

STATE OF SOUTH CAROLINA )  
 COUNTY OF BEAUFORT )  
 Courtney E. Brock, SCDC #382549, )  
 Applicant, )  
 v. )  
 State of South Carolina, )  
 Respondent. )

COURT OF COMMON PLEAS  
 FOURTEENTH JUDICIAL CIRCUIT  
 Case No. 2022-CP-07-01063  
 ORDER OF DISMISSAL

2024 APR 11 AM 11:01  
 JERRI ANN ROSENEAU  
 BEAUFORT COUNTY, S.C.  
 CLERK OF COURT

**RECEIVED**  
 APR 26 2024

S.C. SUPREME COURT

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Courtney E. Brock on June 15, 2022. On November 30, 2023, an evidentiary hearing convened before the Honorable Roger M. Young, Sr. Applicant was present and represented by Tommy Thomas, Esquire. Assistant Attorney General Danielle Dixon represented Respondent. At the hearing, this Court heard testimony from Applicant and trial counsel Matthew Walker. Following a thorough review of the records before this Court and the testimony and evidence presented at the hearing, this Court finds Applicant did not meet her burden of proof. Thus, this Court denies relief and dismisses this application with prejudice.

**Procedural History**

Applicant is presently confined in the South Carolina Department of Corrections serving a thirty-year sentence. In June 2017, the Beaufort County Grand Jury indicted Applicant for murder (2017-GS-07-00327). On October 21-24, 2019, Applicant proceeded to a jury trial before the Honorable Kristi F. Curtis. Public Defender Matthew Walker represented Applicant, and Assistant Solicitors Hunter Swanson and Samantha Molina prosecuted the case. The jury convicted Applicant as indicted, and Judge Curtis sentenced her to thirty years.

Applicant timely filed a notice of appeal. Appellate Defender Kathrine H. Hudgins

perfected the appeal through the filing of an Anders<sup>1</sup> brief. The Court of Appeals dismissed the appeal pursuant to Anders, and the remittitur was sent September 8, 2021.

#### TESTIMONY AND EVIDENCE PRESENTED AT TRIAL

Applicant was indicted with co-defendants Bryan Walls and John Priester for the murder of Tereas Seigler. At trial, the State presented evidence that Applicant, Walls, and Priester lived near Victim. Following a housefire, firefighters entered Victim's home and discovered her body covered in bruises and wrapped in a blanket and duct tape. Investigators also discovered gasoline in the home. Priester and Walls's two sons were arrested for arson related to the housefire.

A few days after the fire, Applicant and Walls were located together in Chesterfield County in a stolen vehicle. Walls was arrested on an unrelated charge, and law enforcement searched the vehicle and found a bag containing Victim's prescription pill bottles. Investigators recovered a mixture of DNA from three of Victim's pill bottles that included Applicant's DNA. Investigators also recovered a mixture of DNA from the duct tape around Victim's body that included Applicant's DNA. Finally, investigators recovered Applicant's and Priester's fingerprints from the duct tape around Victim's body. Applicant denied involvement in the murder and proceeded to trial, where she was convicted as indicted.

#### CURRENT APPLICATION

On June 15, 2022, Applicant timely commenced this PCR action generally alleging she is being held in custody unlawfully due to ineffective assistance of counsel.

On May 3, 2023, Applicant filed an amended application alleging counsel was ineffective for:

1. Failing to develop an effective defense strategy, in that he failed to (a) differentiate Applicant and her involvement from that of her two codefendants and (b) include testimony of a codefendant that

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<sup>1</sup> *Anders v. California*, 386 U.S. 738 (1967).



Applicant was not involved; and

2. Failing to engage in meaningful plea negotiations before trial.

On July 31, 2023, Applicant filed a second amended application alleging:

1. Ineffective assistance of counsel:

a. Applicant wanted to go to trial. When Applicant inquired about the strategy for her trial, counsel informed her that he was going to show that she was not like the others. She was concerned and believed that he did not develop a proper defense on her behalf.

b. Applicant was out on bond for 2 ½ to 3 years. There was ample opportunity to meet with Defense Counsel. Applicant is informed and believes that Defense Counsel was not adequately prepared for trial.

c. Applicant is informed and believes that Trial Counsel was ineffective for not adequately addressing the issue of the duct tape. Which was supposedly involved in the crime and linked to her by the State.

