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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT
APPEAL FROM AIKEN COUNTY
Court of Common Pleas
The Honorable Debra McCaslin, PCR Action Judge
2024-CP-02-00479

JASPER JEFFERSON, #389038,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Jasper Jefferson appeals the denial of his post-conviction relief application. The post-conviction relief action was heard and denied by the Honorable Debra McCaslin, circuit court judge, on June 10, 2025, and was denied by written order filed on August 11, 2025. Applicant received notice of the judgement on August 11, 2025.

/s Chelsey F. Marto
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STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	FOR THE SECOND JUDICIAL CIRCUIT
	)	
State of South Carolina,	)	
Respondent,	)	Case No. 2024-CP-02-00479
	)	
Vs.	)	
	)	**ORDER OF DISMISSAL**
Jasper Jefferson,	)	
Defendant.	)	
	)	

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Jasper Jefferson (Applicant) on February 26, 2024. The State made its return and partial motion to dismiss on July 25, 2025. In addition to the pleadings in this action, this Court had before it a copy of the Aiken County Clerk of Court records, the Applicant's SCDC records, and the transcript from the Applicant's plea on September 12, 2022.

On June 10, 2025, this Court convened an evidentiary hearing in the Aiken County Courthouse. Applicant was present at the hearing and was represented by Chelsey Marto, Esquire. Cruise Mitchell, Esquire, and Zachary Jones, Esquire of the South Carolina Attorney General's Office were present on behalf of the State. Applicant and his former Counsel, Jerry M. Screen, Sr., Esquire both testified at the hearing.

After hearing the testimony at the PCR hearing and a full review of the record, this Court finds Applicant's allegations are without merit. Therefore, for the reasons discussed below, this Court denies relief and hereby dismisses this action with prejudice.

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C.C.P. & G.S.

Shadell Parks
Deputy Clerk

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 October 2016 term, the Aiken County Grand Jury indicted Applicant for possession with intent to distribute heroin (2016-GS-02-02090); trafficking methamphetamine, 400 grams or more (2016-GS-02-02091); possession with intent to distribute cocaine (2016-GS-02-02092); and unlawful conduct towards a child (2016-GS-02-02093). The case was prosecuted by Elizabeth B. Young, Esquire, of the Second Circuit Solicitor's Office. Applicant was represented by Jerry M. Screen Sr., Esquire.

On September 12, 2022, following a thorough colloquy, Judge Keesley found Applicant entered a plea knowingly, voluntarily, and intelligently. Applicant plead guilty to the lesser included offense of trafficking methamphetamine, 28-100 grams, and as indicted on the remaining charges before the Honorable William P. Keesley. Pursuant to negotiations between the State and Applicant, Judge Keesley sentenced Applicant to seven years' imprisonment on each charge, with those sentences to run concurrently. Applicant did not file a direct appeal.

FACTS PRESENTED AT THE GUILTY PLEA HEARING

The following summary was taken, verbatim, from the Solicitor's recitation of the facts at Applicant's guilty plea hearing:

> On June 21, 2016, Deputy Puckett and Deputy Bozark Aiken County Sherriff's Office were running radar. The location on Highway 19 here in Aiken County, they observed vehicle that was speeding. Deputy Bozark got behind it to initiating a traffic stop. He got the driver who was Mr. Jasper Jefferson's wife. Out of the vehicle she was acting very nervous.
>
> Deputy Puckett pulled up shortly after the initial stop. He is a canine deputy and Deputy Bozark indicated he wanted him to go ahead and run the dog around the car based on the driver's demeanor. He did do that, he got alerted by sitting outside the driver's door while he was doing that. Deputy Argine noticed that Mr. Jefferson, who was in the front passenger

seat, was extremely nervous to the point where he was well - - he just noticed that he was very nervous and his demeanor was also unusual.

