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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas
J. Derham Cole, Circuit Court Judge

Case No. 2019-CP-01-00323

Robert Lamont Bryant,Appellant,

v.

State of South Carolina,Respondent.

Notice of Appeal

Robert Bryant appeals the order of the Honorable J. Derham Cole, dated, January 31, 2025, dismissing his application for post-conviction relief. This appeal is taken from the order of Judge Cole dated June 4, 2025, filed on June 12, 2025, denying Mr. Bryant’s Rule 59(e), SCRPC motion.

By s/E. Charles Grose, Jr.

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June 24, 2025
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STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF ABBEVILLE)	
Robert Lamont BRYANT, SCDC #243438,)	
)	
Applicant,)	
)	
v.)	FINAL ORDER OF DISMISSAL
)	
The STATE of South Carolina,)	Civil Action No. 2019-CP-01-00323
)	
Respondent.)	
_____)	

I. INTRODUCTION

The matter is before the Court on application for post-conviction relief (PCR) commenced by Robert Lamont Bryant (“Applicant”). Applicant commenced three separate actions stemming from convictions in 1998 (Case No. 2019-CP-01-00141), 2004 (2019-CP-01-00142), and 2019 (2019-CP-01-00323). On January 27, 2020, Respondent filed a return in response to the PCR application relating to his 2019 conviction (2019-CP-01-00323). On September 16, 2021, Applicant’s counsel filed a motion to consolidate the three actions. On December 2, 2022 the motion was granted without prejudice to the State’s right to seek summary dismissal of any allegations raised. On June 20, 2023, Respondent filed a supplemental return and partial motion to dismiss the allegations pertaining to his 1998 (1998-GS-01-00404) and 2004 convictions (2003-GS-01-00268, -00350, -00351).

An evidentiary hearing was held at the Laurens County Courthouse on August 21, 2024. Applicant was present with counsel E. Charles Grose, Jr., Esq. Assistant Attorney General T. Cruise Mitchell represented the State. Testimony was taken from Applicant and Clarke W. McCants, IV (“Counsel”).

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After considering the evidence presented and full review of the record, this Court finds Applicant's claims pertaining to his 1998 and 2004 convictions are summarily dismissed for (1) failure to state a cognizable claim, (2) each are barred by the statute of limitations, and (3) each barred by the equitable doctrine of laches. Additionally, this Court finds Applicant's claims made regarding ineffective assistance of counsel relating to his 2019 conviction are without merit. For the reasons discussed below, this Court denies relief and dismisses these consolidated applications with prejudice.

II. PROCEDURAL HISTORY

1998 Convictions

During its July 1998 term, the Abbeville County Grand Jury indicted Applicant for one count of Distribution of Crack Cocaine and one count of Distribution of Cocaine Within Proximity of a School or Playground (1998-GS-01-00404).

On October 3, 1998, Applicant appeared *pro se* and pled guilty before Circuit Judge William P. Keesley and was sentenced to three (3) years for each count of the indictment, with those sentences to be served concurrently. Applicant did not appeal his convictions or sentences.

2004 Convictions

During its August 2003 term, the Abbeville County Grand Jury indicted Applicant for Participating in a Riot (2003-GS-01-00268). Subsequently, Applicant was indicted at the October 2004 term of the Abbeville County Grand Jury for Possession With Intent to Distribute (PWID) Cocaine (2004-GS-01-00350, count 1), PWID Cocaine Within Proximity of a School or Playground (2004-GS-01-00350, count 2), and Assault on an Officer While Resisting Arrest (2004-GS-01-00351).

On October 26, 2004, Applicant appeared *pro se* and pled guilty before Circuit Judge Wyatt T. Saunders, Jr. and was sentenced to twelve (12) years of imprisonment for PWID Cocaine, ten (10) years for PWID Cocaine Within Proximity of a School or Playground, ten (10) years for Assault on an Officer while Resisting Arrest, and two (2) years for Participating in a Riot, with those sentences to be served concurrently. Applicant did not appeal his convictions or sentences.

