, 2021

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**AFFIRMED**

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William G. Yarborough, III and Lauren Carole Hobbis,  
both of William G. Yarborough III, Attorney at Law,  
LLC, of Greenville, for Appellant.

Attorney General Alan McCrory Wilson and Senior  
Assistant Deputy Attorney General William M. Blich,  
Jr., both of Columbia; and Solicitor Barry Joe Barnette,  
of Spartanburg, all for Respondent.

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**PER CURIAM:** Calvin Lee Phillips, III, appeals his convictions and concurrent sentences of twenty years' imprisonment for kidnapping, twenty years for

attempted armed robbery, fifteen years for second-degree burglary, ten years for first-degree assault and battery, and five years for possession of a weapon during the commission of a violent crime. On appeal, Phillips argues the plea court abused its discretion by accepting his guilty plea as being knowingly, intelligently, and voluntarily entered despite his contention he was advised of neither the elements the State must prove beyond a reasonable doubt at trial for each charge nor the implications of his guilty plea on his prior sentence under the Youthful Offender Act. This issue is not preserved for appellate review because it was not raised to or ruled upon by the plea court. Further, neither Phillips nor his plea counsel objected to the advisements given by the plea court or otherwise took issue with the plea court's performance or conduct. Accordingly, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal."); *State v. McKinney*, 278 S.C. 107, 108, 292 S.E.2d 598, 599 (1981) (holding that failure to assert before the plea court that a guilty plea was not knowing and intelligent precludes consideration of the issue on appeal).

**AFFIRMED.**<sup>1</sup>

**LOCKEMY, C.J., and HUFF and HEWITT, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.