So, the dog alerted. They did do a search vehicle in a UPS mailing package in the passenger side floorboard where Mr. Jefferson seated. They found a large quantity of what appeared to be amphetamine, a pill bottle that contained three small baggies of a white powder substance along with digital scales and quantity of United States currency. The items were sent off to be tested and came back. Methamphetamine was positive for methamphetamine, 574.46 grams. Cocaine was positive, 1.09 grams. Heroin was positive, 3.13 grams. When we started getting this case ready and looking at it numerous years ago, we discovered that Deputy Bozark's camera had rolled off the system and was not preserved initially. Deputy - - and additionally, Deputy Puckett's camera started well into the traffic stop where all the necessary items or incidents had already taken place off camera.

And this was before either deputy had been issued a body-worn camera. So, we had some problems with that at the very beginning of the case. Additionally, Mr. Jefferson did make some incriminating statements on the scene. He had not been advised of his Miranda rights, so we're not going to be able to bring those in at trial.

His son was in the backseat of the car and both parents were arrested on the scene for long conduct as well as these drug charges. His case just kind of stayed in the back of my roster because he was out on the line. However, then he was rearrested in June of this year for driving the wrong way in this highway and appeared to be under the influence as well as possessing what appear to be cocaine. Those charges will be no pause as a result of this plea.

We take the State's negotiations; this came up on our 1095 docket. We begin earnestly trying to resolve it in addressing the issues that the case had. We made a negotiated seven year offer for all these four charges to run concurrently. If Your Honor will accept it, the law enforcement is in support of the negotiation. This was - - we were preparing this actually for trial all last week. When we went and reviewed the evidence, we realized that the EPS mailer bag that was mentioned in the deputy's report actually had Mr. Jefferson's name on it. So, that was another incriminating factor that I think led him to ultimately take this plea here today.

Your Honor, he does have a prior record in South Carolina in 1990, conviction of possession of cocaine. The remainder of all his convictions are federal convictions. In 1992, narcotics and conspiracy, 1993, conspiracy of cocaine with intent to distribute. 1999, distribution of cocaine as well as violation of supervised release and additional conviction to repeat with cocaine 1999. Based on all the factors going into the case since age, we ask that, Your Honor, accept the negotiation and sentence him to a seven-year active sentence.

CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges claims for:

1. Ineffective Assistance of Counsel
    a. "Counsel failed to file (as requested) a "Motion" to Suppress evidence for drugs seized from vehicle and have charge(s) dismissed. Had Counsel file the requested motion the outcome of the proceeding against me (Defendant) would have been different. Instead, Counsel threatened and coerced me (Defendant) into a plea arrangement or I would have received a much greater sentence. Counsel failed to adequately address the merits of the issue of probable cause, search and seizure of a speedy traffic violation and challenge the State's (Officer's) destruction of Body camera and Officer's car dash camera footage ([sic] or the tape) during the beginning of the Traffic stop. Per Statute 56-5-2953 Video recording should begin when Blue light activate, to include beginning to the end. Failure to hear this video footage, alone is enough to have charges dismissed. Counsel representation fell below an objective standard of reasonableness. There is a reasonable probability that, but for the Counsel's unprofessional error, the result of the proceeding would have been different."
    b. "Violation of Professional Conduct, Rule 407. Counsel has a responsibility to abide by requests and decisions by his Client concerning the objective's of his representation (Rule 1.2 Scope of Representation) regarding that Counsel file a Motion to Suppress Evidence and dismiss charges. Rule 1.4 Communication, Counsel shall consult with his Client (Defendant) as to the means by which they are to be pursued and Counsel should take action per Client's request. Rule 1.3 Diligence. A Lawyer should purse a matter on behalf of a client despite opposition, obstruction or personal inconvenience and take whatever lawful and ethical measures are required to vindicate a client's cause. Defendant's attorney was ineffective because he failed to follow the Rules of Professional Conduct.
    c. "Counsel's ineffective assistance rendered the Guilty Plea involuntary."
2. 14th Amendment (Due Process)
    a. "My (Defendant) Due Process rights was violated as the result of the exculpatory evidence being destroyed Defendant was pulled over for speeding however the Report states that immediately a second officer arrived at or about 45 secs to one minute and deployed a K-9 to the passenger of the vehicle being the Defendant. Based on the Report, Law Enforcement abandoned its traffic stop and shifted attention entirely to a Narcotic's investigation. At this point the traffic stop was prolonged and Defendant didn't feel he was free to leave after a citation was issued. Defendant refused consent to search however Officer proceeded anyway where narcotic's and possessions was seized. During the search the Defendant recognized the Officer remove these monies and narcotics to his vehicle. Upon arrival of a "Drug Task Force Unit", the Officer was advised to put monies, narcotics back in Defendant's car. This is clearly a error in chain of custody. To prove the Defendant's Due Process was in violation, the Defendant sought to review dashcam footage and body cam footage from Officer's on the scene to learn officer's did not turn on his dashcam until after the narcotics investigation was essentially complete. Also other dashcam footage was deleted by Law Enforcement from its server before Defendant could review the footage.
3. 4th Amendment Violation