2. Applicant decided to take the stand. Applicant believes that she was not adequately prepared to take the stand, nor was she adequately advised of the dangers of taking the stand.

3. Applicant's codefendant John Priester, who is currently housed at Lieber Correctional Institution, made statements to her that she did not have anything to do with the crime. Applicant believes this information is crucial to her defense.

At the beginning of the hearing, Applicant waived allegation three related to John Priester. Applicant proceeded on the remaining allegations in her amended applications. During the hearing, Applicant also raised without objection an additional ground that counsel was ineffective for not requesting a jury charge on accessory after the fact.

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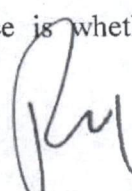
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the records before it, including the Beaufort County Clerk of Court records of the underlying conviction; Applicant's records from the South Carolina Department of Corrections; Applicant's appellate records, including the trial transcript; and the records of the current PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry her burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

***Ineffective Assistance of Counsel***

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008). In a PCR action, an applicant bears the burden of proving the allegations in her application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When the application alleges ineffective assistance of counsel, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland, 466 U.S. 668. Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, an applicant must prove counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether an attorney provided



representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, a PCR applicant must prove that 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.

*Trial strategy/defense<sup>2</sup>*

Applicant first contends counsel was ineffective in failing to properly prepare for trial and develop a trial strategy and defense. Specifically, she contends counsel failed to differentiate her involvement from that of her co-defendants and address the issue regarding the duct tape. This Court finds Applicant did not prove counsel was ineffective in this regard.

At the PCR hearing, Applicant testified she met with counsel a few times before trial and also during the week of trial, and counsel asked how her DNA got on Victim’s pill bottles and the duct tape. Applicant denied being involved in the murder but acknowledged she had been staying with codefendants Walls and Priester, and Victim was a neighbor she was acquainted with. Applicant testified she went to Chesterfield with Walls because he told her to, and she was afraid of him. She averred her DNA was on the pill bottles because Walls wanted to sell the pills and told Applicant to grab them, and her DNA was on the duct tape because she had been using the duct tape to repair holes in another home.

Applicant testified counsel’s strategy was to show she was different from her codefendants

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<sup>2</sup> This section addresses allegation (1)(a) of the first amended application and (1)(a),(b), & (c) of the second amended application. Applicant waived allegation (1)(b), which was related to the testimony of co-defendant John Priester.

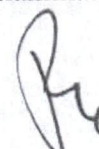


because she was pregnant and did not commit the murder. She averred the State painted her as a bad mom with a drug addiction, and counsel did not do enough to counter this. Applicant also averred counsel did not adequately address her fear of Walls. She believed the duct tape was important evidence, but counsel did not investigate or take pictures of the trailer and the duct tape.

Trial counsel testified he had been a public defender for years and was appointed to Applicant's case about two years before trial. He stated they met approximately six times and reviewed the evidence. Counsel explained they met more frequently—daily or every other day—the week before trial. He averred he had adequate time to meet with her and prepare for trial.

Trial counsel testified Applicant maintained her innocence, and they discussed a strategy of differentiating her from the codefendants. He acknowledged cross-examining Amanda Reddish, an acquaintance of Applicant and Walls, to elicit testimony about Reddish's fear of Walls. (Tr. 165-66). Counsel explained he did this to show Walls was more likely to have harmed Victim and to show Walls was the driving force in what occurred. Counsel further explained he elicited testimony (Tr. 237) to show that Walls was convicted of Victim's murder. He explained his strategy was to show that Applicant was different than Walls. Counsel did not have concerns with Applicant's ability to understand their conversations. He testified he called witnesses to corroborate Applicant's testimony that she handled the duct tape while repairing another home.