2019 Conviction

Applicant was indicted by the Abbeville County Grand Jury for Domestic Violence of a High and Aggravated Nature (2018-GS-01-0342) and Possession of a Weapon During a Violent Crime (2018-GS-01-0342). Assistant Public Defenders Clark McCants and Walt Whitmire represented Applicant.

On May 14, 2019 Applicant pled guilty pursuant to a negotiated agreement before Circuit Judge Roger M. Young to Domestic Violence of a High and Aggravated Nature and was sentenced to twenty years imprisonment. The weapon charge was dismissed.

Applicant filed a Notice of Appeal which was dismissed by the Court of Appeals for Applicant failing to provide a sufficient explanation for a guilty plea appeal, pursuant to Rule 203(d)(1)(B)(iv) of the SCACR. The Remittitur was sent August 12, 2019.

III. STATEMENT OF FACTS¹

Law enforcement responded to a domestic violence call at Applicant and Victim's apartment in Abbeville on February 16, 2018. (Transcript dated May 14, 2019, p. 14). Upon their arrival, Victim was seen exiting the apartment holding a towel to her face and bleeding profusely from her nose. (Transcript dated May 14, 2019, p. 14). Victim's left nostril was completely cut

¹ This section only summarizes the facts from Applicant's 2019 conviction. Due to the lack of availability of records from Applicant's 1998 and 2004 convictions, this Court has no way of summarizing the factual basis for those convictions.

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down to her lip. (Transcript dated May 14, 2019, p. 15). Victim's shirt was completely saturated with blood. (Transcript dated May 14, 2019, p. 15). According to the State, Victim would have testified at trial that Applicant came to the apartment and cut her face with a box cutter. (Transcript dated May 14, 2019, p. 16).

IV. CURRENT APPLICATION

1998 Convictions

In his application for post-conviction relief regarding his 1998 convictions, Applicant alleges he is being held in custody unlawfully based on the following:

1. "Moving for an appeal pursuant to White v. State based upon the circuit court's error in (1) not advising defendant of his right to counsel; (2) adequately warning defendant of the dangers of self-representation..."
 - a. "The circuit court accepted defendant's uncounseled plea without advising defendant of his right to counsel or adequately warning defendant of the dangers of self-representation..."

Applicant requests relief as follows:

"An appeal pursuant to White v. State"

2004 Convictions

In his application for post-conviction relief regarding his 2004 convictions, Applicant alleges he is being held in custody unlawfully based on the following:

1. "Moving for an appeal pursuant to White v. State based upon the circuit court's error in (1) not advising defendant of his right to counsel; (2) adequately warning defendant of the dangers of self-representation..."
 - a. "The circuit court accepted defendant's uncounseled plea without advising defendant of his right to counsel or adequately warning defendant of the dangers of self-representation..."

Applicant requests relief as follows:

"An appeal pursuant to White v. State"

2019 Conviction

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In his application for post-conviction relief, Applicant makes several allegations, which Respondent interprets as the following:

1. Ineffective Assistance of Counsel:

- a. "Failing to Object to the Solicitor changing Applicant's charge to a violent offense after Applicant plead guilty to a non-violent offense."
- b. "Fail[ing] to move to withdraw Applicant's Plea when the Solicitor changed Applicant's plea when the Solicitor changed Applicant's charge from non-violent to violent, thus requiring Applicant to serve substantially more time in prison."

Applicant states he is seeking "specific sentence performance of enforcing the agreed 'non-violent' status of my original agreement or in the alternative, a new trial."

V. INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

Ordinarily, allegations of ineffective assistance of counsel guaranteed by the Sixth Amendment 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*

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Page 6 of 15

2019-CP-01-00323

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, considered the arguments of counsel, as well as the record in this action incorporated by way of the State's return. Based upon the foregoing, this Court finds Applicant's claims to be without merit and relief should be denied. 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.

Summary Dismissal of Allegations Pertaining to 1998 and 2004 Convictions

Pursuant to South Carolina Code Annotated Sections 17-27-70 and -80, this Court dismisses the allegations pertaining to Applicant's 1998 and 2004 convictions as there is no genuine issue of material fact which would necessitate development of facts. *See* S.C. Code Ann. § 17-27-70(b) (establishing procedure for summary disposition of PCR applications); *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief). Respondent moved for summary dismissal, and this Court finds summary dismissal is appropriate for the following reasons.

