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May 19 2023

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

S.C. SUPREME COURT

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Certiorari to Richland County

Honorable George M. McFaddin, Circuit Court Judge

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ARTHUR Q. JONES, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001643

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JOHNSON PETITION FOR WRIT OF CERTIORARI

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Deputy Chief Appellate Defender

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ATTORNEY FOR PETITIONER

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**ISSUE PRESENTED**

Trial counsel erred in failing to fully explain to petitioner all sentencing consequences in the case.

## STATEMENT

Petitioner Anthony Jones, Junior, pled guilty to three counts of attempted murder, possession of a weapon during the commission of a violent crime, and unlawful possession of a weapon during the December 2019 term of the Richland County General Sessions Court before Judge L. Casey Manning. Petitioner was sentenced to an aggregate forty-year prison term. App. 1-43. Petitioner did not appeal his convictions or sentences. Assistant Solicitor R. Vance Eaton prosecuted the case, and Attorney J. Rhodes Bailey represented petitioner at the plea proceeding.

On October 14, 2020, petitioner filed a PCR application with the Richland County Office of the Clerk of Court. App. 45-51. The respondent filed a Return dated March 9, 2021. App. 52-59. A PCR hearing was convened in the case on May 25, 2022, at the Richland County Courthouse before Judge George M. McFaddin, Junior. App. 60-96. Petitioner was present at the PCR hearing and represented by Arthur K. Aiken, Esquire, and Assistant Attorney General D. Russell Barlow, II, appeared on behalf of the state.

On October 11, 2022, Judge McFadden signed an Order of Dismissal in the case therein denying and dismissing petitioner's allegations of ineffective assistance of trial counsel. App. 98-131. Petitioner appealed Judge McFadden's Order of Dismissal. This petition follows.

## ARGUMENT

Trial counsel erred in failing to fully explain to petitioner all sentencing consequences in the case.

The state's theory of the case was that petitioner fired his weapon into a crowd gathered at Five Points (Richland County) during St. Patrick's Day festivities held in 2018. App. 3, l. 18 - p.4, l.25.

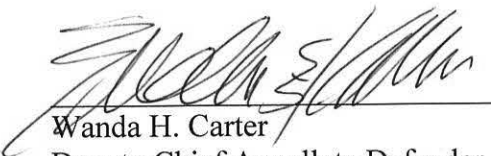
During the PCR hearing, petitioner testified that he understood counsel's advice to mean that he faced an eighteen-to-twenty-five-year prison sentence in exchange for his guilty pleas in the case. App. 67, l.13 - p. 68, l.3. However, petitioner received a forty-year prison sentence instead. Trial counsel testified at the hearing and explained that he advised petitioner that he would request an eighteen-to-twenty-five-year sentencing range in the case. Trial counsel stated that the solicitor refused to agree to the same and asked for maximum sentences. App. 86, l. 1 - p. 87, l. 3; App. 92, l. 2 – p. 93, l. 12; App. 95, lines 5-16.

In the case at bar, it was clear that trial counsel led petitioner to believe that he would receive sentences that were considerably less than the sentences handed down by the trial judge. As a rule, a guilty plea is voluntarily and knowingly entered into only if the defendant has a full understanding of the consequences of his plea and the charges against him. See Dalton v. State, 376 S.C. 130, 654, S.E.2d 870 (2007), and Pittman v. State, 337 S.C. 597, 524 S.E.2d 623 (1999), citing to Boykin v. Alabama, 395 U.S. 238 (2000). Clearly, in the case at bar, petitioner's guilty pleas were not given voluntarily because he was unaware of the full extent of sentencing consequences in the case due to trial counsel's failure to explain the same to him. Counsel's error in this omission constituted deficient legal representation in violation of the Sixth Amendment (See Hill v. Lockhart, 474 U.S.52 (1985)), such that but for counsel's ineffectiveness in this

regard, a reasonable probability existed that petitioner would not have pled guilty in the lower court.

**CONCLUSION**

Based on the foregoing argument, counsel for petitioner would request that this Court grant the petition and allow full briefing on the above-raised issue.



Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 19th day of May, 2023.

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PETITION TO BE RELIEVED AS COUNSEL

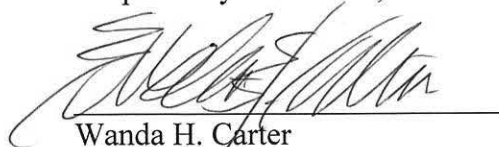
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Counsel for Arthur Q. Jones states:

1. She is Deputy Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's post-conviction relief hearing before Judge George M. McFaddin, which was held on May 25, 2022, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Arthur Q. Jones.

Respectfully Submitted,




Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 19th day of May, 2023.

**CERTIFICATE OF COUNSEL**

The undersigned certifies that to the best of her ability this Johnson Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”



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This 19th day of May, 2023.