Based on counsel's foregoing testimony, which this Court finds credible, this Court finds counsel met with Applicant an adequate number of times and discussed with her the State's evidence and his strategy. This Court further finds counsel adequately prepared for trial. Finally, based on the State's evidence—which included Applicant's DNA on the duct tape around Victim's body—this Court finds counsel's strategy was reasonable under prevailing professional norms and not deficient. Counsel's strategy of differentiating Applicant from her codefendants and paint Walls as the culpable one is evident through counsel's cross-examination, where he sought to elicit



testimony about Redish's fear of Walls and Wall's conviction for Victim's murder; counsel's presentation of Applicant's defense, where he attempted to explain why her DNA was on the duct tape and pill bottles; and his closing argument. (Tr.533-38, 551-55). Overall, given the State's evidence, counsel's strategy was reasonable under prevailing professional norms and not deficient.

Likewise, Applicant has not shown what more counsel could have done to prepare for trial, or what more he could have communicated with her that would have reasonably changed the outcome of trial. Applicant's contention at the PCR hearing that counsel did not sufficiently highlight her fear of Walls completely lacks merit when Applicant testified on direct examination that she was not afraid of Walls. (Tr. 361). Likewise, Applicant did not show what more counsel should have done to address the duct tape issue that would have reasonably changed the outcome of trial. Although Applicant generally alleged counsel should have taken pictures of the duct tape at her home, Applicant did not introduce any pictures at the PCR hearing that would illustrate what those pictures would show.<sup>3</sup> Counsel called three witnesses at trial to support Applicant's testimony that she used the duct tape to repair a home. (Tr. 446, 457-58, 471-72). Although Applicant may have used duct tape to repair her home, the jury ultimately believed she was involved in the murder itself. This Court finds Applicant did not submit any additional evidence at the PCR hearing that was not presented at trial that would reasonably change the outcome. Thus, Applicant did not prove deficiency or prejudice, and this claim is denied.

*Plea negotiations<sup>4</sup>*

Applicant next contends counsel was ineffective for failing to engage in meaningful plea negotiations before trial. This Court finds Applicant did not prove this claim. At the PCR hearing, Applicant testified there was no plea offer. Notwithstanding this, she stated counsel asked if she

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<sup>3</sup> Notably, Applicant herself described both homes as deplorable, and she complained that the State introduced pictures of the other home into evidence.

<sup>4</sup> This section addresses allegation (2) of the amended application.

would plead to 8-10 years, but she told him she did not want to plea—she wanted to fight for her innocence. She reiterated she did not want to plead guilty because she was innocent. Likewise, counsel testified Applicant told him she did not want to plead guilty, but he would have pursued a plea offer more intensively if Applicant had indicated a desire for a plea. This Court finds counsel and Applicant's foregoing testimony that Applicant was not interested in a plea to be credible. Based on this, counsel's decision to not further pursue a plea was reasonable under prevailing professional norms and not deficient. Applicant likewise did not prove prejudice in light of her testimony that she did not want to plead guilty. Thus, this claim is denied.

*Preparing Applicant to testify<sup>5</sup>*

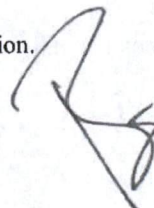
Applicant next contends counsel was ineffective for not adequately preparing her to testify. This Court finds Applicant did not prove counsel was ineffective in this regard.

At the PCR hearing, Applicant testified she believed testifying at trial would help her case. She averred she was in a bad situation at the time and around bad people, but she maintained she did not kill Victim and had no reason to kill Victim. She testified counsel could have done more to prepare her to testify. Applicant recalled that counsel told her not to show emotion at trial and not to speak as much when being cross-examined. She also stated counsel warned her that the State would question her about her DNA on the duct tape. However, she maintained counsel could have gone through her testimony more. Counsel testified Applicant's testimony was critical to explain why her DNA was on the duct tape, and they reviewed her testimony and what the solicitor may ask on cross-examination.

