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Jul 18 2025

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Laurens County

Honorable J. Derham Cole, Circuit Court Judge

WILLIE RUTH BYRD,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000130

JOHNSON PETITION FOR WRIT OF CERTIORARI

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ISSUE PRESENTED

Was the guilty plea rendered involuntary by the mental health medications Petitioner was taking at the time of the guilty plea?

STATEMENT

In July of 2016, the Laurens County Grand Jury indicted Petitioner, Willie Ruth Byrd, for murder, indictment #2016-GS-30-1000. (App. pp. 13-14). On September 30, 2020, Petitioner appeared before the Honorable J. Cordell Maddox and pled guilty to the lesser charge of voluntary manslaughter for a negotiated sentence of twenty years. (App. pp. 1-12). Chelsea McNeill represented Petitioner. Julie Kate prosecuted the case. Judge Maddox followed the negotiation and sentenced Petitioner to twenty years. (App. p. 15). Judge Maddox additionally ordered mental health counseling as well as drug counseling and treatment. (App. p. 11, lines 3-6). Petitioner did not appeal the sentence or conviction.

On May 21, 2021, Petitioner filed an application for post-conviction relief [PCR]. (App. pp. 16-22). The State filed a return on June 26, 2023. (App. pp. 23-30). An amended PCR application was filed on August 12, 2024. (App. pp. 31-32). On August 19, 2024, an evidentiary hearing was held before the Honorable J. Derham Cole. Ashley A. McMahan represented Petitioner. T. Cruise Mitchell represented the State. In a written order signed January 6, 2025, Judge Cole denied relief and dismissed the application. A timely notice of intent to appeal was served on January 25, 2025. This appeal follows.

ARGUMENT

The guilty plea was rendered involuntary by the mental health medications Petitioner was taking at the time of the guilty plea.

The indictment for murder alleges that Petitioner killed Alfred Lindsay by stabbing him. (App. p. 14). At the plea the prosecutor told the judge that in one statement to police Petitioner admitted taking drugs, blacking out, awaking to a sexual assault that resulted in an argument and Petitioner admitted stabbing Lindsay. (App. p. 8, line 22 – p. 9, lines 1-3). The plea judge asked Petitioner, “Have you ever had any mental health counseling or treatment?” (App. p. 5, lines 9-10). Petitioner answered, “Yes, sir.” (App. p. 5, line 11). When the judge asked what kind, Petitioner answered, “Depression, anxiety, suicidal.” (App. p. 5, line 13). The judge asked Petitioner about any kind of prescription medications she was taking for those conditions. (App. p. 5, lines 22-23). Petitioner answered, “Zoloft, Tramadol, Seroquel, forgot the others.” (App. p. 6, lines 1-2). The judge said, “Well, the only one of those that worries me, I mean. I guess they all could have an effect, but the Tramadol could make you sort of foggy. Do you understand what’s going on here today?” (App. p. 6, lines 3-6). Petitioner answered, “Yes.” (App. p. 6, line 7).

In the amended PCR application Petitioner alleged that, “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.” (App. p. 31). During the hearing PCR counsel asked Petitioner, “And were you on any sort of mental health medications at the time?” (App. p. 41, lines 11-12). Petitioner answered, “Yes, ma’am, I was on Tranzodone.” (App. p. 41, line 13). PCR counsel asked, “Were you on Seroquel?” (App. p. 41, line 14). Petitioner answered, “Serquel. Yes, ma’am. And I think Risperdol. I was on a lot of sleeping medication, too. And Zoloft. I was on that as well.” (App. p. 41, lines 15-17). When plea counsel was asked

if there was any indication Petitioner was under the influence, counsel answered, “So, no. I do remember her being tired, and I asked her if she was under the influence. She told me that she was not.” (App. p. 54, lines 12-14). Plea counsel was not asked about Petitioner’s prescribed mental health medications.

In the order of dismissal the PCR judge wrote:

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.

The PCR judge erred.

During the guilty plea Petitioner advised the plea judge of the mental health medications she was taking. (App. p. 6, lines 1-2). The judge expressed concerns about the medications, specifically Tramadol, making her foggy. (App. p. 6, lines 3-5). While Petitioner answered yes when asked if she understood what was going on at the plea, she was not asked what affect her mental health medications had on her ability to understand the plea proceedings. (App. p. 6, lines 6-7).