Failure to State a Cognizable Claim

As an initial matter, this Court finds Applicant's allegations pertaining to his 1998 and 2004 convictions are summarily dismissed for failure to state a cognizable claim. Applicant's allegations of trial court error are without merit. This Court finds these allegations are summarily dismissed for failure to state a cognizable claim for post-conviction relief. Free-standing claims of trial court error are not cognizable claims for post-conviction relief, and this prohibition has long been

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A Page 7 of 15

2019-CP-01-00323

recognized. See *Simmons v. State*, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975) (“Errors in petitioner’s trial which could have been reviewed on appeal may not be asserted for the first time, or reasserted, in post-conviction proceedings.”); see also *Drayton v. Evatt*, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) (“The *Simmons* rule gives effect to the Legislature’s clear intent that the post-conviction relief procedure is not a substitute for appeal or a place for asserting errors for the first time which could have been reviewed on direct appeal.”); *Stepney v. State*, 278 S.C. 47, 292 S.E.2d 41 (1982) (explaining that issues that could have been raised on direct appeal cannot be considered on PCR application absent claims of ineffective assistance of appellate counsel). Because an application for post-conviction relief is not a substitute for a direct appeal, and because of the modern simplification of criminal jurisdiction jurisprudence in South Carolina, the *overwhelming* majority of cognizable claims fall under the broad umbrella of “ineffective assistance of counsel,” a contention under the Sixth Amendment of the United States Constitution. See *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (noting that allegations of trial court error are not cognizable on PCR).

Applicant’s allegation that the trial court erred in failing to advise him of his right to counsel and warn him against the dangers of self-representation is a direct appeal issue that is not a cognizable claim for post-conviction relief. See, e.g., *Drayton*, 312 S.C. at 8, 430 S.E.2d at 520 (“[PCR] is not a substitute for appeal or a place for asserting errors for the first time which could have been reviewed on direct appeal.”); *Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997) (noting that “trial court error does not constitute an appropriate basis for a finding of ineffective assistance of counsel”).

Accordingly, this Court summarily dismisses these allegations pursuant to Rule 12(b)(6), SCRCP, for failure to state a cognizable claim upon which relief can be granted under the Act. See

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* Page 8 of 15

2019-CP-01-00323

S.C. Code Ann. § 17-27-70(b) (establishing procedure for summary disposition of PCR applications); *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief).

Summary Dismissal Based on Statute of Limitations

Additionally, the allegations pertaining to Applicant's 1998 and 2004 convictions shall be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act² (Act). Specifically, the Act requires:

- (A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.
- (B) When a court whose decisions are binding upon the Supreme Court of this State or the Supreme Court of this State holds that the Constitution of the United States or the Constitution of South Carolina, or both, impose upon state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court trial, and if the standard or right is intended to be applied retroactively, an application under this chapter may be filed not later than one year after the date on which the standard or right was determined to exist.
- (C) If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.

S.C. Code Ann. § 17-27-45.

² S.C. Code Ann. §§ 17-27-10 to -160.

Our Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consol. Sch. Dist. of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, section 17-27-70(c) authorizes this Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” See *Leamon*, 363 S.C. at 435, 611 S.E.2d at 49 (“Ignorance of the statute of limitations is not an excuse for late filing . . .”); *Sutton*, 361 S.C. at 648, 606 S.E.2d at 781 (declining “to impose a duty on trial or appellate counsel to inform a convicted defendant of the availability of PCR or the one-year deadline to file an application”).

The claims Applicant is now raising are not based on any change in case law or newly-discovered evidence. Therefore, subsections 17-27-45(B) and (C) do not apply. Section 17-27-45(A) provides that an applicant must file his application within one year after the entry of a judgment of conviction. Applicant’s PCR applications pertaining to his 1998 and 2004 convictions were filed well after the expiration of the statutory filing period.

