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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Common Pleas

The Honorable R. Kirk Griffin, Circuit Court Judge

Case No.: 2019-CP-10-394

Alexander Reid, #204023 Appellant

v.

State of South Carolina Respondent

NOTICE OF APPEAL

Alexander Reid appeals the order of the Honorable R. Kirk Griffin, filed March 3, 2025, and served on his counsel March 4, 2025, that dismisses the PCR action. The Defendant/Appellant requests that the order be reversed, and he be granted a new trial.

[/s/Christopher L. Murphy](#)

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March 7, 2025

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Alexander Reid, #204203,)
Applicant,)
v.)
The State of South Carolina)
Respondent.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: 2019-CP-10-394

ORDER OF DISMISSAL

FILED
2025 MAR -3 AM 11:
JULIE J. A. H. H.
CLERK OF COURT

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Alexander Reid (Applicant) on January 24, 2019. On April 19, 2023, an evidentiary hearing convened before the Honorable R. Kirk Griffin.¹ Applicant was present and represented by Christopher L. Murphy, Esquire. Assistant Attorney General Danielle Dixon represented the State. At the hearing, Applicant testified on his behalf. Respondent called as a witness plea counsel Aaron C. Mayer, Esquire. 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 his 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 an aggregate twenty-year sentence. In March 2016, the Charleston County Grand Jury indicted Applicant for trafficking cocaine, one hundred grams or more (2016-GS-10-1949) and two counts of unlawful conduct towards a child (-1947, -1948). In September 2017, the Charleston County

¹ An evidentiary hearing previously convened on November 20, 2019, before the Honorable Robert E. Hood. At that time, Respondent was unable locate plea counsel, and the Court agreed to hold the record open for ninety days for the State to procure the testimony, and thirty days thereafter for the parties to submit proposed orders. On December 21, 2020, Applicant filed a motion for an order granting post-conviction relief, asserting Respondent had not presented any evidence in opposition to Applicant's testimony. Respondent filed a return opposing relief. Thereafter, this matter was placed on the roster before the undersigned with the consent of both parties. The transcript of the first hearing is before this Court.

Grand Jury indicted Applicant for possession with intent to distribute (PWID) crack cocaine (2017-GS-10-6457). On October 16, 2017, Applicant appeared before the Honorable R. Markley Dennis, Jr. and pled guilty, pursuant to a negotiated twenty-year active sentence, to trafficking cocaine, 28 to 100 grams; PWID crack cocaine; and both counts of unlawful conduct towards a child.² Public Defender Aaron Mayer represented Applicant, and Assistant Solicitors Stephanie Linder and Charles Patrick represented the State. Judge Dennis imposed concurrent terms of twenty years for each drug charge and ten years for each unlawful conduct charge.

Applicant filed a timely notice of appeal, which was perfected by Deputy Appellate Defender Wanda H. Carter through the filing of an Anders brief. The Court of Appeals dismissed the appeal pursuant to Anders, and the remittitur was sent January 24, 2019.

CURRENT APPLICATION

On January 24, 2019, Applicant timely filed this PCR application alleging:

1. Ineffective Assistance of Counsel: Applicant was denied counsel at critical stage of proceedings;
2. Involuntary guilty plea: counsel advised Applicant to plead guilty after inadequate investigation of law and facts;
3. Prosecution Misconduct: prosecution interfered with counsel during critical stage of proceedings.

At the hearing, Applicant proceeded only on his allegation that his plea was involuntary. Specifically, he asserted he believed he was getting a conditional plea. This Court finds Applicant did not present evidence he was denied counsel at a critical stage of the proceedings or that the prosecution interfered with counsel during a critical stage of the proceedings, and these claims are thus denied.