The PCR judge’s reliance on Garren v. State, 423 S.C. 1, 813 S.E.2d 704 (2018), is misplaced. Garren failed to advise the plea judge that the jail gave him unknown medications. In Garren the South Carolina Supreme Court wrote, “Nothing in the guilty plea transcript suggest Garren was under the influence of drugs or otherwise dispossessed of his mental

faculties at the time the guilty plea was entered. To the contrary, Garren informed the plea court, under oath, that he was *not* under the influence of any drugs or alcohol.” 423 S.C. at 16, 813 S.E.2d at 712. In the present case Petitioner specifically told the plea judge that she was taking Zoloft, Tramadol, Seroquel, and other medications that she could not remember. (App. p. 6, lines 1-2). The plea judge was concerned about the affects of the medications but failed to ask Petitioner how the medications were affecting her at the time of the plea. Instead, the plea judge simply asked Petitioner if she understood what was going on. (App. p. 6, lines 3-6).

“In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984).” Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007). There is sufficient evidence in the guilty plea transcript and evidence from the PCR hearing to show the medications affected Petitioner’s mental state to a degree that undermined her ability to enter a voluntary plea. As the Court wrote in Garren:

That the plea be voluntary is not only a requirement of due process, but a premise of the defendant's meaningful participation in the plea process.” United States v. Savinon-Acosta, 232 F.3d 265, 268 (1st Cir. 2000) (citing McCarthy v. United States, 394 U.S. 459, 466, 89 S.Ct. 1166, 22 L.Ed.2d 418 (1969)). “Common sense, backed by ample case law, suggests that medication can in some circumstances affect a defendant's mental state to a degree that undermines the defendant's ability to enter a voluntary plea.” Id. “The critical question is whether the drugs—if they have a capacity to impair the defendant's ability to plead—have in fact done so on this occasion.” Id. (citing Miranda-Gonzalez v. United States, 181 F.3d 164, 166 (1st Cir. 1999)) (holding that the plea court, upon learning a defendant has recently taken medication, should conduct an inquiry “to identify which drugs a defendant is taking, how recently they have been taken and in what quantity, and (so far as possible) the purpose and consequences of the drugs in question”).

Garren, 423 S.C. at 14–15, 813 S.E.2d at 711–12. The plea judge was aware of the medications Petitioner was taking, knew that at least one of the drugs could make a person

foggy but failed to ask how recently Petitioner had taken the medications and failed to ask about the purpose and consequences of the medications.


In Jeter v. State, 308 S.C. 230, 232, 417 S.E.2d 594, 595–96 (1992), the South Carolina Supreme Court wrote:

Due process prohibits the conviction of a person who is mentally incompetent. Bishop v. United States, 350 U.S. 961, 76 S.Ct. 440, 100 L.Ed. 835 (1956). This right cannot be waived by a guilty plea. Pate v. Robinson, 383 U.S. 375, 86 S.Ct. 836, 15 L.Ed.2d 815 (1966). The test of competency to enter a plea is the same as required to stand trial. State v. Lambert, 266 S.C. 574, 225 S.E.2d 340 (1976). The accused must have sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and have a rational as well as factual understanding of the proceedings against him. Carnes v. State, 275 S.C. 353, 271 S.E.2d 121 (1980). In a PCR action, the petitioner bears the burden of proof and is required to show by a preponderance of the evidence he was incompetent at the time of his plea. SCRPC Rule 71.1(e) (formerly Sup.Ct.Rule 50(4)).

Petitioner showed by a preponderance of the evidence at the plea hearing and the PCR hearing that she was not competent at the time of the plea. The guilty plea was rendered involuntary by the mental health medications Petitioner was taking at the time of the guilty plea. This Court should reverse the conviction and sentence.

CONCLUSION

Based on the above argument this Court should grant the petition for writ of certiorari to allow further briefing on the issue.


Kathrine H. Hudgins
Senior Appellate Defender

ATTORNEY FOR PETITIONER

This 18th day of July, 2025.

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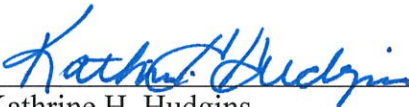
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Willie Ruth Byrd states:

1. She is Senior Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's post-conviction relief hearing before Judge J. Derham Cole, which was held on August 19, 2024, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Willie Ruth Byrd.

Respectfully Submitted,



Kathrine H. Hudgins
Senior Appellate Defender

ATTORNEY FOR PETITIONER

This 18th day of July, 2025.

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CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of her ability this Johnson 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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This 18th day of July, 2025.