

**NOTICE OF APPEAL FROM A PCR DENIAL BY THE COURT OF
COMMON PLEAS**

THE STATE OF SOUTH CAROLINA
In Supreme Court of SC

APPEAL FROM LEE COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case #2020-CP-31-0078

The State,

Respondent,

v.

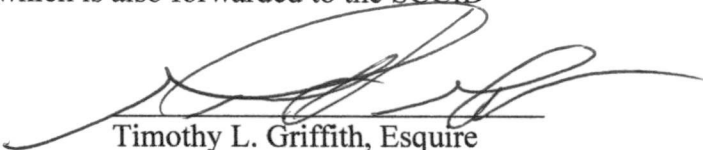
Isaac Wright

Appellant.

NOTICE OF APPEAL

Isaac Wright, appeals the decision of the Court, in the order dated 10/3/2022, received by counsel on 10/7/2022, where Mr. Wright was denied his request for Post-Conviction Relief. Mr. Wright was represented at the hearing by Timothy L. Griffith, Attorney at Law who files this notice on behalf of the Appellant. The order herein attached and a copy of which is also forwarded to the SCCID Appellate Division.

Dated 10/11/22


Timothy L. Griffith, Esquire
2338 Mount Vernon Dr.
Sumter, SC 29154
Telephone: (803) 499-2012
Attorney for Appellant (relieved)
Will not be representing on appeal

Other Counsel of Record:
Michael J. Neubauer, Esquire
Assistant Attorney General
South Carolina Attorney General's Office
P.O. Box 11549, Columbia, S.C. 29211

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S.C. SUPREME COURT

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
COUNTY OF LEE)

Isaac Armadais Wright, SCDC #372353,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

Case No.: 2020-CP-31-0078

ORDER OF DISMISSAL



This matter comes before this Court by way of Applicant Isaac Armadais Wright's application for post-conviction relief challenging his negotiated guilty plea to voluntary manslaughter based on allegations of ineffective assistance of counsel. Timothy L. Griffith, Esquire, was thereafter appointed to represent Applicant. In response, Respondent the State of South Carolina filed a return to the application and requested an evidentiary hearing to resolve the claims of ineffective assistance of counsel as set forth in the application.

An evidentiary hearing on this action was convened November 21, 2021, before this Court in this Court's Virtual Courtroom utilizing the Cisco WebEx platform¹ authorized by the South Carolina Judicial Department. Applicant appeared virtually along with counsel Griffith. Respondent was represented by Assistant Attorney General Michael J. Neubauer of the South Carolina Attorney General's Office. Applicant proceeded forward on the claims raised in application. This Court heard testimony from Applicant and his former plea counsel.

Following a thorough review of the record in its entirety, along with the testimony and

¹ At the onset of the hearing, this Court questioned Applicant as to whether he was comfortable proceeding forward virtually. Applicant informed this Court he consented to conducting his post-conviction relief hearing virtually.

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evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismissed this action with prejudice. Specific findings of fact and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 are set forth below:

FACTUAL AND PROCEDURAL HISTORY

The records before this Court establish Applicant is presently confined within the South Carolina Department of Corrections (SCDC). On October 28, 2017, officers were dispatched to a location in Lee County in response to shots fired at Brown Town Road. Law enforcement then received a second call that someone had been shot and requesting medical assistance. Law enforcement arrived and the victim was transported to the hospital where he succumbed to a fatal gunshot wound to his left shoulder. Witnesses on the scene originally told law enforcement they did know or see anything regarding the shooting. However, several witnesses subsequently came forward and reported that Applicant was the shooter and the shots were fired after a dispute between Applicant and the victim. Based on this information, law enforcement sought and obtained a warrant for Applicant's arrest.

Thereafter, the Lee County Grand Jury indicted Applicant for murder and possession of a weapon during a crime of violence (2017-GS-31-0179). Applicant originally retained Charlie J. Johnson, Jr., Esquire, to represent him, but moved to relieve Johnson and Scott L. Robinson, Esquire, was appointed to represent Applicant. Assistant Solicitor John Gentry of the Third Circuit Solicitor's Office prosecuted the case.

