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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

On Petition for Writ of Certiorari to Cherokee County
Honorable G. D. Morgan, Jr., Post-Conviction Relief Judge
Honorable J. Derham Cole, Plea Judge

Appellate Case No. 2022-000977

CHARLES BRIDGES, SCDC # 382881,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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PETITIONER'S STATEMENT OF ISSUES ON CERTIORARI

- I. Did the PCR court err when it determined that Petitioner failed to prove his claim of newly discovered evidence where the court ruled that the post-plea confession to the murder by Petitioner's biological mother and co-defendant was 1) not new information to Petitioner and 2) not evidence of such a weight and quality that the interests of justice required Petitioner's plea to be vacated?

RESPONDENT'S COUNTERSTATEMENT OF ISSUES ON CERTIORARI

- I. Whether a post-plea confession by Petitioner's codefendant and biological mother constitutes evidence discovered after the entry of the plea which could not have been discovered prior to the plea?
- II. And if so, whether the post-plea confession by Respondent's codefendant and biological mother is of such weight and quality that Respondent's guilty plea should be vacated?

STATEMENT OF THE CASE

Petitioner Charles Bridges is currently incarcerated within the South Carolina Department of Corrections following his guilty plea and sentence for the murder of Gary Stone.

On November 9, 2017, the Cherokee County Sheriff's Department received information about the possible death of Mr. Stone. App. at 108, lines 21-24. The Sheriff's Department obtained and executed a search warrant for the trailer where Mr. Stone lived. App. at 109, line 8. During the execution of the warrant, deputy sheriffs found Gary Stone's dismembered body in several containers underneath the trailer. App. at 109, lines 10-16. Petitioner and his biological mother and codefendant, Dawn Wilkins, were questioned regarding Mr. Stone's death. App. at 110, line 4 and 130-151.

Petitioner gave three statements to police regarding the death of Mr. Stone. App. at 130-143. Petitioner's first two statements were made on November 9, 2017, the day on which officers discovered Mr. Stone's body, and the third was made on April 26, 2018. App. at 130-143. In all three statements, Petitioner admitted to going to Mr. Stone's trailer after receiving a call from his mother, getting in a fight with Mr. Stone, and placing Mr. Stone in a "sleeper hold." App. at 131, 133, and 140. In his first statement, Petitioner alleged that after Mr. Stone was placed in the sleeper hold and subdued, Mr. Stone awoke and left. App. at 131. Petitioner claimed he had not seen Mr. Stone since he (Mr. Stone) awoke and left. App. at 131. In his second statement, Petitioner admitted that, after he placed Mr. Stone in the sleeper hold, he stabbed Mr. Stone in the back to make sure he didn't get up again. App. at 134. Petitioner went on to say that when he checked on Mr. Stone a short time later, he discovered that Mr. Stone was dead. App. at 134. Petitioner then confessed to dismembering Mr. Stone's body and placing pieces of his body into the various containers in which they were discovered. App. at 134. In his third statement, Petitioner stated

that while he was pinned underneath Mr. Stone in the fight, he saw Wilkins make a stabbing motion towards Mr. Stone. App. at 140. Petitioner claimed he was then able to place Mr. Stone into a sleeper hold and subdue him. App. at 140. Later he realized that Mr. Stone was dead, and—according to Petitioner—Wilkins instructed him to dismember Mr. Stone and hide his dismembered body under the trailer. App. at 141.

Wilkins gave two statements to the police. App. at 144-151. Wilkins did not admit to stabbing Mr. Stone in either of her statements. In her first statement on November 9, 2017, she claimed that Petitioner came to the trailer and got into a fight with Mr. Stone. App. at 146. She then asserted that Mr. Stone gathered some belongings from the house and left, and that she had not seen him since he left. App. at 146-147. In her second statement on November 16, 2017, Wilkins claimed that Petitioner came to the house and got into a fight with Mr. Stone. App. at 149. She stated that she watched the fight from inside the trailer and saw Petitioner place Mr. Stone into a chokehold. App. at 149. She claims she did not see any more of the fight because she left the window. App. at 149. Wilkins explained that she fell asleep for a short time and when she awoke, Mr. Stone was laying in the yard. App. at 150. She then realized Mr. Stone was dead. App. at 150. According to Wilkins, she assisted Petitioner in moving the body, and Petitioner then dismembered Mr. Stone's body. App. at 150-151.

