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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Debra R. McCaslin, Circuit Court Judge

Case No. 2023-CP-02-00025

Evin Rae Davenport, #378081, Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Applicant, Evin Rae Davenport, appeals the order of the Honorable Debra R. McCaslin, filed on or about August 5, 2025, and received by the undersigned on August 10, 2025.

August 14, 2025



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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Evin Rae Davenport, SCDC #378081,)
Applicant,)

Case No. 2023-CP-02-00025

v.)

ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)

FILED August 5 20 25
Robert J. White 1240
C.C.P. & G.S.
Charla Peartre cmr
Deputy Clerk

INTRODUCTION

The matter before this Court is an action for post-conviction relief (PCR) commenced by Evin Rae Davenport (“Applicant”) on January 9, 2023. On June 9, 2025, a hearing into the matter was convened before the Honorable Debra R. McCaslin at the Aiken County Courthouse. Applicant was present and represented by Ashley A. McMahan, Esquire. Assistant Attorney General Cruise Mitchell represented the State. At the evidentiary hearing, testimony was taken from Applicant and De Grant Gibbons, Esquire (“Counsel”).

After hearing the testimony at the PCR hearing 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.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Aiken County Clerk of Court. During its June 2021 term, the Aiken County Grand Jury indicted Applicant for trafficking heroin 4–14 grams (2021-GS-02-00757), trafficking methamphetamine 10–28 grams (2021-GS-02-00756), and trafficking

methamphetamine 10–28 grams (2021-GS-02-00762). Applicant was represented by Second Circuit Public Defender De Grant Gibbons. The case was prosecuted by Second Circuit Solicitor J. William Weeks.

On June 13, 2022, Applicant pleaded guilty before the Honorable Courtney Clyburn Pope. Pursuant to negotiations between the State and Applicant, Judge Clyburn Pope sentenced Applicant to 25 years for each trafficking methamphetamine charge, and 25 years for the lesser included offense of possession with intent to distribute heroin, third or subsequent offense; with those sentences to be served concurrently.¹ Applicant did not file a direct appeal.

FACTS PRESENTED AT THE GUILTY PLEA HEARING

TRAFFICKING IN METHAMPHETAMINE (2021-GS-02-00762)

The Solicitor gave the following recitation of the facts during the plea proceeding:

The first incident occurred with narcotics officers with the Aiken County Sheriff's Department making a purchase of methamphetamine from Ms. Davenport in the parking lot of the Clearwater shopping center. The drugs were analyzed and came back over the statutory ten-gram limit for trafficking in methamphetamine.

(Gp. Tr. p. 3, ll. 15-25 – p. 4, ll. 1-3).

TRAFFICKING IN METHAMPHETAMINE (2021-GS-02-00756), TRAFFICKING IN HEROIN (2021-GS-02-00757)

The Solicitor gave the following recitation of the facts during the plea proceeding:

The second event occurred on the date I indicated and was the result of them taking warrants for the July 23, 2020 incident to arrest her, maybe on other warrants too, that were out there pending. They went to her house, which is located in Aiken, where she was living in Aiken County. I think it was on Beech Island Avenue in Aiken County. She was present there. When she opened the door, the officers indicated... that she broke out in tears and when questioned about the drugs, she

¹ The following charges were nolle prossed in exchange for the plea: habitual traffic offender (2021-GS-02-00753), failure to stop for a blue light (2021-GS-02-00754), driving under suspended license (2021-GS-02-00755), possession of a controlled substance (2021-GS-02-00760), possession of contraband (2022-GS-02-1000), manufacture/possession of scheduled substance (2022-GS-02-00998), failure to stop for a blue light (2022-GS-02-1002), trafficking in methamphetamine (2022-GS-02-1003).

said, they're in my purse in the bedroom. There was sufficient quantity of methamphetamine to get by the statutory inference level of ten grams. The heroin that was confiscated from the same purse came back just shy of trafficking in heroin inference level, so we have accepted a plea of possession with intent to distribute heroin third offense.

