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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM LAURENS COUNTY
Court of Common Pleas

The Honorable S. Bryan Doby, Circuit Court Judge

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Case No. 2022-CP-30-00627

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Hakeem Evans, #330255, ..... Petitioner,

v.

State of South Carolina, ..... Respondent.

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**NOTICE OF APPEAL**

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Applicant, Hakeem Evans, appeals the order of the Honorable S. Bryan Doby, filed on or about July 14, 2025, and received by the undersigned on August 14, 2025.

August 14, 2025

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| STATE OF SOUTH CAROLINA<br>COUNTY OF LAURENS | ) | IN THE COURT OF COMMON PLEAS<br>FOR THE EIGHTH JUDICIAL CIRCUIT |
| Hakeem Evans, #330255,<br><br>Applicant,<br><br>v.<br><br>State of South Carolina,<br><br>Respondent. | ) | Case No.: 2022-CP-30-00627<br><br>**ORDER OF DISMISSAL** |



This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Hakeem Evans ("Applicant") on July 21, 2022, and amended on March 25, 2025. The Court convened an evidentiary hearing into the matter on April 1, 2025, at the Greenwood County Courthouse. Applicant was present at the hearing and represented by Ashley A. McMahan, Esquire. Zachary W. Jones, of the South Carolina Attorney General's Office, represented Respondent.

After reviewing all records and evidence before the Court, this Court finds Applicant has not met his burden of proof in this matter. Therefore, the Court finds Applicant is not entitled to post-conviction relief and denies and dismisses this application with prejudice. The Court finds as follows:

## I. PROCEDURAL HISTORY

Applicant is currently incarcerated in the South Carolina Department of Corrections ("SCDC"). During its May 2021 term, the Laurens County Grand Jury indicted Applicant for murder (2021-GS-30-00497), possession of a weapon duiring the commission of a violent crime (2021-GS-30-00498), and armed robbery (2021-GS-30-00499). Applicant was represented by

Michael S. Gambrell, Esquire ("Counsel"). Eighth Circuit Solicitor David M. Stumbo prosecuted the case.

On August 4, 2021, Applicant appeared before the Honorable Frank R. Addy, Jr., circuit court judge, and pled guilty to the armed robbery charge and to voluntary manslaughter as a lesser-included offense of the murder charge. As part of the plea agreement, the State agreed to dismiss the weapon charge and not to oppose a concurrent sentence. Following a thorough plea colloquy, Judge Addy sentenced Applicant to twenty-three years' imprisonment on both charges, to run concurrently.

Applicant filed a *pro se* "Notice of Request for Appeal in the South Carolina Court of Appeals" on September 1, 2021. The document is dated August 27, 2021, and purports to have been prepared on Applicant's behalf by someone identified only as "DR #364574." On September 14, 2021, the court of appeals informed Counsel that Applicant had filed a notice of appeal and identified multiple deficiencies, including the failure to prove that the notice of appeal had been served upon all necessary parties. On September 24, 2021, Counsel responded by filing a notice of appeal, accompanied by proof of service, dated September 22, 2021. The court of appeals then dismissed the appeal for failure to serve and file the notice of appeal within ten days of Applicant's August 4, 2021, conviction and sentence as required by Rule 203(b)(2), SCACR. The remittitur was sent on November 9, 2021.

**Factual Summary**

In the early morning hours of January 23, 2020, Applicant shot and killed the victim, Rasham Walker, inside Walker's home in Clinton. Facebook records showed that Walker had contacted Applicant's co-defendant, part-time prostitute Brandy Standridge, and had agreed to meet with her at his home around midnight. Standridge went to Walker's residence with Applicant

in the backseat of her car. Standridge and Walker went inside and had a sexual encounter. Applicant then came in the front door with a gun and fired multiple times at Walker, hitting him five times including a fatal shot to the head. Applicant and Standridge then stole a bookbag full of money and marijuana from Walker's residence and fled to Anderson County. Investigators identified Standridge as a suspect based on Facebook records, and she ultimately confessed to her part of the crime and identified Applicant as the shooter. Applicant was caught weeks later after stealing a car in Greenville County, leading officers on a high-speed chase until he went off the road and wrecked the car, exiting the car with a gun in his hand and threatening to kill himself, before ultimately complying with the arrest. (Plea Tr. pp. 8–11).

**Present Application**

Applicant commenced this PCR action on July 21, 2022. Applicant asserts he is entitled to post-conviction relief on the grounds his counsel was ineffective and he was incompetent at the time of his guilty plea. He claims he "did not know what was going on in [the] court room, Counsel was coaching me along." He also complains that his appeal was not timely served. As relief, Applicant simply requests "less time."

On March 25, 2025, Applicant filed an amended application merely requesting permission to amend his application to conform to the evidence presented at the evidentiary hearing.

