

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Oconee County

Honorable Daniel D. Hall, Circuit Court Judge

STEVEN L. REYNOLDS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001651

JOHNSON PETITION FOR WRIT OF CERTIORARI

Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER

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Mar 08 2024

S.C. SUPREME COURT

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ISSUE PRESENTED

The PCR judge erred in denying petitioner's allegation that his guilty pleas were given involuntarily because he was coerced into pleading guilty as charged in the case.

STATEMENT

Petitioner Steven L. Reynolds pled guilty to armed robbery, malicious injury to property, two counts of murder, and two counts of possession of a weapon during the commission of a violent crime during the November 2019 term of the Oconee County General Sessions Court before Judge R. Lawton McIntosh. Petitioner was sentenced to imprisonment for an aggregate period of thirty-five years. App.1-20. Rodney W. Richey, Esquire, represented petitioner at the guilty plea proceeding, and Assistant Solicitor Lindsey Simmons prosecuted the case. Petitioner did not appeal his guilty pleas or sentences.

On June 9, 2020, petitioner filed a PCR application with the Oconee County Office of the Clerk of Court. App. 22-28. The respondent filed a Return dated December 1, 2020. App. 29 - 43. In addition, an amended PCR application was filed in the case. App. 44-45.

A PCR hearing was convened on August 22, 2023, at the Oconee County Courthouse before Judge Daniel Dewitt Hall. App. 46-84. Petitioner was present at the PCR hearing and represented by Susannah C. Ross, Esquire, and Assistant Attorney General Donald J. Zelenka appeared on behalf of the state.

On October 8, 2023, Judge Hall issued an Order of Dismissal therein denying petitioner's allegations of ineffective assistance of counsel in the case. App. 86-109.

Petitioner appealed Judge Hall's Order of Dismissal. This petition follows.

ARGUMENT

The PCR judge erred in denying petitioner's allegation that his guilty pleas were given involuntarily because he was coerced into pleading guilty as charged in the case.

During the guilty plea proceeding, the solicitor apprised the plea judge of the facts of the case. On September 10, 2018, petitioner went to "the compound"¹ in Seneca, South Carolina, to collect a debt when gunshots were fired at Tim Caldwell and David Tranah. Both men died at the scene and petitioner was charged in connection with their deaths. Petitioner allegedly fired gunshots into an unoccupied vehicle present during this incident as well. App. 12, l.12 –19.

During the PCR hearing held in the case, petitioner testified that he was coerced into pleading guilty to escape violence from the local county detention center where he was placed after his arrest in the case. Petitioner testified as follows:

Q: Why did you plead (sic) guilty if you didn't think there was any evidence against you?

A: I didn't feel safe in the county jail. I have a lawsuit that's pending where I asked for removal from the county jail due to where I had an altercation with a CO that was ordering me. I had to go to the hospital and get like 10---it was 10 or 12 staples in my head. I still got a scar on my head.

Q: So what exactly happened at the jail? Were you attacked?

A: Yeah, I was attacked by the CO

Q: And so far that....for that reason you don't think that the plea was voluntarily made?

A: I didn't the only....when I took a deal. I had to get somewhere where I had a chance...I had a fighting chance, I didn't feel like I was going to have a chance in the county jail. I thought I was going to lose my life due to police brutality. App. 56, l. 12 – p. 57, l. 6.

¹ The compound in Seneca is an area where drug and criminal transactions occur. App.11, lines 23-25.

Petitioner stated in effect that he did not understand the sentencing consequences or the elements of the offenses charged against him, and reiterated that his goal in pleading guilty was to escape the violence perpetrated upon him during his detention at the local jail. App. 57, l. 7 – p. 58, l. 5. Petitioner added that he desired a jury trial in the case. App.59, lines 11-14.

Trial counsel testified at the PCR hearing and confirmed petitioner's claim by acknowledging in effect that the plea bargain negotiations materialized and were indeed hastened in part due to information received by the solicitor that indicated the need for petitioner's urgent removal from the local jail. App. 71, l. 14 – p. 72, l. 11.

The question to be answered in resolving a complaint of claimed coercion in pleading guilty is whether under all of the facts and circumstances one's guilty plea was voluntarily and understandingly entered. State v. Smith, 255 S.C. 417, 179 S.E.2d 210 (1971), citing to Sweet v. State, 255 S.C. 293, 178 S.E.2d 657 (1971). A plea is voluntarily entered if the defendant has a full understanding of the charges against him and the consequences of the plea. Pittman v. State, 337 S.C. 597, 524 S.E.2d 623 (1999), citing to Boykin v. Alabama, 395 U.S. 238 (1969).

In the case at bar, petitioner's position was that he wanted a jury trial, but pled guilty instead to escape physical harm from those at the local jail where he was housed rather than considerations based on the legal aspects of the case. This meant that petitioner's pleas were coerced and not voluntarily given. Also, it appeared that counsel was complicit in coercing petitioner to enter the pleas for his safety, which improperly placed the issue of avoiding danger above the legal requirements necessary to ensure that the pleas passed legal muster. This representation constituted ineffective assistance of counsel in violation of Hill v. Lockhart, 474 U.S. 52 (1985).

CONCLUSION

Based on the foregoing argument, petitioner requests 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 8th day of March, 2024.

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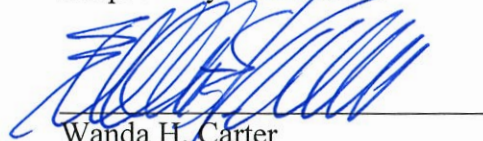
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Steven L. Reynolds 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 Daniel D. Hall, which was held on August 22, 2023, 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 Steven L. Reynolds.

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 8th day of March, 2024.

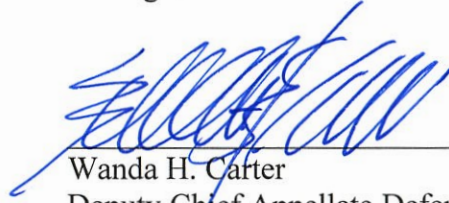
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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

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 8th day of March, 2024.