(Gp. Tr. p. 4, ll. 4-22).

CURRENT APPLICATION

In her application for post-conviction relief, Applicant alleges she is being detained unlawfully for the following reasons:

1. Illegal Sentence
 - a. "This should be my 2nd strike (7-30 yrs) not my 3rd strike (25 years)... I've only ever had one trafficking before."
2. Ineffective Assistance of Counsel
 - b. "I was also told my heroin charge was a pwid charge not a trafficking. I was told my weight was 3.2 just below the trafficking limit."²

On June 4, 2025, Applicant amended her application to include the following allegations:

1. Ineffective Assistance of Counsel of Chief Public Defender De Grant Gibbons:
 - a. Informed Applicant that the two trafficking charges she pleaded guilty to were parole eligible. She was told she would get a certain amount of years that she would have to serve before she was eligible for release.
 - b. Never informed by Mr. Gibbons that she was LWOP eligible.
 - c. Failed to adequately explain the possible range of time she was facing on each of her pending charges.
 - d. Did not inform the Applicant in a timely manner about the trial date and had not met with counsel enough to know what his defense would be at trial. Applicant wanted a trial but took the plea offer after getting frustrated with counsel.

Before this Court are the records of the Aiken County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records of the current action.

² No evidence or testimony was presented at the evidentiary hearing regarding this allegation. However, this Court notes this issue was addressed by the Solicitor at the plea hearing, in which he stated, "[t]he heroin that was confiscated from the same purse came back just shy of trafficking in heroin inference level, so we have accepted a plea of possession with intent to distribute heroin third offense." (Plea Tr. p. 4). Thus, this allegation is without merit.

INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

In a PCR action, Applicant bears the burden of proving the allegations in his application by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985); Rule 71.1(e), SCRPC. Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel’s performance was deficient. *Strickland*, 466 U.S. at 687; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). “When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect.” *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). “[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy

judged with the benefit of hindsight.” *Yarborough*, 540 U.S. at 6; *see also* *Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable.”).

Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 694). “This does not require a showing that counsel’s actions ‘more likely than not altered the outcome,’ but the difference between *Strickland*’s prejudice standard and a more-probable-than-not standard is slight and matters ‘only in the rarest case.’” *Harrington*, 562 U.S. at 111-12 (quoting *Strickland*, 466 U.S. at 697). “The likelihood of a different result must be substantial, not just conceivable.” *Id.* at 112.

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696–97.

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 proceeds to the claims raised in the application and finds each 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.

Illegal Sentence Allegation

Applicant alleges this should have only been her second strike, not her third since she has had only one prior trafficking conviction. This allegation is without merit. Applicant was sentenced as a third offender based on her prior convictions for distribution of methamphetamine (2017-GS-02-00104) and trafficking in methamphetamine, 10 – 28 grams (2018-GS-02-02129). Applicant was correctly and lawfully sentenced as a third offender pursuant to S.C. Code Ann. § 44-53-470(A)(4) (1985), which provides:

(A) An offense is considered a second or subsequent offense if,

- (4) for an offense involving a controlled substance other than marijuana pursuant to this article, the offender has at any time been convicted of a second or subsequent violation of a controlled substance offense provision, other than a marijuana offense provision, of this article or of another state or federal statute relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs.

Applicant's two prior drug convictions both involved a narcotic drug—specifically methamphetamine. Although her guilty pleas to distribution of methamphetamine (2017-GS-02-00104) and trafficking in methamphetamine (2018-GS-02-02129) were entered at the same proceeding, they are considered separate offenses for sentencing purposes because they “occurred separately and did not stem from continuous course of conduct.” *Robinson v. State*, 387 S.C. 568, 693 S.E.2d 402, 405. The sentencing sheets for these convictions demonstrate these offenses occurred months apart. Thus, this Court finds Applicant was properly sentenced as a third offender, as her two prior drug convictions were appropriately used to enhance her sentence.