An evidentiary hearing was held on April 1, 2025. At that hearing, Applicant proceeded on the following allegations: that his guilty plea was invalid because Applicant was incompetent at the time of the plea; that Counsel "coached" Applicant during the guilty plea colloquy, causing Applicant to enter a plea that he did not fully understand; and that Counsel was ineffective for failing to timely serve and file the notice of appeal. This Court now addresses each of these allegations in turn:

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, and weighed the testimony accordingly. Before the Court are Applicant's records from the South Carolina Department of Corrections, the transcript of Applicant's plea proceeding, the records of the Laurens County Clerk of Court regarding the subject convictions, Applicant's appellate records, and the original and amended applications for post-conviction relief. This Court has reviewed the records submitted to it by the parties, the legal arguments made by the attorneys, and the pleadings. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented:

### Incompetence

Applicant alleges that he was incompetent at the time of his guilty plea, and therefore lacked the ability to enter a voluntary, knowing, and intelligent plea. The Court finds Applicant has not met his burden of proof as to this allegation.

Because this is a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP.

The test for competency is "whether the defendant has the present ability to consult with his attorney with a reasonable degree of rational understanding" and possesses "a rational as well as a factual understanding of the proceedings against him." *Sims v. State*, 313 S.C. 420, 422–23, 438 S.E.2d 253, 254 (1993).

It is clear Applicant has some mental health concerns. However, it is also clear that these concerns do not rise to the level of incompetency. The transcript of the plea proceeding refutes Applicant's claim that his mental health issues rendered him incompetent. At the guilty plea

proceeding, Judge Addy conducted a thorough plea colloquy and asked Applicant whether he understood the charges he was facing, the maximum and mandatory minimum sentences he could receive, the terms of the plea agreement, the fact that both charges were for "most serious" offenses and could be used to enhance any future convictions, the fact that both sentences were "eighty-five percent" sentences, the fact that both offenses were classified as "violent"; Applicant consistently indicated he understood. (Plea Tr. pp.4–5). Judge Addy then examined Applicant about his education and mental health history, and Applicant indicated he was lucid, was not delusional, and was not affected by any medications or substances that would impair his ability to understand the proceedings. (Plea Tr. pp.5–6). The solicitor summarized the factual allegations against Applicant, and Judge Addy asked Applicant if he was indeed guilty of armed robbery and homicide as alleged by the State; Applicant replied that he was. (Plea Tr. pp.7–11). Judge Addy then explained the rights Applicant was giving up by pleading guilty, including the right to a jury trial, the State's burden of proof beyond a reasonable doubt, the right to cross-examine witnesses, the right to compel witnesses and present evidence in his defense, the right either to take the stand in his own defense or to remain silent, the right to challenge the admissibility of the State's evidence; Applicant consistently indicated his understanding of those rights. (Plea Tr. pp.12–16). Judge Addy informed Applicant he could stop and consult with Counsel at any time, and Applicant affirmed that Counsel had reviewed everything together with him and that Applicant was happy with his representation and did not need any more time to speak with him or have any complaints against him. Applicant denied being forced, threatened, or coerced into pleading guilty; he affirmed that he was pleading guilty because he did, in fact, commit the crimes. (Plea Tr. pp.17–18). Once again, Judge Addy asked if Applicant had understood everything they had gone over



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and was "certain" he wanted to plead guilty instead of having a jury trial, and Applicant replied, "Yes, sir." (Plea Tr. p.18).

In addition, Counsel stated he discussed with Applicant what the State requires regarding him being competent enough to stand trial or accept a plea. Ultimately, Counsel stated this of Applicant: "He has always been able to discuss his case with me. He has always been able to understand the questions that I have asked of him. Always responded in an appropriate manner. So, there is, without a doubt, mental health issues with Mr. Evans going all the way back to childhood. However, I don't believe they would meet the State's standard for a competency hearing. And I certainly don't believe that he would be ruled incompetent." (Plea Tr. p.7, lines 3–11).

At the PCR hearing, Applicant was able to make decisions to go forward with the case and spoke appropriately on the stand. His demeanor gave no indication of incompetence. For all the above-mentioned reasons, the Court finds that Applicant was able to understand the PCR proceeding happening before him and the plea agreement as well.

**"Coaching" during guilty plea colloquy**

Applicant further alleges that Counsel "coached" him through Judge Addy's guilty plea colloquy, causing Applicant to enter a guilty plea he did not really understand. The Court finds Applicant has not met his burden of proof as to this allegation.

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, 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."). "Indeed, where a thorough colloquy is conducted, courts must exercise caution in setting aside the guilty plea." *Garren v. State*, 423 S.C. 1, 12, 813 S.E.2d 704, 712 (2018); *see Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014) (observing that "guilty plea[s] must be treated as final in the vast majority of cases" and instructing that caution must be exercised so as not to "undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea"). Statements 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. *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)).