Following plea negotiations with the State, Applicant accepted a plea offer requiring him to enter a guilty plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970) to the lesser-

included offenses of voluntary manslaughter for a determinate sentence of fifteen years of imprisonment suspended upon the service of ten years of imprisonment followed by two years of probation in exchange for the dismissal of the weapons offense.

On November 18, 2013, Applicant appeared before the Honorable R. Ferrell Cothran, circuit court judge, and pled guilty pursuant Alford to voluntary manslaughter pursuant to the plea agreement. Following a thorough plea colloquy with Applicant, Judge Cothran found Applicant's plea was knowingly, intelligently, and voluntarily entered and accepted Applicant's plea. Judge Cothran then sentenced Applicant to fifteen years of imprisonment suspended upon the service of ten years of imprisonment followed by two years of probation in accordance with the negotiated plea agreement. The State dismissed the weapons charge in accordance with the plea agreement. Applicant did not pursue a direct appeal.

ALLEGATIONS BEFORE THE COURT

In his *pro se* application for post-conviction relief, filed on February 24, 2020 and not forwarded to Respondent by the Lee County Clerk of Court until August 5, 2020, Applicant alleges he is being held in custody unlawfully based on the following grounds:

1. "Ineffective Assistance of Counsel due to bad advice"
 - a. "Gave me bad advice I took the sentence."
 - b. "Lawyer never suppress[ed] witnesses statements due to change of statement."
 - c. "Chain of custody due to lack of protocol by investigator doing his investigation of the crime scene. . . . crime scene wasn't taped off."

As requested relief, Applicant states he is seeking "a dismissal of the case and or a reduce[d] sentence."

In response to the application, Respondent served a return and requested for a hearing to resolve Applicant's claims of ineffective assistance of counsel as set forth in the application.

Attached to this return and before this Court are the records from Applicant's general sessions proceedings, the transcript of his guilty plea proceeding, his SCDC records, and the records from this current PCR proceeding.

Timothy L. Griffith, Esquire, was appointed to represent Applicant in this proceeding pursuant to Re: Appointment of Counsel in Post-Conviction Relief Cases before the Circuit Court (S.C. Sup. Ct. Order filed Oct. 6, 2008) and Rule 71.1(d), SCRCP (providing for appointment of counsel only where there is a question of law or fact which necessitates a hearing). Counsel did not amend the application.

At the evidentiary hearing Applicant proceeded forward on the grounds as set forth in his *pro se* application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged he is entitled to post-conviction relief based on ineffective assistance of plea counsel for three specific grounds: that counsel gave him bad advice that induced his plea; that counsel failed to move to suppress witness statements based on later inconsistent statements; and that counsel failed to move for a dismissal of the indictments based on an insufficient investigation by law enforcement including raising issues with chain of custody. This Court finds these claims to be without merit and that Applicant has failed to meet his burden of proof.

Standard of Review

Under the Uniform Post-Conviction Procedures Act, an applicant may seek post-conviction relief upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;

2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985); Rule 71.1(e), SCRCF.

Standard for Evaluating Claims of Ineffective Assistance of Counsel

Applicant asserts that he is entitled to a new trial based on constitutionally ineffective assistance of counsel for three specific claims.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, post-conviction relief allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in post-conviction relief actions). The allegation of denial of such representation sets forth a prima facie violation of this

constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction or sentence. 466 U.S. at 687. First, the applicant must show that counsel's performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The first prong—constitutional deficiency—is "necessarily linked to the practice and expectations of the legal community." Padilla v. Kentucky, 559 U.S. 356, 366 (2010). In order to prove deficient performance, the applicant must show counsel's representation fell below an objective standard of "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814.

