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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Common Pleas

The Honorable Marvin H. Dukes, III, Circuit Court Judge

Case No.: 2024-CP-10-01562

Tarrell Richardson (#288877)..... Appellant

v.

State of South Carolina Respondent

NOTICE OF APPEAL

Tarrell Richarson appeals the order of the Honorable Marvin H. Dukes, III, filed November 7, 2025, and served on his counsel November 18, 2024, that dismisses the PCR action. The Defendant/Appellant requests that the order be reversed, and he be granted a new trial. Defendant/Appellant received proper notice of the entry of the written order on November 18, 2025.

November 18, 2025

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Tarell L. Richardson, #288877,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT

) CASE NO. 2024-CP-10-01562

) **ORDER OF DISMISSAL**

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CLERK OF COURT
COURT REPORTER

This matter comes before the Court by way of Tarell L. Richardson’s application for post-conviction relief (PCR) filed on March 22, 2024. On August 6, 2025, an evidentiary hearing was held at the Charleston County Courthouse before the Honorable Marvin H. Dukes, III. Applicant was present and represented by Chris Murphy, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the allegations in his application. In support of these claims, Applicant testified on his own behalf. Respondent presented the testimony of Gregory Voigt, Esquire (Plea Counsel).

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined at the South Carolina Department of Corrections serving a twenty-year sentence. During its November 2023 term, the Charleston County Grand Jury indicted Applicant for Burglary 1st Degree (2023-GS-10-05413) and Arson 2nd Degree (2023-GS-10-05413). On January 30, 2024, Applicant appeared before the Honorable Roger M. Young and pled guilty as indicted. Gregory K. Voigt, Esquire, represented Applicant. Assistant Solicitor Charles

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W. Patrick III of the Ninth Circuit Solicitor's Office represented the State. Judge Young sentenced Applicant to a sentence of twenty years for Burglary 1st Degree and Arson 2nd Degree, with 749 days credit for time served. Applicant did not appeal.

CURRENT APPLICATION

On March 22, 2024, Applicant timely filed this PCR application alleging:

- I. Ineffective Assistance of Counsel
 - a. "Counsel refused to provide [sic] defendant with any public interest legal services."
 - i. "Relieve [sic] of counsel form filed".
 - b. "Counsel showed repugnant [sic] cause of bias grounds to misrepresent the defendant."
 - i. "File number, 23-DE-L-0640, Complaint filed with Disciplinary Counsel".
 - c. "Counsel withheld key evidence accordance [sic] to rule 5 & 6 law".
 - i. "Notarized petition writ for rule 5 & 6 evidence".

As relief, Applicant requested, "Relief in sentence in order of 5 to 10 years."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel/ Involuntary Plea

In a PCR action, an applicant bears the burden of proving the allegations in his application.

Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to received relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625. When reviewing a guilty plea, the Strickland deficiency prong remains unchanged – Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58-59. To show prejudice, Applicant must show a reasonable probability "that, but for counsel's [alleged] errors, he would not have pled guilty and would have insisted on going to trial." Id. at 59. To be knowing and voluntary, the defendant must be advised of the constitutional rights he is waiving, including the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243.

Failed to Review Discovery

At the PCR hearing Applicant alleged counsel did not discuss the facts of the case with him, and he never saw the discovery, specifically a ring video of Applicant. Counsel testified that he had adequate time to meet with Applicant. Counsel testified that he discussed the discovery with Applicant and each week he copied the paper discovery and sent it to Applicant. Counsel

testified that he could not send Applicant the video (due to detention center policies) but that he discussed the video with Applicant. Counsel testified he was prepared for trial. This Court finds counsel's testimony credible. Based on the foregoing, counsel's representation was reasonable under prevailing professional norms and not deficient.

This Court finds Counsel thoroughly discussed the discovery with Applicant. Applicant did not present the video he allegedly did not see and did not present any testimony that had he seen this video, he would have insisted on going to trial instead of pleading guilty. This Court further finds Applicant has failed to set forth what more Counsel should have done regarding the discovery or discussed further that would have changed his decision to plead guilty. See Hill at 59. This Court finds Applicant has failed to meet his burden of proving deficiency and prejudice and thus, this claim is denied.

Involuntary Guilty Plea

At the hearing, Applicant alleged he did not want to plea guilty. This Court finds this allegation to be without merit. Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Tollett v. Henderson, 411 U.S. 258, 267 (1973) ("When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea."); Garren v. State, 423 S.C. 1, 12, 813 S.E.2d 704, 710 (2018) ("A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed."); Jamison v. State, 410 S.C. 456, 468, 765 S.E.2d 123, 129 (2014) ("[I]n South Carolina, a guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights.").Applicant

has not provided any evidence to prove counsel's representation fell below an objective standard of reasonableness. The plea colloquy shows Applicant told the plea court he did not need any more time with his attorney and was satisfied with the job that his attorney did for him. (Plea Tr. 5,6). Further, it showed he understood the constitutional rights he was waiving. See Boykin, 395 U.S. at 243. Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty. Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

[CONCLUSION AND SIGNATURE PAGE FOLLOWS]

CONCLUSION

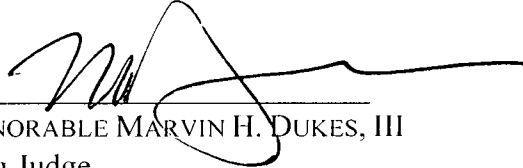
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 7th day of Nov, 2025.



THE HONORABLE MARVIN H. DUKES, III
Presiding Judge
Ninth Judicial Circuit

Beaufort, South Carolina