Accordingly, this Court finds this allegation is DENIED.

Misadvise Regarding Parole Eligibility

Applicant alleges Counsel was ineffective for erroneously advising her that her two trafficking convictions were parole eligible. This Court finds this allegation without merit.

At the evidentiary hearing, Applicant testified she believed she was sentenced to 25 years with parole eligibility. She explained she believed she would be parole eligible after serving 85% of her sentence. Applicant testified she accepted the 25-year plea offer when she learned she was facing a potential life without parole sentence. However, Counsel testified that he advised Applicant she was facing a serious situation, including the possibility of a life without parole sentence and consecutive sentences. Counsel testified he does not understand the source of Applicant's confusion as serving 85% of a sentence is indicative of a no-parole offense.

Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he or she is waiving; the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. *Boykin v. Alabama*, 395 U.S. 238, 243 (1967). Additionally, the defendant "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999).

Parole eligibility is a collateral consequence of sentencing which a defendant need not be specifically advised before entering a guilty plea. *Griffin v. Martin*, 278 S.C. 620, 300 S.E.2d 482 (1983). See *Brown v. State*, 306 S.C. 381, 412 S.E.2d (1991) (guilty plea is not rendered involuntary if the defendant is not informed of the collateral consequences of his sentence). "However, if trial Counsel actively misinforms the defendant about parole eligibility, the defendant must prove [she] relied on the misinformation to receive PCR". *Frasier v. State*, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

This Court finds that Counsel properly informed Applicant of the consequences of her plea. Based on the testimony of both Applicant and Counsel, this Court finds Applicant was fully informed she would have to serve 85% of her sentence upon pleading guilty to trafficking. Counsel credibly testified he advised Applicant she was facing a life without parole sentence, and that the reference to serving 85% of her sentence was in the context of explaining no-parole offenses, where an inmate must serve at least 85% of the sentence imposed.

By Applicant's own admission she was aware she would be required to serve 85% of her sentence by pleading guilty. The record from her guilty plea further demonstrates she was advised of her constitutional rights, fully understood the consequences of her guilty plea, and knowingly accepted the terms of the negotiated plea.

Accordingly, this Court finds Counsel did not actively misinform Applicant regarding parole eligibility, and Applicant's guilty plea was knowing and voluntary.

Failure to Inform Applicant She Was LWOP Eligible

Applicant contends Counsel never informed her she was LWOP eligible. This Court finds Counsel's credible testimony refutes this allegation.

At the evidentiary hearing, Applicant testified she was set on proceeding to trial but decided to plead guilty after being advised of the possibility of receiving life without parole. Applicant admitted she accepted the plea offer specifically to avoid the possibility of a life sentence. Applicant testified that Counsel discussed a 25-year plea offer with her, and she hoped that accepting the plea would result in dismissal of the remaining charges, which in fact occurred. Applicant testified that attorney Lir Derieg informed her of the potential for a life sentence.

Counsel testified he met with Applicant five times, including multiple video conferences and meetings with his investigator. Counsel testified that, upon review of his notes, Applicant did

not wish to proceed to trial. Counsel explained Applicant consulted with other attorneys during the course of his representation with her. Counsel explained he was the one who informed Lir Derieg that she was facing a potential life without parole sentence.

This Court finds Applicant was properly advised of the possibility of receiving a life without parole sentence prior to her guilty plea. Applicant herself acknowledged she accepted the plea offer to avoid the possibility of a life without parole sentence. This admission was further corroborated by Counsel's credible testimony, which established that Applicant did not wish to proceed to trial due to her potential sentencing exposure. Based on Applicant's admission she was aware of the possibility of receiving a life without parole sentence prior to her guilty plea and Counsel's testimony he advised her of the same, this Court finds Counsel was not deficient.

Moreover, Applicant has failed to prove she was prejudiced by Counsel's alleged failure to advise her of this possibility. When an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, [s]he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59, 106 S. Ct. 366, 370 (1985).