² Applicant pled following a suppression hearing and a Jackson v. Denno hearing, where the Court determined the drugs and Applicant's statements were admissible. Applicant pled pursuant to Alford on the unlawful conduct charges.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying convictions; Applicant's records from the South Carolina Department of Corrections; the plea transcript; the appellate records; and the records from this action. This Court has further had the opportunity to observe the witnesses, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review, this Court finds Applicant has failed to carry his 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 / Involuntary Plea

In a PCR action, an applicant bears the burden of proving the allegations. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To establish ineffective assistance of counsel, an applicant must prove (1) counsel was deficient, and (2) Applicant was prejudiced by counsel's deficiency. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). Under the first prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. at 117, 386 S.E.2d at 625. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment," and the applicant must overcome this presumption to receive relief. Id. at 117-18, 386 S.E.2d at 625. Second, the applicant must show "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. When reviewing a guilty plea, the Strickland deficiency prong remains unchanged—Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58–59. To show prejudice, Applicant must show a reasonable probability "that, but for counsel's [alleged] errors, he would not have pled guilty and

would have insisted on going to trial." Id. at 59. To be knowing and voluntary, the defendant must be advised of the constitutional rights he is waiving, including the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243.

At the PCR hearing, Applicant testified that when he pled guilty, he believed he could appeal the suppression hearing, and he did not learn he waived that right until after the plea. He testified, "I just wanted to, you know, like—figured that if I did what he told me to, I could appeal whatever." Plea counsel testified the case hinged on the suppression hearing, and the solicitor had threatened LWOP based on Applicant's prior charges. He stated it was his general practice to discuss options and rights with clients. Counsel stated that at the time of the plea, he understood it was very difficult to appeal a guilty plea, and a defendant had much less ability to seek relief through an appeal. He did not recall whether he discussed an appeal with Applicant.

This Court finds Applicant did not meet his burden of proving deficiency or prejudice. Initially, Applicant has not shown counsel provided deficient advice. Although counsel could not recall whether he discussed an appeal, he credibly testified it that at the time of the plea, he understood it was very difficult to appeal a guilty plea. This Court finds Applicant did not prove his belief that he could appeal the suppression hearing was based on any deficient advice. Further, Applicant did not show prejudice. This Court finds—as Applicant testified at the first hearing³—that Applicant accepted this negotiated plea due to the likelihood the State could prove its case and his fear of a lengthy sentence.⁴ In other words, Applicant did not show a reasonable probability he would have rejected this negotiated plea and proceeded to trial had he known he could not appeal the suppression hearing. Finally, based on the plea colloquy, this Court finds Applicant knowingly,

³ Applicant testified he pled guilty because counsel told him he "would never see the street again."

⁴ The trafficking charge he was indicted for carried a minimum of twenty-five years. As part of the negotiated plea, Applicant pled to a lesser-included trafficking charge. This Court further notes plea counsel testified the State had threatened LWOP due to Applicant's prior convictions.

voluntarily, and freely entered this plea with an understanding of the sentences each charge carried, the negotiated sentence, and the constitutional rights he was waiving. Applicant has not set forth any caselaw indicating his belief that the plea was unconditional affected the voluntariness of the plea and thus has not met his burden. Cf. Hill v. Annucci, 2024 WL 2831838 (W.D. New York, June 4, 2024) (“Petitioner has not cited, nor has the Court’s own research uncovered, any case in which the Supreme Court has held that a plea is involuntary and unknowing because the defendant thought he was entering a conditional plea when he as actually entering an unconditional plea.”).

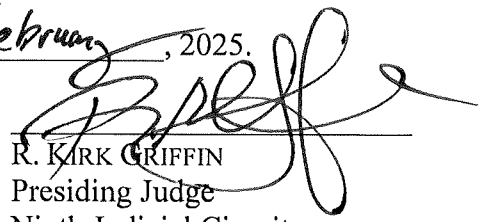
CONCLUSION

Based on the foregoing, this Court concludes Applicant has not established any constitutional violations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice. Should Applicant wish to appeal, he 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 in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant’s behalf. Rule 71.1(g), SCRCR. Attention is directed to Rule 243, SCACR, for appellate procedures.

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 21st day of February, 2025.


R. KIRK GRIFFIN
Presiding Judge
Ninth Judicial Circuit

Scute, South Carolina