With regard to his 1998 convictions, Applicant pleaded guilty to one count of distribution of crack cocaine and one count of distribution of cocaine within proximity of a school or playground on October 3, 1998. The time for filing a PCR application challenging those convictions expired on October 4, 1999. This application was filed on May 9, 2019—almost *twenty years* after the requisite filing period expired.

With regard to his 2004 convictions, Applicant pleaded guilty as indicted on October 26, 2004. Therefore, his application challenging those convictions was due by October 27, 2005. This

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Page 10 of 15

2019-CP-01-00323

application was filed on May 9, 2019—nearly *fifteen years* after the requisite filing period expired.

Accordingly, this action shall be summarily dismissed as untimely, particularly in light of the fact that Applicant has failed to allege any known ground entitling him to equitable tolling. *See Pelzer v. State*, 378 S.C. 516, 521, 662 S.E.2d 618, 619–20 (Ct. App. 2008) (equitable tolling has been deemed available where (1) extraordinary circumstances prevented the plaintiff from filing despite his due diligence; (2) the plaintiff actively pursued his or her judicial remedies by filing a defective pleading during the statutory period or the claimant has been induced or tricked by the defendant’s misconduct into allowing the filing deadline to pass; and (3) the plaintiff, despite all due diligence, is unable to obtain vital information bearing on the existence of his or her claim).

Summary Dismissal Based on Laches

Additionally, the allegations pertaining to Applicant’s 1998 and 2004 convictions shall be summarily dismissed based on the equitable doctrine of laches. To ensure finality of litigation, our courts require reasonable diligence in pursuing collateral relief. *McElrath v. State*, 276 S.C. 282, 284, 277 S.E.2d 890, 891 (1981). This requirement “guards the state’s legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available.” *Id.*

Where a PCR applicant fails to exercise reasonable diligence, the State may seek the summary dismissal through the equitable doctrine of laches, which is defined as “neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done.” *Bray*, 366 S.C. at 140, 620 S.E.2d at 745 (quoting *Whitehead v. State*, 352 S.C. 215, 219, 574 S.E.2d 200, 202 (2002)); *see also RWE NUKEM Corp. v. ENSR Corp.*, 373 S.C. 190, 199, 644 S.E.2d 730, 734–35 (2007) (“Laches connotes not only an undue lapse of time, but also negligence and opportunity to have acted

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dk Page 11 of 15

2019-CP-01-00323

sooner.”). “Whether a claim is barred by laches is to be determined in light of the facts of each case, taking into consideration whether the delay has worked injury, prejudice, or disadvantage to the other party; delay alone in assertion of right does not constitute laches.” *Whitehead*, 352 S.C. at 219, 574 S.E.2d at 202. Recognizing the importance of finality in litigation, Rule 9(a) of the Federal Habeas Corpus Act recognizes the doctrine of laches. The Rule states in pertinent part:

A petition may be dismissed if it appears that the state of which the Respondent is an officer has been prejudiced in its ability to respond to the Petition by delay in its filing unless the Petitioner shows that it is based on grounds of which he could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the state occurred.

The South Carolina General Assembly has likewise recognized this problem and instituted a one-year statute of limitations. *See* S.C. Code Ann. § 17-27-45(A).

Applicant filed these PCR actions over *twenty years* after he first pleaded guilty. *See, e.g., Bray*, 366 S.C. at 140, 620 S.E.2d at 745 (affirming PCR judge’s ruling that laches barred belated review of denial of PCR seven years after PCR hearing was held). Applicant’s delay has greatly prejudiced the State. *See McMann v. Richardson*, 397 U.S. 759, 773–74 (1970) (“What is at stake in this phase of the case is not the integrity of the state convictions obtained on guilty pleas, but whether, years later, defendants must be permitted to withdraw their pleas, which were perfectly valid when made, and be given another choice between admitting their guilt and putting the State to its proof. . . . This would be an improvident invasion of the State’s interests in maintaining the finality of guilty-plea convictions that were valid under constitutional standards applicable at the time.”).