Here, Applicant admitted that upon learning of the potential for a life sentence, she had no intention of proceeding to trial. This Court finds that Applicant correctly understood her two drug charges could be tried separately resulting in the possibility of life without parole. Counsel's testimony corroborates this. Thus, Applicant could not possibly be prejudiced by any alleged deficiency regarding this allegation.

Accordingly, this allegation is DENIED.

Failure to Explain Possible Range of Time She Was Facing

Applicant alleges Counsel was ineffective for failing to adequately explain the possible range of time she was facing on each of her pending charges. The record of Applicant's guilty plea refutes this allegation. At the outset of the plea, the Court engaged in the following colloquy with Counsel:

The Court: Mr. Gibbons, have you explained to Ms. Davenport the nature of her charges, the possible penalties and her Constitutional rights regarding these cases?

Mr. Gibbons: I have, Your Honor.

The Court: Do you believe that she has understood that?

Mr. Gibbons: Yes, ma'am.

(Plea Tr. p. 3).

At the close of his recitation of the facts, the Solicitor stated:

All of the indictments before you today, we have included a negotiation for a negotiated sentence of 25-year minimum under the statute. She has a number of other pending charges, Your Honor, as a result of several different arrests. With this plea, we're dismissing those pending indictments.

(Plea Tr. p. 5).

The Court then engaged in the following exchange with Applicant:

The Court: Did you hear everything that the Solicitor told me about your case?

The Defendant: Yes, ma'am.

The Court: Are you in agreement with those facts?

The Defendant: Yes, ma'am.

(Plea Tr. p. 6)

Following Counsel's mitigation presentation, the Court inquired of the Solicitor as to the following matters concerning the sentence negotiation:

The Court: Mr. Weeks, just so I'm clear on the negotiated sentence, it is 25 to 30?

Mr. Weeks: 25 to 30 is the sentence range - -

Mr. Gibbons: The negotiation is 25. It carries 25 to 30.

Mr. Weeks: 25, concurrent on them.

The Court: Ms. Davenport, you understand that when you plead guilty, you give up your right to a jury trial?

The Defendant: Yes, ma'am.

The Court: And I understand that you wish to go forward with the plea today?

The Defendant: Yes, ma'am.

(Plea Tr. pp. 8–9).

The record of the plea clearly demonstrates the terms of the negotiated sentence were raised several times. Counsel informed the Court he advised Applicant of the terms of the negotiation, and that she understood them. Applicant, under oath, affirmed she agreed with the Solicitor's recitation of the case, which included the specific terms of the negotiated sentence. Lastly, Counsel informed the Court that Applicant was aware of her sentencing exposure, including the possibility of life without parole and the imposition of consecutive sentences. (Plea Tr. p. 8). Therefore, this Court finds Counsel fully informed Applicant of both the potential sentencing outcomes and the specific terms of the negotiated sentence to which she ultimately agreed. Thus, this Court finds Applicant has failed to prove deficiency or prejudice as to this allegation.

Accordingly, this Court finds this allegation is DENIED.

***Failure to Adequately Inform Applicant of Trial Date and Failure to Prepare a Defense for
Trial***

Applicant alleges Counsel was ineffective for failing to inform Applicant in a timely manner about the trial date and for not meeting with counsel enough to know what his defense

would be at trial. Applicant wanted a trial but took the plea offer after getting frustrated with counsel. This Court finds this allegation is without merit.

Applicant testified she met with Counsel approximately three times before her case was set for trial, and an additional three or four times afterward, totaling six to eight meetings. She avers that while she and Counsel discussed plea offers, they never discussed possible defenses. However, Counsel credibly testified Applicant did not desire proceeding to trial. Counsel testified he met with Applicant multiple times in which he reviewed discovery with her. He explained that the discovery included video recordings of confidential informant buys, which implicated Applicant. Counsel believed the only potential defense at trial was to argue that Applicant was merely a “mule” or “go-between”, which he considered a weak defense.

