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Nov 21 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable Jocelyn J. Newman, Circuit Court Judge

KEVIN LAWRENCE PEARSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000233

PETITION FOR WRIT OF CERTIORARI

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II.
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ISSUES PRESENTED

I.

Whether the PCR court erred in denying Petitioner's claim his guilty plea was coerced, where counsel admitted the judge took the solicitor's side and strongly suggested Petitioner should accept the plea offer, and where this affected Petitioner's decision to plead guilty, since the judge may not inject his personal opinion into that decision nor make inaccurate statements of law?

II.

Whether the PCR court erred in concluding Petitioner received effective assistance of counsel, where counsel admitted the judge took the solicitor's side and strongly suggested Petitioner should accept the plea offer, but where counsel failed to object and move to withdraw the plea, since the judge may not inject his personal opinion into that decision nor make inaccurate statements of law, and since Petitioner was prejudiced?

STATEMENT

Procedural history

On August 15, 2019, a Lexington County Grand Jury indicted Kevin Pearson, Petitioner, for murder. App. 106 – 107. On November 21 – 22, 2019, Petitioner appeared before the Honorable Frank Addy for a guilty plea hearing. David Mauldin represented Petitioner. Sutantia Fuller prosecuted the case. App. 1. Petitioner entered a negotiated guilty plea to the lesser-included offense of voluntary manslaughter for a twenty-five-year sentence. The court sentenced Petitioner to twenty-five years. App. 3, ll. 11-13; App. 8, ll. 12-24; App. 29, ll. 9-16.

No direct appeal was taken. On November 20, 2020, Petitioner timely filed an application for post-conviction relief (PCR). App. 31 – 37. On June 16, 2021, the State made its return and motion for a more definite statement. App. 38 – 50. On May 25, 2022, Petitioner filed an amendment to his PCR application. App. 51 – 52. On June 8, 2022, a hearing was held on the matter before the Honorable Jocelyn Newman. Petitioner was represented by Ola Johnson. Lillian Meadows represented the State. App. 53. On October 27, 2023, the PCR court issued an order of dismissal. App. 84 – 108.

Offense

The State alleged that Petitioner was shot in the throat, and he blamed one Rodney Isaac for that shooting. About a month later, at approximately 11:15 a.m. on February 8, 2017, Isaac was shot and killed in West Columbia. "Witnesses described a car that had pulled up and then some kind of altercation or something [that] ended up with Rodney being shot by the individual in the car." Possibly "the two cars might have almost hit each other or something." App. 107; App. 69, l. 7 – 70, l. 19; App. 24, ll. 5-17.

A witness called 911 and gave a vehicle description and tag number for the shooter's car. The witness also told law enforcement the shooter had a dog with him. The tag number was registered to Petitioner's sister. Petitioner's mother or his mother's boyfriend stated Petitioner left that morning in his sister's car with the dog. Petitioner's sister stated Petitioner had returned with the car and dog and said he had "done something bad." An eyewitness identified Petitioner as the shooter. However, other witnesses could not identify the shooter. The State alleged Petitioner sent incriminating text messages and fled the jurisdiction. App. 13, l. 22 – 14, l. 16; App. 70, ll. 2-11; App. 23, l. 23 – 27, l. 5.

Proceedings

Petitioner was transported to the courthouse on November 21, 2019. The solicitor put on the record that she had extended a plea offer of "a negotiated plea to 25 years on voluntary manslaughter," and that she and defense counsel had agreed on a plea offer, so the plea was scheduled for that day. App. 3, ll. 8-14. However, the solicitor stated the victims were no longer present because she "was told that the defendant has changed his mind again and is now rejecting that plea offer and wishes to fire his attorney. So we are here to, at his request to put this on the record and he wishes to be heard. I'm not sure if there's any valid grounds for relief of counsel at this point." App. 3, ll. 14-20. The solicitor stated, "I can tell him now whoever he hires, there is no offer less than murder so it was good through today." App. 4, ll. 8-10. Defense counsel stated, "We discussed plea arrangements last week and he told me today that he did not wish to accept it and that also he wished to have me relieved." App. 5, ll. 5-7. The court asked Petitioner if he was rejecting the offer and Petitioner stated he had not agreed to the offer in the first place. App. 5, ll. 12-18. The following transpired.