On December 2, 2019, a Jackson v. Denno hearing was conducted regarding Petitioner's statements. See App. at 1-125. Petitioner's counsel argued that because of his alleged drug use on November 9, 2017, Petitioner's first two statements should not be admitted. App. at 76. The State elicited testimony from the interviewing officers that Petitioner was able to recall identifying information about himself, such as his phone number, social security number, and date of birth, and that Petitioner did not appear to be intoxicated. App. at 12-13, 26, and 39. Judge Cole found

that Petitioner understood his rights at the time of the statements and knowingly waived them. App. at 78-79. As a result, Judge Cole ruled that Petitioner's statements were admissible. App. at 78-79.

After a brief recess, court resumed and Petitioner pled guilty to the murder of Mr. Stone. App. at 89. Judge Cole conducted a plea colloquy with Petitioner and accepted his guilty plea for first degree murder. App. at 124. Judge Cole sentenced Petitioner to thirty-five years of incarceration. App. at 124. At the plea, Petitioner was represented by Michael Morin, and the State was represented by Solicitor Barry Barnette. Petitioner did not undertake a direct appeal.

On December 3, 2020, Petitioner filed an action for Post-Conviction Relief claiming ineffective assistance of counsel and a Brady violation. App. at 162-168. The State filed its return on June 11, 2021. App. at 169-177. An evidentiary hearing was held on April 19, 2022. App. at 179-224. At the hearing Petitioner proceeded with the argument that newly discovered evidence required the vacation of his plea. App. at 184, line 12-13. Specifically, Petitioner argued that a letter from Wilkins, his biological mother and codefendant, in which she admits that she stabbed Mr. Stone constituted newly discovered evidence. App. at 185. During Petitioner's testimony, the first page of a letter from Wilkins was entered into evidence. The first page of the letter states: "If I hadn't stabbed [Mr. Stone] that night I never would have known that I had that in me." App. at 185, 226. During his testimony, Petitioner claimed that he pled guilty because the court ruled his first two statements, in which he admitted to stabbing Mr. Stone, were admissible and, at the time of his plea, he did not have any evidence to prove that Wilkins stabbed Mr. Stone, not him. App. at 187.

Also at the PCR hearing, Wilkins testified that she stabbed Mr. Stone, not Petitioner. App. at 201.

Counsel Morin and Solicitor Barnette also testified at the PCR hearing. Both testified that the first time they heard Wilkins admit to stabbing Mr. Stone was during the PCR hearing, but both testified that her statement would not have altered the ultimate result in Petitioner's case (Solicitor Barnette testified that it might have impacted Wilkins' case but not Petitioner's). App. at 217, 222. Both Counsel Morin and Solicitor Barnette asserted that even with Wilkins' statement, Petitioner would have been convicted under the "hand of one, hand of all" theory of guilt. App. at 217, 222.

The PCR Court subsequently issued a written order filed on July 5, 2022, finding Petitioner failed to meet his burden and denying the application with prejudice pursuant to S.C. Code Ann. § 17-27-80. App. at 227-234. The PCR Court ruled that Petitioner had consistently stated that he was present for the murder, so Wilkins' alleged participation was not newly discovered evidence. App. at 232-233. Additionally, the PCR Court ruled that Wilkins' testimony was not of the weight and quality that the plea must be vacated. App. at 232-233.

Petitioner then initiated this appeal.

STANDARD OF REVIEW

The standard of review for post-conviction relief matters depends on the specific issues before the appellate court. Smalls v. State, 422 S.C. 174, 810 S.E.2d 836, 839 (2018). When reviewing factual findings, the appellate courts defer to the post-conviction relief court's factual findings and will uphold them if there is probative evidence in the record to support them. Buckson v. State, 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018); Smalls, 422 S.C. at 180-81, 810 S.E.2d at 839-40 (citing Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016); Jordan v. State, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013)). However, pure questions of law will be reviewed *de novo* without deference to the lower court. Smalls, 422 S.C. at 180-81, 810 S.E.2d at 839-40. Appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

ARGUMENT

Petitioner seeks relief under S.C. Code Ann. § 17-27-20(A)(4), which provides for post-conviction relief when “there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.” This Court laid out the analysis for petitions seeking relief from a guilty plea because of newly discovered evidence in Jamison v. State, 410 S.C. 456, 765 S.E.2d 123 (2014). In Jamison, the Court held:

when a PCR applicant seeks relief on the basis of newly discovered evidence following a guilty plea, relief is appropriate only where the applicant presents evidence showing 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.

Id. at 470, 765 S.E.2d at 130. The court warned, “[i]n so holding, we caution that it will be the rare case indeed where the interests of justice will require that a knowing and voluntary guilty plea be vacated through post-conviction relief on the basis of newly discovered evidence, for an unconditional guilty plea involving an admission of guilt and a waiver of trial and all defenses will generally preclude any subsequent challenge to factual guilt.” Id.