a. "4th Amendment, search and seizure rending evidence of the seizure of the alleged drugs is inadmissible. Accordingly, evidenced seized in violation of the fourth (4th) Amendment must be excluded. This exclusion is accomplished through the exclusionary rule, 'a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved. By excluding the wrongfully obtained evidence, Courts effectively compel' respect for the constitutional guarantee in the only effectively available way by removing the incentive to disregard it. Finally, regarding K-9 deployed dog sniff. This not an ordinary incident of a traffic stop. See Rodriguez v. U.S. (2015). As a result, and because the sniff is intended to detect ordinary criminal wrongdoing, 'it may not prolong the duration of the traffic stop absent consent of those detained or reasonable suspicion of criminal activity. See U.S. v. Perez (2022). Absent consent or reasonable suspicion, the critical question, then, is not whether dog sniff occurs before or after the office issues a ticket... but whether conducting the sniff prolongs (adds time) to the stop.

4. White v. State Claim
   a. "My attorney failed to respond to my request in court and after."
   b. "I did not understand my Due Process and was coerced into a plea."
   c. "After sentence I requested that my attorney that I wanted to give back the Plea and wanted a Jury Trial."
5. Applicant also alleges that he did not get a preliminary hearing, that he was coerced into a plea, and did not realize he was charged with a violent crime that carried 85 percent time.

Applicant requests relief as follows:

"Case to be dismissed."

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.

STANDARD OF REVIEW

An applicant may seek PCR upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;

2. That the court was without jurisdiction to impose sentence;

3. That the sentence exceeds the maximum authorized by law;

4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or

6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction or sentence. Id. at 687. First, the applicant must show that counsel's performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668.

In order to prove deficient performance, the applicant must show counsel's representation fell below an objective standard of "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Strickland, however, "does not guarantee perfect representation[—]only a 'reasonably competent attorney.'" Harrington v.

Richter, 562 U.S. 86, 110 (2011) (quoting Strickland, 466 U.S. at 687). Just as there is "no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities." Id., see also Yarborough v. Gentry, 540 U.S. 1, 8 (2003) ("The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight."). 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).

To satisfy the second, or "prejudice," prong of Strickland, an applicant must demonstrate counsel's deficient performance prejudiced him 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. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." Strickland, 466 U.S. at 694. In the context of a guilty plea, the 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).

Surmounting Strickland's high bar is never an easy task, and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." Lee v. United States, 582 U.S. 357, 368–69 (2017) (internal citations and quotation marks omitted); cf. Hill, 474 U.S. at 58 ("[R]equiring a 'prejudice' showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel 'will serve the fundamental interest in the finality of guilty pleas.'").

FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR evidentiary hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. After hearing the testimony presented and considering the legal arguments of counsel, as well as the records incorporated by way of the State's return, this Court rules that the Applicant's claims are 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.

EVIDENTIARY HEARING

The Applicant testified that he did not get a preliminary hearing, and that he was coerced into taking a plea. He also testified that he felt the stop and search were unconstitutional and that he could have convinced a jury that he was not guilty because of a missing tape. Because of this, he wanted his Counsel to file a Motion to Suppress, and he believed that the case would have been dismissed. Applicant further testified that he thought he was pleading to a non-violent offense but then contradicted himself by admitting that his Counsel told him that it was a violent offense and 85% time. Lastly, Applicant testified that he wanted Counsel to withdraw the plea or appeal.