Strickland, however, "does not guarantee perfect representation[—]only a 'reasonably competent attorney.'" Harrington v. Richter, 562 U.S. 86, 110 (2011) (quoting Strickland, 466 U.S. at 687). Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. Strickland, 466 U.S. at 686. Just as there is "no expectation that competent counsel

will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities.” Harrington, 562 U.S. at 110.

Accordingly, “[j]udicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” Strickland, 466 U.S. at 689; see also Yarborough v. Gentry, 540 U.S. 1, 6 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney’s representation amounted to incompetence under “prevailing professional norms,” not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690).

Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time. Id. Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a “strong presumption that counsel’s conduct falls within the wide range of reasonable professional assistance.” Butler, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Reviewing courts “must judge the reasonableness of counsel’s challenged conduct on the

facts of the particular case, viewed at the time of counsel's conduct." Strickland, 466 U.S. at 690. An applicant making a claim of ineffective assistance "must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment." Id. The reviewing court must then "determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." Id.

The Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690; see also Harrington, 562 U.S. at 105 (cautioning that an ineffective assistance of counsel claim could potentially function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial). Even under *de novo* review, the standard for judging counsel's representation is a most deferential one. Harrington, 562 U.S. at 105. Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690) (emphasis added).

The second, or "prejudice" prong of Strickland is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. Id. at 691-92. In order to prove prejudice, an applicant must demonstrate counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable

probability is a probability “sufficient to undermine confidence in the outcome.” Strickland, 466 U.S. at 694. Thus, it is not enough “to show the errors had some conceivable effect” on the outcome of the proceeding—counsel’s errors must be “so serious as to deprive the defendant of a fair trial.” Id. at 687 (emphasis added).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, Hill v. Lockhart extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel.” Hill, 474 U.S. 52; cf. Padilla, 559 U.S. at 373 (recognizing the guilty plea process is a “critical phase of litigation” for purposes of the Sixth Amendment right to effective assistance of counsel). A claim of ineffective assistance of guilty plea counsel requires the applicant present evidence satisfying two prongs: first, evidence that counsel’s performance was deficient; and second, evidence that counsel’s deficient performance prejudiced the defendant by causing him to plead guilty rather than go to trial. Hill, 474 U.S. 52.

The analysis of counsel’s performance under the first prong of Strickland remains unchanged—the applicant must show counsel’s representation fell below the objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58–59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his plea was induced by ineffective assistance of counsel must prove counsel’s advice to plead guilty was not “within the competence demanded of attorneys in criminal cases.” Hill, 474 U.S. at 56.

The second, or “prejudice” prong, however, “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of the plea process.” Id. at 58–59. Specifically, when an applicant claims counsel’s deficient performance caused him to accept a plea, the applicant “must show that there is a reasonable probability that, but for [plea] counsel’s [alleged] errors, he

would not have pleaded guilty and would have insisted on going to trial.” Id. at 59. This inquiry “focuses on a defendant’s decisionmaking” and does not turn on the outcome of a defendant’s actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. ___, 137 S. Ct. 1958, 1966 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

Surmounting Strickland’s high bar is never an easy task, and the strong societal interest in finality has “special force with respect to convictions based on guilty pleas.” Lee, 582 U.S. ___, 137 S. Ct. at 1967 (internal citations and quotation marks omitted); cf. Hill, 474 U.S. at 58 (“[R]equiring a ‘prejudice’ showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel ‘will serve the fundamental interest in the finality of guilty pleas.’”). Reviewing “[c]ourts should not upset a plea solely because of post hoc assertions from a defendant about how he would have pleaded but for his attorney’s deficiencies. Lee, 582 U.S. ___, 137 S. Ct. at 1967. Rather, judges should “look to contemporaneous evidence to substantiate a defendant’s expressed preferences. Id. In determining whether a guilty plea was taken in accordance with constitutional standards, the reviewing judge must analyze and consider the entire record, including the transcript of the plea and the evidence presented at the PCR hearing. Harres, 282 S.C. at 134, 318 S.E.2d at 361.