> THE COURT: If they pull this offer today, Mr. Pearson, I just want you to be totally, totally clear on what's gonna happen. You will be looking at going to trial

for murder. It is entirely possible that if you are convicted of murder, the penalty in that case is 30 years to life, okay, sir? You would have to serve that day for day.

KEVIN PEARSON: Yes, sir.

THE COURT: A voluntary manslaughter conviction you'd have to serve 85 percent of whatever it is that you get convicted of, okay?

KEVIN PEARSON: Yes, sir.

THE COURT: So 85 percent is what you would have to serve. It's entirely possible that the Court may conclude that you are entitled to a lesser included charge of voluntary manslaughter or maybe even an involuntary manslaughter. I don't know if that's something that you've talked to your lawyer about. Could be that you're entitled to a self defense charge. Could be that you're entitled to the defense of accident or for that matter suicide, all right? **But you understand, Mr. Pearson, what I'm getting at is that you're gonna be between a rock and a hard place going forward if you choose to decline to accept this offer. Do you understand that?**

KEVIN PEARSON: Yes, sir.

. . .

THE COURT: . . . There are risks and rewards to every action that you choose to take. I've got a very simple question for you. Do you want to plead guilty to voluntary manslaughter and receive a guaranteed 25 year sentence or would you rather go to trial and see what happens at trial? What's your choice?

KEVIN PEARSON: I would rather to go to plea.

THE COURT: You would rather go to plea?

KEVIN PEARSON: Yes, sir.

THE COURT: **Okay. That's the best it's gonna get is 25 years. You want the 25 years or no?**

KEVIN PEARSON: Yes, sir.

THE COURT: All right. Sign right here on the dotted line, let your attorney sign next to you and we'll go ahead and take this plea, okay, sir?

App. 6, l. 16 – 9, l. 2.

Thereafter occurred a plea colloquy in which Petitioner affirmed that he wished to waive his rights and plead guilty. During the colloquy, the court asked if Petitioner was satisfied with plea counsel.

> THE COURT: I understand that we started this off with maybe some discord between you and Mr. Mauldin and you were looking to have him fired. I'll tell you that typically I do not relieve counsel if they've been appointed. **If you wanted to retain somebody else, that might be your business, but it would not delay the resolution of this case and obviously wouldn't result in a better offer from what the Solicitor is telling us** so I realize that maybe you and Mr. Mauldin may have disagreed at times about this case, but are you satisfied with the way he's represented you?
>
> KEVIN PEARSON: Yes, sir.

App. 19, ll. 4-15 (emphasis added). The court accepted the plea and deferred sentencing until the following day for logistical reasons. The next day the court sentenced Petitioner in accordance with the terms of the plea bargain. No direct appeal was taken, and Petitioner sought post-conviction relief.

Petitioner sought relief on the basis that the plea judge's statements were coercive. Petitioner alleged counsel should have objected or moved to withdraw the plea. App. 57, l. 10 – 59, l. 22. Petitioner testified that he felt coerced into entering the guilty plea because the judge essentially denied his motion to relieve counsel and "basically was like, yeah, take this 25 years or you going to get [sentenced for murder]." App. 64, l. 5 – 65, l. 9. "I felt defeated, like I felt defeated. Like it was no other choice, like, yes, come on with it. Okay. Like that was it. I am not—no choice but to take it." App. 66, ll. 16-19. Plea counsel testified as follows:

> Q. . . . [W]hat was the reason that he requested to relieve you at the beginning of the hearing?
>
> A. He was not happy with the plea offer.

Q. **Okay. And then sort of after the solicitor stated there—there'd be no better offer. And Judge Add[y] informed him of this. He essentially changed his mind?**

A. **I believe so.**

Q. Okay.

A. **Judge Add[y] did reiterate what the solicitor had already said.**

Q. Okay. Did he give you—did Mr. Pearson give you any indication at that time that he felt the Judge was coercing him into pleading guilty?

A. No. It's—again he thought it was too much time for what he did. And he wasn't happy about it all, but he kind of understood that the state made that offer and his alternative was going to trial where the minimum would be 30 and the maximum would be life.

Q. Okay.

A. So if that's coercion, that's coercion.

App. 74, l. 6 – 75, l. 1. Plea counsel testified he did not object or move to withdraw the plea because he did not see anything wrong with what the judge said. "I don't think the judge was limiting the offer. I think the Judge was just repeating what the solicitor said." App. 77, l. 18 – 79, l. 2. Counsel further testified he did not appeal because Petitioner did not ask him to, and he did not see any factual or legal basis to appeal. App. 75, ll. 5-17.

