

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM LAURENS COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable J. Derham Cole, Circuit Court Judge

Case No. 2021-CP-30-00481

Willie Ruth Byrd, #383792, Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Applicant, Anthony Willie Ruth Byrd, appeals the order of the Honorable R. J. Derham Cole, filed on or about January 14, 2025.

January 25, 2025

ASHLEY A. MCMAHAN, ESQUIRE

MCMAHAN LAW, LLC

PO Box 50536

Columbia, SC 29250

803-219-1110

ashley@mcmahanlawsc.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

Opposing Counsel:
T. Cruise Mitchell, Asst. Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LAURENS)
)
 Willie Ruth BYRD, SCDC #383792,)
)
 Applicant,)
)
 v.)
)
 The STATE of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS

ORDER OF DISMISSAL

Civil Action No. 2021-CP-30-00481

K. MICHELLE SIMMONS
 2025 JAN 14 P 2:44
 LAURENS COUNTY
 CLERK OF COURT

I. INTRODUCTION

The matter before this Court on application for post-conviction relief (PCR) filed by Willie Ruth Byrd (“Applicant”) on May 21, 2021. An evidentiary hearing in the matter was held on August 19, 2024. Applicant was present and represented by Ashley A. McMahan, Esq. Assistant Attorney General T. Cruise Mitchell represented the State. Testimony was taken from Applicant, Francine Tribble, Chelsie Carter, and trial counsel Chelsea B. McNeill (“Counsel”).

After hearing the testimony and upon full review of the record, this Court finds Applicant’s allegations regarding ineffective assistance of counsel are without merit. For the reasons discussed below, this Court denies relief and dismisses this action with prejudice.

II. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections. Applicant was indicted at the July 2016 term of the Laurens County Grand Jury for Murder (2016-GS-30-1000) and Possession of a Weapon During the Commission of a Violent Crime (2016-GS-30-01001). She was represented at trial by Chelsea McNeill, Esq. (“Counsel”). Eight Circuit Assistant Solicitor Julie Kate prosecuted the case. On September 30, 2020, Applicant pled guilty before

Circuit Judge J. Cordell Maddox to Voluntary Manslaughter and received a sentence of twenty years pursuant to a negotiated plea agreement. Applicant did not appeal the conviction or sentence.

III. STATEMENT OF FACTS

On May 8, 2016, 74-year-old Victim was found deceased with 21 stab wounds. Law enforcement developed Applicant as a suspect in this case. After making several statements to law enforcement, all offering different versions of events, Applicant eventually admitted to stabbing Victim.

(Gp. Tr. pp. 8–9).

IV. CURRENT APPLICATION

In her application Applicant alleged he was entitled to relief based on the following grounds:

1. Ineffective Assistance of Counsel
 - a. Failed to raise a self-defense theory
2. Involuntary Guilty Plea
 - a. Based on the advice given by counsel.

On August 12, 2024, PCR counsel amended the application to include the following allegations:

1. Ineffective Assistance of Counsel
 - a. Failed to discuss possible defenses to the case such as the fact the Applicant was sexually assaulted by the victim and the victim also cut the Applicant.
 - b. Due to the mental health medication Applicant was on, she was not able to understand that she was being charged with murder nor was she clear headed for her guilty plea.
 - c. Counsel coerced the Applicant into taking the plea deal and instructed the Applicant into taking the plea deal and instructed the Applicant what to say in court the day of the guilty plea.

V. INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises

a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in *Strickland v. Washington* to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

The applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. *Hughes v. State*, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); Rule 71.1(e), SCRPC. To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of "were outside the wide range of competence" demanded of attorneys in criminal cases. *Strickland*, 466 U.S. at 688. To prove prejudice, the applicant must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Id.* Significantly, "the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." *Id.* at 696.

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See *Blackledge v. Allison*, 431 U.S. 63, 73–74 (1977) (“Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.”). Statements made during a guilty plea should be considered conclusive, unless an applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. *Dalton v. State*, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

VI. FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. After hearing the testimony presented and considering the legal arguments by counsel, as well as the record in this action incorporated by way of the State's return, this Court finds Applicant's claims to be without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence presented.

Failure to Discuss Possible Defenses

Applicant contends Counsel failed to discuss possible defenses to the case such as the fact the Applicant was sexually assaulted by the victim and the victim also cut the Applicant. This

Court finds the record of Applicant's guilty plea coupled with Counsel's credible testimony on this issue refutes this allegation.

At the evidentiary hearing, Applicant testified she informed Counsel she was acting in self-defense. Counsel testified she met with Applicant at least fifteen times over the course of her representation. Counsel testified as to her investigation in this case including utilizing an investigator and taking photographs of the crime scene. Counsel explained she discussed self-defense with Applicant; however, the State's evidence would show Applicant was sleeping with the victim in exchange for drugs and Applicant stabbed the victim 23 times. Counsel asserted Applicant's story was inconsistent with the amount of stab wounds the victim suffered. Additionally, Counsel noted Applicant admitted she did not fully remember what happened.

This Court finds Counsel was not deficient in discussing possible defenses with Applicant. As Counsel credibly testified to, she did discuss a possible self-defense argument with Applicant prior to the plea. Counsel properly investigated the crime scene and reasonably determined that the evidence was wholly inconsistent with Applicant's version of events. Based on Counsel's credible testimony, Applicant even admitted to her that she did not fully remember the events. This Court finds Counsel properly investigated Applicant's case and discussed self-defense prior to the guilty plea. Additionally, Counsel articulated a valid reason as to why she believed self-defense would not prevail at trial. Thus, this Court finds Counsel was not deficient in this regard.