The performance and prejudice standards, however, “do not establish mechanical rules;

[t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." *Id.* at 696. Moreover, "there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one." *Id.* at 697. The court "need not determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. *Id.* If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. *Id.*

Findings as to Specific Claims Raised

Applicant has alleged ineffective assistance of plea counsel and asserts that as a result of these purported errors, he is entitled to have his guilty plea undone. This Court finds has failed to meet his requisite burden of proof as to each allegation. Each allegation is addressed below:

Allegation #1: Counsel was ineffective for giving him bad advice to plead guilty

Applicant first asserts counsel was constitutionally ineffective for giving him bad advice to plead guilty. At the evidentiary hearing, Applicant presented this claim as counsel coercing him to accept the State's plea offer by exerting undue pressure to plea with the use of his family and threat of a harsher sentence if he went to trial and was convicted. (PCR Tr. 6-9). Applicant elaborated that he informed counsel that there was an inconsistency in the State's case based on two different calls to 9-1-1 for assistance on the night of the shooting (the first call asking for law enforcement and the second call only asking for medical attention) and that he asked counsel to obtain a copy of these tapes but counsel failed to do so, which he stated put pressure on him to plead guilty. (PCR Tr. 9-10). He testified it took him a day-and-a-half to decide to plead guilty and he felt like counsel was not

ready to try his case. (PCR TR. 10-11). However, on cross-examination, Applicant admitted he and counsel had discussed possible defenses to use at trial and Applicant acknowledged that counsel had attempted to speak with witnesses he provided. (PCR Tr. 12-13).

In contrast, plea counsel Robinson testified he thoroughly investigated the case to the best of his ability, including the use of a private investigator, but no witnesses were willing to speak with the defense team. (PCR Tr. 24-27). He elaborated that when the State called the case to trial, the witnesses that Applicant has asked him to speak with came to trial and sat with the victim's family as a show of support and solidarity with the victim. (PCR Tr. 26-27). Counsel testified he alerted Applicant to their presence, the likelihood that Applicant would not be successful at trial, and that accepting the State's plea offer was in his best interest. (PCR Tr. 26-27). Counsel elaborated that he gave Applicant honest advice regarding the discovery, his chances of success at trial, and the likely sentence he would receive if convicted of murder at trial, but that he did not coerce Applicant to plead guilty and he would have been ready for trial had Applicant elected to proceed forward with trial. (PCR Tr. 27-36, 38). On cross-examination, counsel adamantly rejected the assertion that he coerced Applicant to plead guilty and insisted Applicant elected to plead guilty after frank discussions about the case following the selection of the jury. (PCR Tr. 39-40).

This Court finds Applicant cannot establish any deficiency of counsel. Counsel's credible testimony establishes he provided Applicant with competent advice that it was in Applicant's best interest to accept an extremely favorable plea offer from the State for a sentence of ten years of active imprisonment rather than risk a likely conviction at trial for murder and face a mandatory minimum sentence of thirty years of imprisonment up to a maximum of life imprisonment. This advice was based on counsel's investigation and review of the evidence presented, as well as discussions with

Applicant. The record reflects that Applicant entered a knowing, intelligent, and voluntary plea with the advice of competent, diligent counsel who properly represented Applicant. Applicant has failed to establish that he was coerced by counsel to enter his plea or that counsel performed in any other deficient manner. Accordingly, this Court DENIES and DISMISSES this allegation with prejudice.

Allegation #2: Counsel was ineffective for failing to move to suppress witness statements

Next, Applicant asserts that counsel was ineffective for failing to move to suppress witness statements based on inconsistencies in later statements. In support of this allegation, Applicant cites to the discrepancies in the 9-1-1 calls in the aftermath of the shooting. (PCR Tr. 10). Applicant acknowledged that he and counsel discussed discrepancies in the various witnesses' statements and the possibility of challenge this at a trial but that they could not challenge the statements if Applicant elected to plead guilty. (PCR Tr. 19).