Mr. Screen (Counsel), who the Court found credible, testified that he was not the original counsel on the case and that the preliminary hearing was a matter well before he became involved in the case. Counsel testified that he came in on a "search and rescue" mission." Counsel testified that he did draft a Motion to Suppress, but he never filed it and instead used it as a trial strategy to persuade the State to make the deal of 7 years active time. Counsel testified that he firmly

recommended Applicant take the deal because he could end up doing 25 years had he went to trial and was convicted. Further, Counsel testified that there was no evidence being unduly kept at the scene. In addition, he testified that there was no video because it was erased during COVID unintentionally and they must demonstrate bad faith on the part of erasing the video. Lastly, Counsel testified that he has no recollection of Applicant ever requesting to withdraw the plea or appeal.

ALLEGATION COUNSEL FAILED TO FILE MOTION TO SUPPRESS

This Court finds that Counsel did not coerce or threaten the Applicant to take the plea deal. Applicant's representation did not fall beneath the standard of "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Therefore, Applicant has failed to prove prong one that Counsel's representation was deficient.

Further, this Court finds that there is not a reasonable probability that, but for counsel's alleged errors, he would not have not pleaded guilty and would have insisted on going to trial. Applicant knew that he could have been facing 25 years had he proceeded to trial. Judge Keesley found that he entered the plea knowingly, voluntarily, and intelligently. Therefore, Applicant has failed to prove prong two that the outcome would have been different.

Accordingly, this allegation is DENIED.

ALLEGATION COUNSEL FAILED TO FILE DIRECT APPEAL

Applicant alleges Counsel failed to file a direct appeal on his behalf. This Court finds this allegation is without merit.

Counsel has a constitutionally imposed duty to consult with a defendant about an appeal when there is reason to think (1) that a rational defendant would want to appeal, or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470, 471 (2000). These elements are much harder to establish when a conviction follows a guilty plea, because a plea both reduces the scope of appealable issues and indicates that the defendant sought an end to judicial proceedings. Id. In addition, to prove prejudice, an applicant must demonstrate a reasonable probability that he would have timely appealed but for counsel's deficiency. Id. Evidence that there were nonfrivolous grounds for appeal or that the defendant promptly expressed a desire to appeal is highly relevant to this determination. Id. at 472.

At the plea hearing, Judge Keesley found that Applicant entered a plea knowingly, voluntarily, and intelligently. Since Applicant pled guilty, it indicates that he wanted to end judicial proceedings, and that a rational defendant would not want to appeal. Therefore, Applicant has failed to prove the first element of the Roe test.

At the PCR evidentiary hearing, Applicant testified that he wanted Counsel to withdraw the plea, but never asked Counsel to file an appeal. Applicant testified that he was five months late on appeal because he was at Goodman Correctional Institute, then transferred to Manning Correctional Institute where he was on lockdown due to COVID-19 restrictions. Counsel testified that he has no recollection of Applicant ever requesting him to appeal. Therefore, this Court finds that Applicant has failed to prove the second element of the Roe test because he never demonstrated to Counsel that he was interested in appealing.

Accordingly, this allegation is DENIED.

ALL OTHER ALLEGATIONS

As to any and all allegations raised in the application or at the hearing in this matter and not specifically addressed in this order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds those claims were voluntarily waived and abandoned, and those claims are therefore DENIED and dismissed with prejudice. S.C. Code Ann. § 17-27-90.

In the alternative, Applicant filed an untimely PCR Application. Section 17-27-45 (A) states:

> (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.

Applicant needed to file an application for post-conviction relief on or before September 12, 2023. This Application was filed on February 26, 2024, after the expiration of the statutory filing period.

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 that 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 5 day of August, 2025.

DEBRA R. MCCASLIN
Presiding Judge

Aiken, South Carolina