

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas
HONORABLE G.D. MORGAN
2020-CP-11-00881

Charles Bridges, SCDC# 382881

APPELLANT,

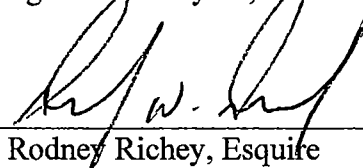
vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Charles Bridges appeals the denial of his Post-Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable G.D. Morgan, Circuit Judge on April 19, 2022 an Order issued on June 29, 2022 and filed on July 5, 2022. The Appellant received notice of the judgment on July 11, 2022.



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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF CHEROKEE)
)
 Charles Bridges, #382881,)
 Applicant,)
))
 v.)
))
 State of South Carolina,)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-11-00881

ORDER OF DISMISSAL

BRANDY W. MCBEE

2022 JUL -5 AM 9:15

FILED IN OFFICE OF
 CLERK OF COURT
 CHEROKEE COUNTY, S.C.

This matter comes before this Court by way of Applicant’s post-conviction relief application filed December 3, 2020. Respondent made its return on June 9, 2021, requesting an evidentiary hearing be convened. An evidentiary hearing was held on April 19, 2022, at the Spartanburg County Courthouse. Rodney W. Richey, Esquire, represented Applicant. Assistant Attorney General Chelsey F. Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant’s mother, Dawn Wilkins, Counsel Michael Morin and Solicitor Barry Barnette also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Cherokee County Clerk of Court. During its March 2018 term, the Cherokee County Grand Jury indicted Applicant for murder (2018-GS-11-00333).¹ Applicant

¹ Applicant was also indicted for disruption or desecration of human remains (2018-GS-11-00334), which was dismissed once the plea was completed.

was represented by Michael Morin, Esquire. Solicitor Barry Barnette of the Seventh Circuit Solicitor's Office prosecuted the case. On December 2, 2019, Applicant appeared before the Honorable J. Derham Cole, circuit court judge, and pled guilty as indicted to all offenses without any negotiations or recommendations. Judge Cole sentenced Applicant to thirty-five years' imprisonment. Applicant did not pursue a direct appeal.

Summary of Relevant Facts

On November 9, 2017, the Cherokee County Sheriff's Department had received information periodically about a possible death of Gary Stone. (Tr. 108). Richard Smith, the next-door neighbor, notified Investigator Haney earlier that day that Applicant made an admission to him that he killed Stone and that the body was in the trailer. (Tr. 108-09). When the Sheriff's Department came and done an earlier well visit, they were within five feet of the body. (Tr. 109). After Richard Smith got with Investigator Haney, she got with Lieutenant Brasier and they obtained and executed a search warrant. (Tr. 109).

They found the body put in several containers underneath the trailer. (Tr. 109). One part was in a cooler, another in a suitcase, and one in a handbag. (Tr. 109). He was dismembered, including his head, legs, feet, and hands. (Tr. 109). His torso was put in a trashcan behind the trailer. (Tr. 109).

An autopsy was taken, finding four stab wounds to the chest, one incision wound in the chest, two stab wounds in the back, and three stab wounds in the abdomen. (Tr. 109). Four of the stab wounds perforated the lungs. (Tr. 109). Contusions indicating possible strangulation were found in the left cortious. (Tr. 110).

Applicant gave different stories in the various statements made, but in the second statement he admitted to stabbing and killing Stone and admits to dismembering him as well.

(Tr. 110).

Current Action Before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

1. "Ineffective assistance of counsel."
2. "Brady violation."

At the PCR hearing, Applicant proceeded forward on the following allegations:

1. Newly Discovered Evidence:
 - a. Applicant's mother sent Applicant a letter admitting that she was the one that killed the victim after both she and Applicant were committed.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Testimony

Applicant Testimony

Applicant testified that his primary claim in support of post-conviction relief was newly discovered evidence. Applicant stated he did not kill the victim and that he had a letter from his mother admitting she was the one that killed him. Applicant stated he spoke with Counsel about pleading guilty. Applicant confirmed his issue was not rooted in an ineffective assistance of counsel claim, but a newly discovered evidence claim.

On cross-examination, Applicant stated that the defense he would have pursued at trial was that he had a manipulative mother who was threatened by the victim and who talked him into assisting in the commission of the crime. Applicant stated he was present when the crime was committed and that he was the only person that participated in the dismemberment. Applicant stated he pled because he gave an incriminating statement, and his *Jackson v. Denno* motion hearing was denied. Applicant stated he pled because he was scared, he would lose at

trial. Applicant stated his mother told him to get rid of the body. Applicant stated that the victim was bigger than him and that the victim attempted to stab him, but he defended himself. Applicant stated he dismembered the body with a large bowie knife, placed the body parts in different containers, and put the torso in the trashcan.