At the conclusion of the PCR hearing, the court issued an oral ruling. The court determined counsel correctly saw no need to file an appeal from the plea, since Petitioner "has not demonstrated any prejudice in that he's also failed to demonstrate any coercion. The judge informed him that he couldn't get a better offer if he retained somebody else. That is simply a restatement of what the solicitor indicated at the outcome for the plea or at the outset of the plea." App. 80, ll. 9-24. The court stated: "the Judge was simply reiterating the statement from the solicitor." App. 81, ll. 8-9.

The order of dismissal addressed Petitioner's claim that his guilty plea was coerced due to comments by the judge, and that counsel should have moved to withdraw the plea after the judge told Petitioner he would not receive a better offer. App. 97 – 103; App. 100. The order recited the events which occurred before the circuit court. It recited Petitioner's PCR hearing testimony that he felt coerced to plead guilty based on the judge's comments. App. 98 – 100. The order cited plea counsel's testimony that he "did not move to withdraw the plea at that time because Applicant did not express any concern or indicate he wanted to withdraw the plea after Judge Addy made the above statement. Counsel further stated that Judge Addy was merely repeating what the solicitor advised the Court at the beginning of the hearing." App. 100 – 101.

The order stated the PCR court found Petitioner's "claim of coercion is wholly without merit," given the thorough plea colloquy that occurred. App. 101 – 102. The order stated that Petitioner's answers during the plea colloquy "made it clear to the plea court that the decision to plead guilty was his own." App. 102. "This Court finds the plea transcript reflects Applicant understood the proceedings, interacted intelligently with the plea court, and entered his guilty plea knowingly and voluntarily." App. 102. The order concluded the PCR court found Petitioner's plea to be freely, knowingly, and voluntarily made. App. 98; App. 103.

The order of dismissal further stated the PCR court found "no deficiency in Counsel's failure to file a notice of appeal on Applicant's behalf. Applicant further failed to identify any factual or legal issue that could have been successfully raised on Appeal." App. 97.

This petition for writ of certiorari follows.

ARGUMENT

I.

The PCR court erred in denying Petitioner's claim his guilty plea was coerced where counsel admitted the judge took the solicitor's side and strongly suggested Petitioner accept the plea offer, and where this affected Petitioner's decision to plead guilty, since the judge may not inject his personal opinion into that decision nor make inaccurate statements of law.

The PCR court erred where it found Petitioner's claim his guilty plea was coerced was a claim without merit. Counsel admitted that the when the judge "reiterated what the solicitor had already said" about the plea offer, it changed Petitioner's mind about rejecting the offer. App. 74, ll. 9-16. Judges are generally prohibited from engaging in the plea bargaining process due to the risk of coercion. A judge may only participate in the plea bargaining process in an extremely limited manner not present here. Petitioner's plea was not knowingly, voluntarily, and intelligently tendered.

The Sixth Amendment provides an accused with the right to a trial by jury. U.S. Const. amend. VI. The Sixth Amendment right to a jury trial is incorporated against the States under the Fourteenth Amendment. *Duncan v. Louisiana*, 391 U.S. 145, 149 (1968). A guilty plea "is more than an admission of past conduct; it is the defendant's consent that judgment of conviction may be entered without a trial—a waiver of his right to trial before a jury or a judge. Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences." *Brady v. United States*, 397 U.S. 742, 748 (1970). "[T]he Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently by defendants." *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). The decision to plead guilty must be a voluntary and

intelligent choice among the alternative courses of action open to the defendant. *Hill v. Lockhart*, 474 U.S. 52, 56 (1985).

A trial judge may participate in the plea bargaining process only "if he follows guidelines to minimize the fear of coercion." *Medlin v. State*, 276 S.C. 540, 541, 280 S.E.2d 648, 648 (1981). In *Medlin*, this Court issued such guidelines. The guidelines provide limited ways in which a judge may participate in the plea-bargaining process. "Except as otherwise provided in [these guidelines], the judge should never through word or demeanor, either directly or indirectly, communicate to the defendant or defense counsel that . . . a guilty plea should be entered." *Id.*, 276 S.C. at 542, 280 S.E.2d at 649.