Under his new theory of the case, Petitioner submits that he was actively fighting Mr. Stone when Wilkins stabbed Mr. Stone. Therefore, Petitioner was aware that Wilkins stabbed Mr. Stone prior to the entry of his guilty plea. As a result, the PCR Court correctly ruled that Wilkins’ post-plea confession does not constitute evidence discovered after the entry of the plea which could not have been discovered prior to the plea, and even if her testimony and letter constitutes newly discovered evidence, her biases and motivation to lie means the evidence is not of such weight and

quality that Respondent's guilty plea should be vacated. Finally, the testimony of both Petitioner's plea counsel and the original solicitor make clear that even had Wilkins' testimony or letter been introduced prior to Petitioner's plea, they would not have had an impact on his guilt.

I. The post-plea confession by Petitioner's codefendant and biological mother does not constitute evidence discovered after the entry of the plea.

Petitioner was aware of his mother's alleged involvement in the killing prior to his guilty plea; therefore, he is not entitled to relief under S.C. Code Ann. § 17-27-20(A)(4). In Jamison, the Court required that applicants seeking relief under subsection 4 must present evidence that "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" Petitioner has not met this burden because he was aware of Wilkins' involvement in the crime at the time of his guilty plea, even though that was prior to receiving her letter.

Petitioner's newly discovered evidence centers on Wilkins' involvement in the crime. Petitioner testified to the PCR Court that his mother stabbed Mr. Stone, not him. App. at 184. In support of this, Petitioner submitted a letter from his mother in which she states "If I hadn't stabbed [Mr. Stone] that night I never would have known that I had that in me" App. at 226. In addition, Wilkins confirmed the veracity of the letter and testified to the PCR Court that she stabbed Mr. Stone while Petitioner fought him. App. at 196-197. The PCR court correctly held that none of this constitutes newly discovered evidence. App. at 232.

According to both Petitioner's and Wilkins' testimony at the PCR hearing, Petitioner was under Mr. Stone when Wilkins stabbed Mr. Stone. App. at 191-192, 200-201. Even under his new theory of the case, Petitioner admits that he was present at the time of the stabbing and saw Wilkins make a stabbing motion towards Mr. Stone. App. at 192. Therefore, Petitioner was aware of who stabbed Mr. Stone since the time the crime occurred. Petitioner may have gathered additional

information regarding Wilkins' involvement in the crime, eg, the letter and her testimony, but he has not discovered evidence which reveals new facts to him. As a result, evidence regarding Wilkins' involvement should not be construed as newly discovered evidence.

Moreover, through the exercise of reasonable diligence, Petitioner could have provided evidence regarding Wilkins' involvement during a trial in his case. For example, he could have testified that he saw her make a stabbing motion towards Mr. Stone or his counsel could have called her and questioned her about her involvement. The letter and Wilkins' testimony at the PCR hearing buttress Petitioner's claims regarding her involvement, but they are not the sole evidence which could prove her involvement. Therefore, Petitioner has not demonstrated that the purported newly discovered evidence was not discoverable prior to his guilty plea through reasonable diligence.

Furthermore, Petitioner's claim of newly discovered evidence does not rise to the level of evidence described in Jamison. Notably, while Jamison lays out the analytical framework for claims of newly discovered evidence, it is a case in which the applicant was denied relief. Jamison, 410 S.C. at 472, 765 S.E.2d at 131. In Jamison, the applicant elicited testimony from a witness to the crime who was unwilling to testify at the original trial due to the threats from a third party. Id., 410 S.C. at 463, 765 S.E.2d at 126. The Court held that the testimony was not discoverable at the time of the guilty plea, but the evidence was not of a weight and quality that required the vacation of Jamison's plea. Id. at 470-471, 765 S.E.2d at 130. The Court pointed to the fact that while Jamison was unaware of a factor that may have impacted his decision to plead guilty (namely the additional testimony), "[a] defendant is not entitled to withdraw his plea merely because he discovers long after the plea has been accepted that his calculus misapprehended the quality of the State's case of the likely penalties attached to alternative courses of action." Id. (quoting Brady v.

United States, 397 U.S. 742, 757 (1970). In contrast, in this case, Wilkins' involvement was known to Petitioner at the time of the crime and at the time of his guilty plea. Additionally, he could have offered evidence regarding her involvement through a number of methods, all of which were available to him at the time of the plea. Therefore, unlike the evidence in Jamison, Wilkins' letter and testimony should not be considered newly discovered evidence.

Thus, the post-conviction relief court properly ruled that Petitioner did not present newly discovered evidence which entitled him to relief under subsection 4, and the post-conviction relief court properly denied relief. This Court should deny certiorari.