The transcript does not support Applicant's claim that he was merely being coached by Counsel and did not truly understand what was happening at his guilty plea. To the contrary, the thorough colloquy between Applicant and Judge Addy indicates that Applicant understood all the ramifications of his plea and was pleading guilty freely and voluntarily. The Court finds Applicant has not shown any valid reasons why he should now be entitled to withdraw the sworn statements and solemn admissions he made during the guilty plea colloquy. For this reason, the Court finds Applicant has not met his burden of proof on this issue.

**Failure to timely serve and file notice of appeal**

Finally, Applicant argues Counsel was ineffective for failing to timely serve and file the notice of appeal. The Court finds this allegation is without merit.

Where the application alleges ineffective assistance of counsel as a ground for relief, the 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 686; *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 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). "The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough v. Gentry*, 540 U.S. 1, 6 (2003); *see also Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable."). Rather, Counsel's performance, even if "far from exemplary," will only be found deficient if "no competent lawyer" would have acted the same way. *Dunn v. Reeves*, 594 U.S. 731, 739 (2021).

Second, counsel's deficient performance must have so prejudiced the applicant 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. "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.

Where an applicant establishes in a PCR hearing that he was unconstitutionally deprived of his statutory right to a direct appeal, the applicant may petition the supreme court for review of

direct appeal issues pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35.[1] *See Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986) (establishing procedural guidelines for *White* review when the PCR judge determines the applicant did not freely and voluntarily waive his appellate rights). The supreme court, upon an appeal of the PCR decision, will review the lower court record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. *White*, 263 S.C. at 119, 108 S.E.2d at 39–40.

The Court finds Applicant has not met his burden showing he is entitled to a belated appeal pursuant to *White*. During Applicant's guilty plea hearing, Applicant was informed by Judge Addy that if he wanted to appeal his guilty plea he had to "let [Counsel] know immediately because he has to file a notice of intent to appeal within ten days." (Plea Tr. p.30, lines 8–11). Therefore, the transcript clearly reflects Applicant was informed of his right to appeal his guilty plea and of the time limit for doing so. *See Roe v. Flores-Ortega*, 528 U.S. 470, 479–80 (2000) (recognizing that "a sentencing court's instructions to a defendant about his appeal rights in a particular case" may be "so clear and informative as to substitute for counsel's duty to consult" with his client about filing an appeal). In some cases, an attorney may reasonably decide not to consult with his client about filing an appeal when the sentencing court has already provided that information. *Id.* at 480. This is particularly the case where a defendant pleads guilty, because a guilty plea both reduces

[1] In *White*, the PCR judge found the applicant did not knowingly and intelligently waive his right to direct appeal due to ineffective assistance of counsel. 263 S.C. at 117, 208 S.E.2d at 39. As a result, the PCR court directed PCR counsel to attempt to secure a belated appeal to the Supreme Court from his original conviction and sentence. *Id.* On appeal, our Supreme Court explained that it did not have jurisdiction to entertain a belated direct appeal absent the timely filing of notice of appeal. *Id.* at 119, 208 S.E.2d at 39. However, because the *post-conviction relief appeal* was properly before it, the court reviewed the trial record and all issues properly raised as if the direct appeal had been perfected. *Id.* at 119, 208 S.E.2d at 39–40. The court ultimately held "that there was no reversible error in the trial and that there was not an arguably meritorious ground of appeal, even if notice of intention to appeal had been timely served." *Id.* at 119, 208 S.E.2d at 40.

the scope of appealable issues and indicates that the defendant is seeking an end to judicial proceedings. *Id.*

In this case, the first indication in the record that Applicant even *wanted* to file an appeal was his untimely *pro se* notice of appeal filed on September 1, 2021, more than ten days after his conviction and sentence. There is no indication in the record that Counsel knew Applicant wanted to appeal until the Supreme Court forwarded Applicant's untimely *pro se* notice of appeal to him, along with the deficiency letter, on September 14, 2021. This Court finds Counsel reasonably believed Applicant did not intend to appeal his conviction because it arose from a guilty plea, reducing the scope of appealable issues and indicating Applicant desired an end to judicial proceedings. In addition, although Judge Addy expressly warned Applicant that he needed to inform Counsel immediately if he decided to appeal, this Court has been presented with no credible evidence that Applicant ever communicated to Counsel his intent to appeal. However, once Counsel was made aware of his client's *pro se* filing, he promptly served and filed the notice of appeal on September 24, 2021, within ten days of the Supreme Court's letter. The record shows that Counsel made a valiant effort under the circumstances to follow his client's wishes; however, the filing was too late because the ten-day deadline had already passed by the time Applicant prepared his *pro se* notice of appeal, which was not Counsel's fault.

For these reasons, the Court finds Applicant has not met his burden of proving Counsel's performance was deficient as to this allegation.

## III. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. 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's attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief be denied and dismissed with prejudice; and

2. The Applicant be remanded to the custody of the South Carolina Department of Corrections.

**AND IT IS SO ORDERED this** 3 **day of** July **, 2025.**

S. BRYAN DOBY
Presiding Judge
Eighth Judicial Circuit

Bishopville, South Carolina