See State v. Owens, 362 S.C. 175, 178, 607 S.E.2d 78, 80 (2004) ("Although the trial court must strive to ensure that a criminal defendant's waiver of the right of a jury trial is knowing and voluntary, the court should never inject its personal opinion into that decision. The comments here impermissibly did so."); *State v. Jenkins*, 436 S.C. 362, 375, 872 S.E.2d 620, 627 (2022) ("while discussing with a defendant a choice the defendant must make about a constitutional right, the trial court may not make an inaccurate statement of law nor inject its personal opinion into the defendant's analysis"); *State v. Crisp*, 362 S.C. 412, 415, 608 S.E.2d 429, 431 (2005) (Judge's comments "injected his personal opinion about the potential exercise of a constitutional right into the proceeding. Such comments exceed the scope of the judge's authority, regardless of whether his opinion is based on his experience and best judgment.").

A person convicted of or sentenced for a crime who claims the conviction or the sentence was "in violation of the Constitution of the United States or the Constitution or laws of this State" may institute a proceeding for post-conviction relief. S.C. Code Ann. § 17-27-20(A)(1).

A petitioner may allege constitutional violations in PCR proceedings, unless the issue could have been raised on direct appeal. *Gibson v. State*, 329 S.C. 37, 41, 495 S.E.2d 426, 428 (1998).

After hearing Petitioner did not wish to accept the plea offer, the court stated, "That's the best it's gonna get is 25 years." App. 8, ll. 22-23. The court told Petitioner that retaining new counsel "wouldn't result in a better offer." App. 19, ll. 8-11. The court told Petitioner, "[W]hat I'm getting at is that you're gonna be between a rock and a hard place going forward if you choose to decline to accept this offer." App. 7, ll. 11-14. The court also told Petitioner that if he was convicted at trial he would have to serve the penalty of thirty years to life "day for day," but if he accepted the plea offer he would only have to serve "85 percent." App. 6, l. 16 – 7, l. 4. The court stated there were "risks and rewards to every action" and asked Petitioner if he wanted to plead guilty to "a guaranteed 25 year sentence" or "see what happens at trial." App. 8, ll. 12-18. These comments were coercive. The court injected its personal opinion into Petitioner's analysis by suggesting he should plead guilty. It also made inaccurate statements of law by suggesting that it knew another attorney would not obtain a better result for Petitioner. *E.g.*, *State v. Owens*, 362 S.C. at 178, 607 S.E.2d at 80; *Medlin v. State*, 276 S.C. at 542, 280 S.E.2d at 649.

The circuit court improperly weighed in and took the solicitor's side. It reiterated what the solicitor said. It did not remain neutral, and instead strongly suggested Petitioner plead guilty. The court did not stay within the guidelines laid out by this Court in *Medlin*, *supra*. The colloquy did not cure the problem, since the comments occurred during the plea hearing. *See State v. Jenkins*, 436 S.C. at 375, 872 S.E.2d at 627 ("In *Crisp* and *Owens*, we rejected the idea the error in those cases could be harmless, stating in *Crisp* 'such comments by a trial judge during a guilty plea proceeding are fundamentally erroneous and constitute prejudicial error.'").

Moreover, the court continued to make inaccurate statements of law and suggest Petitioner plead guilty during the ensuing colloquy. *See* App. 19, ll. 8-11.

Petitioner was improperly denied his rights to due process and trial. His plea was not knowingly, intelligently, and voluntarily tendered. Petitioner had the right to make the decision of whether to go to trial or plead guilty free of any influence or coercion from the judge. The PCR court erred in denying relief. U.S. Const. amend. VI; U.S. Const. amend. XIV; *Medlin v. State*, 276 S.C. 540, 280 S.E.2d 648; *State v. Owens*, 362 S.C. 175, 607 S.E.2d 78.

II.

The PCR court erred in concluding Petitioner received effective assistance of counsel, where counsel admitted the judge took the solicitor's side and strongly suggested Petitioner should accept the plea offer, but where counsel failed to object and move to withdraw the plea, since the judge may not inject his personal opinion into that decision nor make inaccurate statements of law, and since Petitioner was prejudiced.