Dawn Wilkins Testimony

Wilkins stated that Applicant is her son. She stated she was convicted for accessory after the fact for the murder. She stated she stabbed the victim and that her son did not stab him. She testified that Applicant did not kill the victim, but that she called Applicant to help her that day. She stated that when Applicant arrived, the victim jumped him. She stated she stabbed the victim in the back while Applicant held him in a chokehold. She stated that she thought her stabbing the victim in the back was the cause of death and that she never admitted this to anyone before.

On cross-examination, she testified she killed the victim. She stated she decided to come clean now because she is on medication that makes her more clear-minded and "to make things right." She testified that they decided to dismember the victim to make the body disappear. She stated she never ordered Applicant to dismember the body. She stated that Applicant put the victim in a chokehold. She stated that the fight happened in the front yard and that Applicant held the victim in a chokehold long enough for her to run inside, grab a knife off her coffee table, run outside, and stab the victim in the back. On re-direct, she stated she thought the victim would have killed her son if she did not kill him first.

Counsel Testimony

Counsel stated that the first time he heard Mr. Wilkins admit to the murder was at the PCR Hearing. Counsel testified that he thought her testimony, as presented at the PCR hearing, would have been helpful in Applicant's case. He stated that he thought she was at least as guilty

as anyone else involved. He stated he reviewed the discovery and, based upon his knowledge regarding the case, he stated he thought it was in the Applicant's best interest to plead guilty.

On cross-examination, Counsel stated he still thinks Applicant would have been found guilty under hand of one, hand of all at trial. Counsel testified that Applicant gave incriminating statements and admitted to dismembering the body. He stated he thought the State's case was strong. He stated that he did not think Ms. Wilkins' testimony would have made Applicant's sentence more favorable.

Prosecutor Testimony

Prosecutor testified that this was a very strong case for the State and that the victim was cut up by Applicant and Wilkins "like a deer." Prosecutor stated that the narrative as presented in court at the PCR hearing is not the narrative presented prior to plea concerning Applicant's participation in the actual murder. Prosecutor stated that the testimony presented at the PCR hearing, if true, would not change how he prosecuted Applicant, because he could still be charged and convicted under hand of one hand of all. Prosecutor stated that he likely would have prosecuted Wilkins for murder and would not let her plead to accessory after the fact if PCR relief was granted in her case. Prosecutor stated that the case was originally based off the idea that Applicant was the principle, but still would not affect his decision to charge Applicant for murder given hand of one hand of all.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, and this PCR action's records. This Court has further had the opportunity to

observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

Newly Discovered Evidence

Applicant alleges newly discovered evidence based upon a letter he received from his mother, admitting that she was the one that killed the victim, not Applicant. The Uniform Post-Conviction Relief Act states that a person may institute a post-conviction relief action if “there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.” S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of material fact not previously presented, the post-conviction relief application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(C).

In South Carolina, a guilty plea is regarded as a waiver of non-jurisdictional defects and claims of violations of constitutional rights. *State v. Rice*, 401 S.C. 330, 331–32, 737 S.E.2d 485, 485–86 (2013) (citing *Hyman v. State*, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Therefore, an applicant requesting a new trial based on after-discovered evidence following a guilty plea must show that:

(1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the “interest of justice” requires the applicant's guilty plea to be vacated. In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions.

Jamison v. State, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014).

Applicant fails to meet his burden of proof in showing he is entitled to relief based upon newly discovered evidence. The only major change in narrative since the plea is that both Applicant and his mother have now testified that she was the one that stabbed the victim. Applicant still admits to being on scene, holding the victim in a chokehold, dismembering the body, and hiding random body parts around the trailer. Since Applicant was present on scene, he seemingly has always been aware of who stabbed the victim. This is not new information to Applicant. What may be new is that his mother is now willing to assume responsibility for the incident. Even if that is the case, it does not mitigate Applicant's culpability. As both Counsel and Prosecutor testified, Applicant is still guilty of murder under hand of one hand of all. The ultimately analysis regarding guilt is left unchanged as it pertains to Applicant. Thus, this information is not of such a weight and quality that the plea must be vacated in the interests of justice. Instead, the new information leaves the plea unaffected. Applicant fails to meet his burden of proof concerning his newly discovered evidence allegation. Accordingly, this matter must be dismissed with prejudice.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

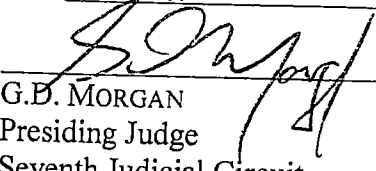
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the

denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 29th day of June, 2022.



G.D. MORGAN
Presiding Judge
Seventh Judicial Circuit

Spokaneburg, South Carolina.

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