This Court finds Applicant did not prove counsel was deficient in preparing her to testify. Critically, Applicant herself acknowledged that counsel advised her not to show emotion during

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<sup>5</sup> This section addresses allegation two of the second amended application.



her testimony and not to speak too much during cross-examination. Applicant also acknowledged counsel warned her that the State would question her about the DNA on the duct tape. This Court finds counsel's foregoing preparation was reasonable under prevailing professional norms. Likewise, counsel's assessment that Applicant would need to explain how her DNA ended up on the duct tape was reasonable under prevailing professional norms and not deficient. Further, the trial judge advised Applicant that it was ultimately her decision whether to testify, and Applicant voluntarily and knowingly chose to testify after being advised of her constitutional right to remain silent. (Tr. 352-53). This Court finds counsel's advice that she needed to explain her DNA was reasonable, and counsel's advice to Applicant about the testimony itself was reasonable and not deficient. Finally, although Applicant generally averred counsel *should have* done more to prepare her, she did not clarify specifically what she believed counsel should have done to prepare her testimony. Thus, Applicant did not meet her burden of proving deficiency or prejudice, and this claim is denied.

*Accessory after the fact charge*

Finally, Applicant contends counsel was ineffective for not requesting a jury charge on accessory after the fact. This Court finds this claim lacks merit because accessory after the fact is not a lesser-included offense of murder.

At the PCR hearing, counsel averred the evidence fit the charge of accessory after the fact more squarely than murder. He agreed he did not request this jury charge.

This Court finds counsel was not ineffective for not requesting this charge. Specifically, accessory after the fact is not a lesser-included offense of murder. See State v. Dickerson, 395 S.C. 101, 118, 716 S.E.2d 895, 905 (2011) ("It is well-settled that accessory after the fact is not a lesser-included offense of murder in this State."; *id.* at 121, 716 S.E.2d at 906 ("[A] defendant is not entitled to a charge on lesser-*related* offenses." (emphasis added))). Thus, even if counsel *had*



requested an accessory after the fact charge, Applicant would not have been entitled to it. Counsel cannot be deficient for failing to ask for a charge that Applicant was not indicted for and that was not a lesser-included offense of murder. For the same reason, Applicant cannot show resulting prejudice. Thus, this claim is denied.

**CONCLUSION**

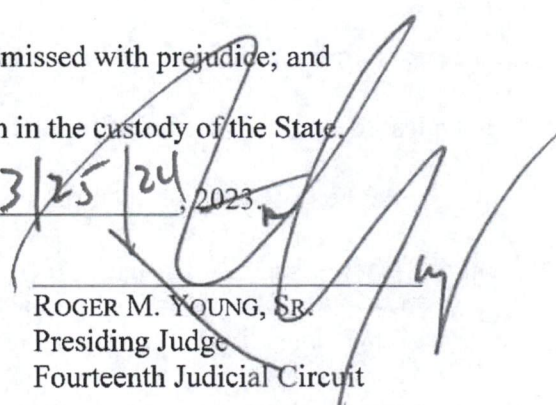
Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, she must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to an appellate counsel's assistance on appeal. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to appeal, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Rule 71,1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 3/25/24 day of 2023

  
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ROGER M. YOUNG, SR.  
Presiding Judge  
Fourteenth Judicial Circuit

Chambers, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT  
IN THE COURT OF COMMON PLEAS

Courtney E. Brock, #382549,

Applicant,

v.

State of South Carolina,

Respondent.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a filed copy of the Order of Dismissal has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

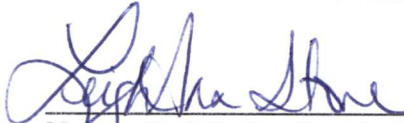
**Tommy Arthur Thomas, Esquire**  
**PO Box 88**  
**Irmo, SC 29063**

This 15<sup>th</sup> day of April, 2024.



Vickie Hall, Legal Assistant  
for Respondent

**SWORN to before me this 15<sup>th</sup> day of April, 2024.**



**Notary Public for South Carolina.**

**My Commission Expires:** May 16, 2029