Alternatively, Petitioner should have prevailed based on ineffective assistance of counsel. Counsel admitted that the when the judge "reiterated what the solicitor had already said" about the plea offer, it changed Petitioner's mind about rejecting the offer. App. 74, ll. 9-16. Judges are generally prohibited from engaging in the plea bargaining process due to the risk of coercion. A judge may only participate in the plea bargaining process in an extremely limited manner not present here. Counsel should have objected to the judge weighing in on Petitioner's decision whether to waive his rights.

A person convicted of or sentenced for a crime who claims the conviction or the sentence was "in violation of the Constitution of the United States or the Constitution or laws of this State" may institute a proceeding under the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-20. The Sixth Amendment provides an accused with the right to the assistance of counsel for his defense. U.S. Const. amend. VI. The Fourteenth Amendment extends the Sixth Amendment right to counsel to the States. *Gideon v. Wainwright*, 372 U.S. 335, 345 (1963). The Sixth Amendment guarantees that the right to counsel is the right to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The United States Supreme Court has established a two-pronged test to evaluate allegations of ineffective assistance of counsel. A

petitioner must prove "that counsel's performance was deficient" and fell below reasonable professional norms, and the deficient performance prejudiced him. *Id.*

The decision to plead guilty must be a voluntary and intelligent choice among the alternative courses of action open to the defendant. *Hill v. Lockhart*, 474 U.S. 52, 56 (1985). "A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial." *Rolen v. State*, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009) (citing *Hill v. Lockhart*, *supra*). "The crux of the inquiry is whether counsel's ineffective performance affected the outcome of the plea process, not whether the defendant would have been successful had he gone to trial." *Frierson v. State*, 423 S.C. 257, 262, 815 S.E.2d 433, 436 (2018).

A trial judge may participate in the plea bargaining process only "if he follows guidelines to minimize the fear of coercion." *Medlin v. State*, 276 S.C. 540, 541, 280 S.E.2d 648, 648 (1981). In *Medlin*, this Court issued such guidelines. The guidelines provide limited ways in which a judge may participate in the plea-bargaining process. "Except as otherwise provided in [these guidelines], the judge should never through word or demeanor, either directly or indirectly, communicate to the defendant or defense counsel that . . . a guilty plea should be entered." *Id.*, 276 S.C. at 542, 280 S.E.2d at 649.

See State v. Owens, 362 S.C. 175, 178, 607 S.E.2d 78, 80 (2004) ("Although the trial court must strive to ensure that a criminal defendant's waiver of the right of a jury trial is knowing and voluntary, the court should never inject its personal opinion into that decision. The comments here impermissibly did so."); *State v. Jenkins*, 436 S.C. 362, 375, 872 S.E.2d 620, 627

(2022) ("while discussing with a defendant a choice the defendant must make about a constitutional right, the trial court may not make an inaccurate statement of law nor inject its personal opinion into the defendant's analysis"); *State v. Crisp*, 362 S.C. 412, 415, 608 S.E.2d 429, 431 (2005) (Judge's comments "injected his personal opinion about the potential exercise of a constitutional right into the proceeding. Such comments exceed the scope of the judge's authority, regardless of whether his opinion is based on his experience and best judgment.").

After hearing Petitioner did not wish to accept the plea offer, the court stated, "That's the best it's gonna get is 25 years." App. 8, ll. 22-23. The court told Petitioner that retaining new counsel "wouldn't result in a better offer." App. 19, ll. 8-11. The court told Petitioner, "[W]hat I'm getting at is that you're gonna be between a rock and a hard place going forward if you choose to decline to accept this offer." App. 7, ll. 11-14. The court also told Petitioner that if he was convicted at trial he would have to serve the penalty of thirty years to life "day for day," but if he accepted the plea offer he would only have to serve "85 percent." App. 6, l. 16 – 7, l. 4. The court stated there were "risks and rewards to every action" and asked him if he wanted to plead guilty to "a guaranteed 25 year sentence" or "see what happens at trial." App. 8, ll. 12-18. The law was clear that these comments were coercive. The court injected its personal opinion into Petitioner's analysis by suggesting he should plead guilty. It also made inaccurate statements of law by suggesting that it knew another attorney would not obtain a better result for Petitioner. *E.g.*, *State v. Owens*, 362 S.C. at 178, 607 S.E.2d at 80; *Medlin v. State*, 276 S.C. at 542, 280 S.E.2d at 649. These remarks should have drawn an objection from counsel, but counsel did not object. This was deficient performance.