Counsel testified regarding the inconsistencies in the witnesses' statements, elaborating that numerous witnesses present at the crime scene originally told law enforcement they did not seem ^{to} know what happened or know who the shooter was but then changed their statements to identify Applicant as the shooter. (PCR Tr. 29). Counsel speculated this was likely due to influence of the victim's family, which he explained to Applicant and discussed trying to argue this to the jury at trial should Applicant elect to proceed to trial. (PCR Tr. 31-32, 34-36).

This Court finds Applicant cannot establish any deficiency of counsel. The uncontroverted testimony before this Court from counsel and Applicant is that Applicant and counsel discussed the various inconsistencies in witness statements, that counsel could attempt to discredit the witnesses based on these discrepancies if Applicant elected to proceed to trial, but that if Applicant elected to plead guilty, he would not be able to challenge these statements. Applicant made a knowing,

intelligent, and voluntary decision to forgo his right to challenge the evidence against him (including these witness statements) at trial to accept an extremely advantageous plea offer from the State. Applicant has failed to establish that counsel performed in any deficient manner regarding his handling of the witness statements. Accordingly, this Court DENIES and DISMISSES this allegation with prejudice.

Allegation #3: Counsel was ineffective for failing to move for dismissal based on insufficient investigation by law enforcement

Finally, Applicant asserts that counsel was ineffective for failing to move for dismissal of his indictments based on an insufficient investigation by law enforcement, including issues with the chain of custody. This Court finds this claim patently lacks merit, as Applicant has failed to provide any evidence that the chain of custody was insufficient for any evidence that would have been used against him at trial. Moreover, counsel credibly testified that there were no issues he could raise regarding the chain of custody because there simply was no physical evidence the State intended to introduce at trial requiring a chain of custody as the entire case was built ^{upon DSS} ~~around~~ witness statements. (PCR Tr. 29-31). This is supported by the record from Applicant's plea, where the State informs the plea court, "[i]n all candor, the sheriff's office did not find a weapon, never able to find a weapon. There ' s no scientific evidence in the case. It's just the witness testimony." (Plea Tr. 8). Counsel elaborated that he would have highlighted the poor quality of law enforcement's investigation had the case proceeded to trial but that Applicant elected to plead guilty. (PCR Tr. 31-32).

This Court finds Applicant cannot establish any deficiency of counsel. The uncontroverted testimony before this Court is that Applicant and counsel discussed the various inadequacies with the law enforcement investigation of the case, that counsel could attempt to discredit the State's case based on this poor investigation if Applicant elected to proceed to trial, but that if Applicant elected

to plead guilty, he would not be able to challenge the State's case based on a poor investigation. Applicant made a knowing, intelligent, and voluntary decision to forgo his right to challenge the evidence against him (including any purported issues with the investigation performed by law enforcement) at trial to accept an extremely advantageous plea offer from the State. Applicant has failed to establish that counsel performed in any deficient manner regarding his handling of the witness statements. Accordingly, this Court DENIES and DISMISSES this allegation with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds Applicant has not established any other constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief is denied and dismissed with prejudice.

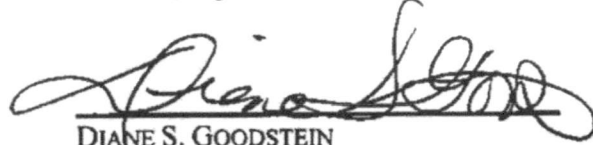
This Court notes that if Applicant wishes to appeal this order, Applicant, though his counsel of record, must file and serve a notice of appeal within thirty days from the receipt of this Order. See Rule 203 and 243, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for post-conviction relief is denied and dismissed with prejudice; and

2. Applicant Isaac Wright shall remain remanded to the custody of the State of South Carolina.

AND IT IS SO ORDERED this 26 day of September, 2022.



DIANE S. GOODSTEIN
Presiding Judge
Third Judicial Circuit

Orangeburg South Carolina