Furthermore, the transcript of the plea proceeding reflects that Applicant elected to waive her right to a jury trial and present a defense. (Plea Tr. p. 7). "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 or the likely." *United States v. Broce*, 488 U.S. 563, 572, 109 S. Ct. 757, 763, 102 L. Ed. 2d 927 (1989) (quoting *Brady v. Maryland*, 397

U.S. 742, 745, 90 S. Ct. 1463, 1473 (1970); see also *McMann v. Richardson*, 397 U.S. 795, 90 S. Ct. 1441 (1970) (“a counseled defendant may not make a collateral attack on a guilty plea on the allegation that he misjudged the admissibility of a confession”). Since Applicant waived her right to a jury trial, she may not now contest the voluntariness of her plea because she has allegedly miscalculated the strength of a potential self-defense claim. Thus, Applicant has failed to prove she was prejudiced.

Accordingly, this allegation is without merit and relief denied.

Involuntary Guilty Plea¹

Applicant alleges her guilty plea was involuntary for two reasons: 1) she was intoxicated at the time of the plea, and 2) she was coerced into pleading guilty by Counsel. This Court finds each of these allegations are without merit.

At the evidentiary hearing, Applicant testified she was using drugs and drinking alcohol the night before the guilty plea. Applicant contends she was still intoxicated at the guilty plea hearing which affected the voluntariness of the plea. Applicant called Francine Tribble and Chelsie Carter as witnesses, who both testified to Applicant’s alleged drug and alcohol use the night prior to Applicant’s guilty plea. This Court finds the testimony from Applicant’s witnesses pertaining to Applicant’s intoxication at the guilty plea hearing incredible. This testimony is directly contradicted by Applicant’s own admissions at the guilty plea hearing:

The Court: Okay. All right. Have you had any illegal drugs or alcohol in the last 24 hours?

The Defendant: No, Sir

The Court: Are you taking any kind of prescription medicine that would prevent you from understanding what’s going on her today?

The Defendant: No, sir.

¹ Allegations 1(b) and 1(c) will be addressed in this section.

(Plea Tr. p. 5).

Applicant's alleged intoxication is further contradicted by Counsel's credible testimony that there were no indications Applicant was intoxicated at the guilty plea hearing; that Counsel never noticed any scent of alcohol or signs of drug use; and that she believed Applicant understood everything at the time of the plea. Counsel explained that if there were any signs of Applicant being intoxicated, she would not have allowed her to plead. Counsel noted her standard practice when dealing with intoxicated clients was to inform the solicitor and allow the court to take the intoxicated client into custody to let them sober up. This Court finds Counsel had no indication Applicant was intoxicated at the time of the plea and reasonably relied on her own perception of Applicant's competency. Therefore, this Court finds, based on Applicant's own admissions at the time of the plea and Counsel's credible testimony, Counsel was not deficient nor was Applicant prejudiced by any alleged deficiency.

To the extent Applicant is alleging the effects of her mental health medication rendered her plea involuntary, this Court additionally finds this to be without merit. Applicant affirmed, under oath, she was not under the influence of her prescription medication. Thus, based on her own admissions at the guilty plea hearing, she has failed to prove she was incompetent at the plea due to her medication. Furthermore, Applicant has produced no objective data about the nature and effect of her medication for this Court to consider whether such medication could have rendered him incompetent to enter a guilty plea. *See Garren v. State*, 423 S.C. 1, 813 S.E.2d 704 (2018) (holding that "a PCR court must consider objective data about the nature and effect of the medication the defendant had taken and evaluate whether such medication had the capability to produce a sufficient effect on his mental faculties to render him incompetent to enter a guilty plea."). This allegation is without merit and relief is denied.

Applicant further alleges Counsel coerced Applicant into pleading guilty and only answered affirmatively to the plea court's questions based on the advice of counsel. This Court finds Applicant's testimony that Counsel told her what to say at the guilty plea hearing not credible. Counsel credibly testified she never tells clients how to respond to the court at a guilty plea hearing. This Court finds Counsel did not instruct Applicant on how to answer the plea court's questions. The allegation is without merit and relief denied.

"Further, respondent's explanation that [s]he answered the trial judge affirmatively on counsel's alleged advice that the questions were meaningless does not support the grant of PCR. *Id.* (defendant's claim he understood from counsel that the trial judge's questions at the guilty plea were only a "polite fiction" held not an invitation to answer untruthfully)." Moorehead v. State, 329 S.C. 329, 333, 496 S.E.2d 415, 417 (1998). This allegation is without merit and relief 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 the application for post-conviction relief. This Court finds Counsel was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. Therefore, this Court denies relief on all allegations and dismisses this PCR action with prejudice.

In the event Applicant wishes to appeal this decision she must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek


appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf.

Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The application for post-conviction relief be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of the State.

AND IT IS SO ORDERED this 6th day of January, 2025.



J. DERHAM COLE
Presiding Judge
Eighth Judicial Circuit Court

Spartanburg, South Carolina

K. Michelle Swin
K. Michelle Simmons
Laurens County CCCP & GS
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