II. Moreover, the post-plea confession by Petitioner's codefendant and biological mother is not evidence of such weight and quality that Respondent's guilty plea should be vacated.

Even assuming Petitioner's evidence regarding Wilkins' involvement can be construed as newly discovered evidence, it is not evidence of such weight and quality that Respondent's guilty plea should be vacated. For an applicant to receive relief, the newly discovered evidence must be "of such a weight and quality that . . . the 'interest of justice' requires the applicant's guilty plea to be vacated." Id. at 470, 765 S.E.2d at 130. After promulgating the analytical structure for cases like this, the Court in Jamison hastened to add, "[W]e caution that it will be the rare case indeed where the interests of justice will require that a knowing and voluntary guilty plea be vacated through post-conviction relief on the basis of newly discovered evidence." Id. In this case, Petitioner's evidence holds little weight and is of poor quality, such that the interest of justice does not require vacating his plea.

First, the evidence which Petitioner now presents has limited credibility. It is at odds with both his and Wilkins' statements to law enforcement during the investigation of Mr. Stone's death. Compare App. at 197 (Wilkins' testimony) and 130-151 (Petitioner and Wilkins' statements). In

Petitioner's second statement to law enforcement, he admitted to stabbing Mr. Stone in the back. App. at 134. During the investigation, Wilkins' never admitted to being involved with the fight. App. at 144-151. In fact, she asserted that she barely saw the fight because she was inside sitting on the couch. App. at 149. In contrast, at the PCR hearing, both Petitioner and Wilkins' testified that she stabbed Mr. Stone while Petitioner was fighting him. App. at 185, 197. While this does align with Petitioner's third statement to law enforcement, the ever-changing narratives from Petitioner and Wilkins' greatly diminish their credibility.

Additionally, Wilkins' letter should not carry significant weight. The letter is undated, but it appears to have been written years after the murder. App. at 226. The letter is also unsigned. App. at 226. While the letter does contain language about stabbing Mr. Stone, the document entered into evidence appears to only be one page of a three-page letter. App. at 226. When taken alongside Wilkins' bias and motivation to fabricate evidence to aide her son, these shortcomings diminish the letter's probative value. App. at 226.

Finally, even if the court gives credence to the letter and Wilkins' testimony, both Petitioner's plea counsel and the original solicitor testified that this evidence would not have altered the outcome of Petitioner's case. Petitioner's plea counsel testified, "I believe that the testimony Mrs. Wilkins gave would probably result in her getting a higher sentence, but I don't know that it would make his sentence go down." App. at 217, lines 10-13. Also, when asked whether Petitioner could have been convicted under the theory of "hand of one, hand of all," Petitioner's counsel replied, "Oh, he certainly could have yes." App. at 216, line 1. Similarly, the solicitor's testimony regarding the effect of Mrs. Wilkins testimony was:

- Q Do you still feel like it's a very strong case given Ms. Wilkins' statement?
A Yeah. Well, the problem is the statements they've given, both of them. Like I said, they've changed their stories. It's amazing they've changed their story after the case is done, a couple years later, from that standpoint. That

was not the story that was going to be told at trial.

Q

Okay.

A

Or the testimony that was going to be done at trial.

Q

Even if it was, though, do you still think you could have found a guilty verdict under "hand of one, hand of all" for murder?

A

Yes, ma'am. On both of them. Because both of them are just as culpable from that standpoint. Even her testimony today saying that he had him in a choke hold even after she stabbed him, he kept him in a choke hold. It shows the "hand of -- hand of one, hand of all" from that standpoint, because they were both guilty in this case.

Q

Yeah.

App. at 219, line 21 to page 220, line 17. The solicitor clarified saying:

Q

The only analysis that may have changed, given Mr. Wilkins' statement, was that you would pursue a higher charge of her, correct?

A

No question, I would have. If she would have gave that statement -- if we had that statement prior to the trial and prior to the guilty plea.

Q

And it does not change your analysis at all when it comes to Mr. Bridges' case, correct?

A

It does not.

App. at 222, lines 12-20. In light of this testimony, even if the PCR court had found Wilkins' testimony to be credible, the court correctly ruled that the additional testimony would not have had an impact on Petitioner's conviction or sentence. As a result, the evidence was not "of such a weight and quality that . . . the 'interest of justice' requires the applicant's guilty plea to be vacated."

Thus, the post-conviction relief court properly denied relief and this Court should deny certiorari.

CONCLUSION

Because the post-conviction relief court properly determined Petitioner failed to establish any constitutional deprivations, this Court should deny certiorari. Should this Court grant certiorari, Respondent requests the opportunity to fully brief the issues raised.

Respectfully submitted,

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