The PCR court was correct that Appellant did not identify an issue that could have been successfully raised on direct appeal. This was because plea counsel failed to object to the court

weighing in on Petitioner's decision to plead guilty. Had counsel objected and moved to withdraw the plea on that basis, the issue would have been preserved. *See, e.g.*, *S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 302, 641 S.E.2d 903, 907 (2007) (to preserve an issue for direct appeal, the issue must have been (1) raised to and ruled upon by the trial court, (2) raised by the appellant, (3) raised in a timely manner, and (4) raised to the trial court with sufficient specificity) (quoting Jean Hoefer Toal et al., *Appellate Practice in South Carolina* 57 (2d ed. 2002)). Petitioner would have prevailed on the claim of coercion on direct appeal. *E.g.*, *State v. Owens*, 362 S.C. 175, 178, 607 S.E.2d 78, 80 (2004) (court should never inject its personal opinion into defendant's decision whether to waive right to jury trial). However, since counsel did not move to withdraw the plea, Petitioner was required to address this claim through post-conviction relief. *See State v. Jenkins*, 436 S.C. at 379, 872 S.E.2d at 629 (where defense counsel failed to point out judge's errors in making inaccurate statement of law or injecting his personal opinion into the defendant's analysis regarding the decision to plead guilty or go to trial, the defendant's remedy lies in PCR).

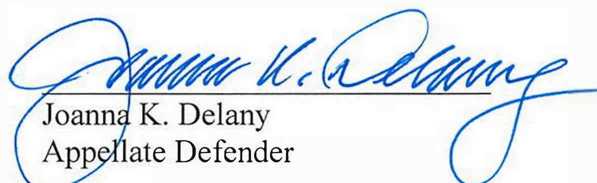
Petitioner was prejudiced by the deficient performance. He testified that once the judge essentially sided with the solicitor, he felt "defeated." Petitioner testified that he felt coerced into entering the guilty plea because the judge essentially denied his motion to relieve counsel and "basically was like, yeah, take this 25 years or you going to get [sentenced for murder]." App. 64, l. 5 – 65, l. 9. "I felt defeated, like I felt defeated. Like it was no other choice, like, yes, come on with it. Okay. Like that was it. I am not—no choice but to take it." App. 66, ll. 16-19. Counsel admitted that the when the judge "reiterated what the solicitor had already said" about the plea offer, it changed Petitioner's mind about rejecting the offer. App. 74, ll. 9-16. The colloquy did not cure the problem, since the comments occurred during the plea hearing. *See*

State v. Jenkins, 436 S.C. at 375, 872 S.E.2d at 627 ("In *Crisp* and *Owens*, we rejected the idea the error in those cases could be harmless, stating in *Crisp* 'such comments by a trial judge during a guilty plea proceeding are fundamentally erroneous and constitute prejudicial error.'"). Moreover, the court continued to make inaccurate statements of law and suggest Petitioner plead guilty during the ensuing colloquy. *See* App. 19, ll. 8-11.

Counsel's deficient performance resulted in Petitioner's entry of pleas that were not knowingly, intelligently, and voluntarily tendered. The PCR court erred in finding no deficiency and no prejudice. *Strickland v. Washington*, 466 U.S. at 687; *Hill v. Lockhart*, 474 U.S. at 56; *Frierson v. State*, 423 S.C. at 262, 815 S.E.2d at 436.

CONCLUSION

Based on the foregoing argument, Petitioner respectfully requests this Court grant the petition for writ of certiorari and order full briefing on these issues.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR PETITIONER

This 21st day of November, 2024.

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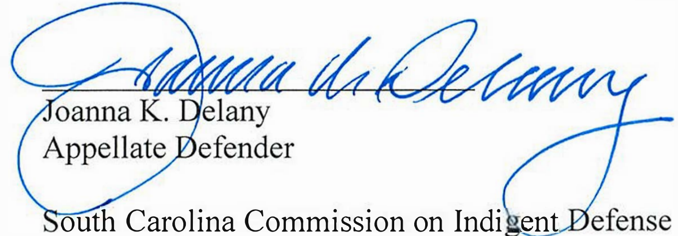
S.C. SUPREME COURT

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of her ability this 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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ATTORNEY FOR PETITIONER

This 21st day of November, 2024.