Absent some explanation or justification for the delay in seeking PCR, laches will prevent an Applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to review the applicant’s claims. *McElrath*, 276 S.C. at 283, 277 S.E.2d

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✱ Page 12 of 15

2019-CP-01-00323

at 890. Records of the guilty plea are almost certainly no longer available. *See, e.g.*, Rule 607(i), SCACR (court reporter only required to retain records for five years). Witness memories and physical evidence will have naturally faded and degraded. *State v. Serrette*, 375 S.C. 650, 654 S.E.2d 554 (Ct. App. 2007) (declining to remand for reconstruction of record noting such remedy “would undoubtedly be futile considering the passage of over ten years’ time” when the delay was caused by appellant). As a result, Applicant’s delay in bringing this action has affected the availability of evidence for this Court to review his claims. Therefore, the allegations pertaining to Applicant’s 1998 and 2004 convictions shall be summarily dismissed as barred by the equitable doctrine of laches.

Failure to Object to Sentence or Move to Withdraw Plea

Regarding Applicant’s 2019 conviction for domestic violence of a high and aggravated nature, Applicant contends Counsel was ineffective for failing to object to the Solicitor changing Applicant’s charge to a violent offense after Applicant pleaded guilty to a non-violent offense. Additionally, Applicant alleges Counsel failed to move to withdraw Applicant’s plea when the Solicitor changed Applicant’s charge from non-violent to violent, thus requiring Applicant to serve substantially more time in prison. This Court finds this allegation is without merit.

This Court finds Counsel was not ineffective for failing to object to the sentence or move to withdraw the plea as the sentence was entirely appropriate under the law. At the evidentiary hearing, Counsel credibly testified he never informed Applicant he was pleading to a non-violent offense, therefore Counsel was not deficient.

The record from Applicant’s plea corroborates Counsel’s testimony. After the plea was entered, a scrivener’s error was discovered where the non-violent box on the sentencing sheet was incidentally checked. (Transcript dated May 15, 2019, p. 4). This issue was addressed the day after

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the plea, where Counsel informed the court that, despite the error, Applicant was aware he was pleading to a violent offense at the time of the plea. (Transcript dated May 15, 2019, p. 5). The court informed Applicant he pleaded to a violent offense and would have to serve at least 85% of his sentence. (Transcript dated May 15, 2019, pp. 9–10). This Court finds Applicant was aware he was pleading to a violent offense at the time of the plea and therefore failed to prove prejudice.

This allegation is without merit and relief is DENIED.

Failure to Convey Guilty Plea Offer³

To the extent Applicant raised the allegation Counsel was ineffective for failing to convey a plea offer, this Court finds this allegation is without merit.

Counsel credibly testified he conveyed Applicant the twelve-year plea offer and Applicant rejected it. Counsel explained that because Applicant rejected the plea offer, it was revoked by the State. This Court finds Counsel properly conveyed all plea offers to Applicant and therefore Counsel was not deficient in his representation and the Applicant not prejudiced thereby.

This allegation is without merit and relief is DENIED.

VII. CONCLUSION

Based on the foregoing, this Court finds Applicant has not established any constitutional violations or deprivations that would require this Court to grant his 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.

Applicant 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

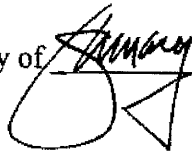
³ This allegation was raised during the PCR hearing and was not raised in Applicant's original application.


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 31st day of January, 2025.





J. DERHAM COLE
Presiding Judge
Eighth Judicial Circuit

_____, South Carolina

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**STATE OF SOUTH CAROLINA
THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT**

J. DERHAM COLE
JUDGE

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January 28, 2025

The Hon. Shandal Boggs
Abbeville County Clerk of Court
PO Box 99
Abbeville, SC 29620-0099


Re: 2019-CP-01-00323
Robert Lamont Bryant, SCDC #243438 v. The State of South Carolina

Dear Clerk;

Enclosed please find for filing an order(s) with reference to the above-captioned case(s). Upon entry of the order(s), please serve notice upon the affected parties in accordance with *Rule 77(d) of the South Carolina Rules of Civil Procedure*. Thank you in advance for your usual and capable assistance in this matter.

With kindest personal regards, I remain,

Sincerely yours,


J. Derham Cole
Resident Judge
The Seventh Judicial Circuit

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