This Court finds that Counsel was not ineffective in his consultations with Applicant. At the time of her plea, Applicant asserted she had enough time to speak with Counsel and was completely satisfied with his representation of her. (Plea Tr. p. 5). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed.” *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977); see also *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014)). Admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements. *Id.* at 137–38, 654 S.E.2d at 874; see also *Blackledge*, 431 U.S. at 73–74 (pointing out that representations made by a defendant, his lawyer, and the prosecutor at a guilty plea hearing, as well as any findings made by the judge accepting the plea, constitute a “formidable barrier in any subsequent collateral proceedings”).

Furthermore, Applicant suggests a failure to adequately meet with Counsel prior to the plea. This Court finds the testimony at the evidentiary hearing, and the record of Applicant's guilty plea, refutes these allegations. There is no established "minimum number of meetings between counsel and client prior to trial necessary to prepare an attorney to provide effective assistance of counsel." *United States v. Olson*, 846 F.2d 1103, 1108 (7th Cir.1988) (there is no constitutional minimum number of meetings between attorney and client and observes that an experienced attorney may get more out of a single meeting than a neophyte); *Moody v. Polk*, 408 F.3d 141, 148 (4th Cir. 2005); *Campbell v. Polk*, 447 F.3d 270, 279, n.2 (4th Cir. 2006) ("we cannot conclude that the fact that Campbell's counsel only met with him five times before trial made them ineffective."). "[B]revity of consultation time between a defendant and his counsel, alone, 'cannot support a claim of ineffective assistance of counsel.'" *Davis v. State*, 44 So. 3d 1118, 1130 (Ala. Crim. App. 2009) (quoting *Murray v. Maggio*, 736 F.2d 279, 282 (5th Cir. 1984)); *White v. Godinez*, 301 F.3d 796, 800 (7th Cir. 2002) ("A brief consultation does not by itself establish that counsel's performance was inadequate."); *Chavez v. Pulley*, 623 F. Supp. 672, 685 (E.D. Cal. 1985) ("brevity of consultation time between a defendant and his counsel alone cannot support a claim of ineffective assistance of counsel," especially where the defendant "fails to allege what purpose further consultation with his attorney would have served and fails to demonstrate how further consultation with his attorney would have produced a different result"). Both Applicant and Counsel testified that they met several times prior to the guilty plea proceeding. Counsel credibly testified that he reviewed the discovery materials and prepared a possible defense, though he believed it to be weak. Thus, this Court finds Counsel was not deficient in consulting with or reviewing discovery with Applicant

Moreover, Applicant has failed to present evidence or testimony as to how further

preparation would have resulted in Applicant proceeding to trial. Applicant did not offer any viable alternative defenses to her charges that would have resulted in her proceeding to trial rather than pleading guilty. In order to prevail upon a claim that counsel did not adequately prepare or investigate a defense, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. *Harris v. State*, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing *Jackson v. State*, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. *Id.* (citing *Davis v. State*, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); *Skeen v. State*, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Thus, Applicant has failed to prove she suffered prejudice as to this allegation.

Accordingly, this allegation is 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 his application for post-conviction relief. This Court finds Counsel was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. This Court finds Applicant freely, knowingly, and voluntarily pleaded guilty. Therefore, this Court denies relief on all allegations and dismisses this PCR action with prejudice.

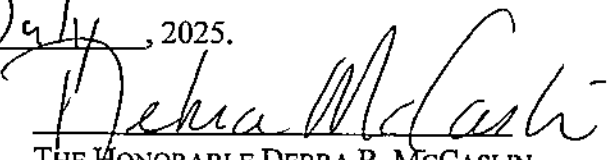
Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of

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 must remain in the custody of the State.

AND IT IS SO ORDERED this 25 day of July, 2025.


THE HONORABLE DEBRA R. MCCASLIN
Presiding Judge
Second Judicial Circuit

Aiken, South Carolina