STATE OF SOUTH CAROLINA COUNTY OF OCONEE	)	IN THE COURT OF COMMON PLEAS FOR THE TENTH JUDICIAL CIRCUIT
	)	Case No.: 2024-CP-37-00520
Ralph Jake Goss, Jr., #329304 Applicant, v. State of South Carolina, Respondent.	)	**ORDER OF DISMISSAL WITH PREJUDICE**

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
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Presiding Judge:	Jane H. Merrill
Court Reporter:	Lisa Scott
Applicant's Attorney:	Susannah C. Ross, Esq.
Respondent's Attorney:	AAG Ryan T. Kowalski
Plea Counsel:	Amanda Surles, Esq.
Date of Hearing:	September 10, 2025

This matter comes before the Court by way of the post-conviction relief (PCR) action filed by Ralph J. Goss, Jr. (Applicant) on July 15, 2024. Respondent, the State of South Carolina, made its Return on January 16, 2025, requesting an evidentiary hearing to resolve the claims as set forth in the application. Applicant filed an amended PCR application on September 3, 2025. An evidentiary hearing was held on September 10, 2025, at the Anderson County Courthouse, before the Honorable Jane H. Merrill. Applicant was present and represented by Susannah C. Ross, Esquire. Assistant Attorney General Ryan T. Kowalski represented Respondent.

At the hearing, Applicant proceeded forward on the claims set forth in his application. In support of these claims, Applicant testified on his own behalf, and Respondent presented testimony from Amanda Surles, Esquire. (Plea Counsel). Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court

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finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismissed this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a fifteen (15) year sentence. On June 12, 2023, the Oconee County Grand Jury indicted Applicant for Assault with Intent to Commit Criminal Sexual Conduct (2023-GS-37-00934). On December 14, 2023, Applicant pled guilty as indicted before the Honorable J. Cordell Maddox. Amanda Surles, Esquire, represented Applicant. Assistant Solicitor Jason Alderman prosecuted the case. Judge Maddox sentenced Applicant to thirty (30) years suspended to fifteen (15) years, followed by five (5) years of probation with credit for 276 days. Applicant was also ordered to receive mental health counseling while incarcerated. Applicant did not file an appeal.

FACTS PRESENTED AT GUILTY PLEA HEARING

At Applicant's plea hearing, the State articulated the facts giving rise to Applicant's conviction as follows:

> Mr. Alderman: Judge, on or about March 12th, 2023 in the city limits of Walhalla, the defendant did present what was or appeared to be a knife to the victim with the apparent intent to commit criminal sexual conduct. Judge, this was captured on video at a local laundry mat. Essentially you have a situation where a young woman, 19 years old, is doing laundry and minding her own business and Mr. Goss comes in the frame and startles her and begins a conversation with her. And then starts to place his hands on her and presents what appears to be a knife. And from her account, while there is no audio along with the video, what she recounted was said to her made his intentions clear. He tried to grab her and pull her towards the corner. She began to struggle with him and escape when she was able to slip out of the zip-up hoodie that she was wearing. Leaving Mr. Goss holding that, she ran out the door. This turned into a multi-day man hunt. SLED fugitive apprehension team had to come up. They eventually ran him down and arrested him.

(Plea Tr. pp. 11-12).

CURRENT APPLICATION

On July 15, 2024, Applicant timely filed this PCR application alleging he is being held in custody unlawfully on the following grounds:

I. Involuntary Guilty Plea
   a. Applicant pled guilty to a crime which he was not indicted for.
   b. Applicant did not execute a written waiver of presentment.
   c. Applicant did not receive notice of the charges against him.
   d. Counsel did not explain to Applicant that he would be placed on the sex offender registry for life.

II. Ineffective Assistance of Counsel
   a. Counsel told Applicant she could work out a deal for rehabilitation and probation but would later tell Applicant he could only enter a straight plea of 0-30 years.
   b. Counsel refused to review discovery and video footage.
   c. Counsel lied to Applicant and promised him a 5-7 year plea deal.
   d. Applicant would have gone to trial had Counsel investigated and reviewed discovery with him.

Applicant requests relief in the form of the withdrawal and vacation of his sentence.[1]

STANDARD OF REVIEW

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.*

[1] The relief Applicant seeks is not available because the Uniform Post-Conviction Procedure Act does not provide a vehicle for sentence reduction. *See Clark v. State*, 259 S.C. 378, 382–83, 192 S.E.2d 209, 210 (1972) (per curiam) (holding that an inmate cannot seek a "time cut" in his sentence via post-conviction relief if the sentence was within the statutorily defined limits); John H. Blume, An Introduction to Post-Conviction Remedies, Practice and Procedure in South Carolina, 45 S.C. L. Rev. 235, 268 (1994) (noting that "[t]he lack of jurisdiction to reduce otherwise proper sentences seems not to be widely recognized by many inmates who file pro se applications seeking a reduction in their sentences")). If this Court found a defect in the original proceedings, the appropriate relief would be a new trial on the original indictment. *See generally Singleton v. State*, 313 S.C. 75, 85–86, 437 S.E.2d 53, 59–60 (1993) (discussing section 17-27-20(B) and the appropriate relief in PCR cases); *Gilstrap v. State*, 252 S.C. 625, 628, 168 S.E.2d 88, 89 (1969) (stating that even under the assumption that all the allegations were true, the relief to be granted on PCR is remand for a new trial); *Smith v. State*, 413 S.C. 194, 195, 775 S.E.2d 696, 696 (2015) ("We now clarify the proper remedy is a new trial.").

Washington, 466 U.S. 668 (1984); *Taylor v. State*, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in *Strickland v. Washington* to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable." (citation and internal quotation marks omitted)).

Regarding the deficiency prong of the *Strickland* analysis, the proper measure of performance is whether counsel provided representation within the reasonable range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. When analyzing

counsel's performance, the reviewing court will strongly presume counsel provided adequate assistance, and the applicant is responsible for rebutting that presumption "by proving that his attorney's representation was unreasonable under prevailing professional norms and that the challenged action was not sound strategy." *Kimmelman v. Morrison*, 477 U.S. 365, 384 (1986); *cf. Cullen v. Pinholster*, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation).

Furthermore, the reviewing court will scrutinize counsel's performance in a highly deferential manner, make every effort "to eliminate the distorting effects of hindsight," and "evaluate the conduct from counsel's perspective at the time" in light of then-existing circumstances. *Strickland*, 466 U.S. at 689. In order to establish counsel's performance was deficient, the applicant must demonstrate "counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." *Id.* at 687. Accordingly, counsel's performance will be considered deficient only when it was objectively incompetent under prevailing professional norms and *not* when it simply "deviated from best practices or most common custom." *Harrington v. Richter*, 562 U.S. 86, 105 (2011).

Beyond satisfying the burden required by the deficiency prong, an applicant also bears the burden of establishing prejudice in order to be entitled to relief as "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." *Strickland*, 466 U.S. at 691. To meet this burden, counsel's deficient performance must have prejudiced the applicant to such an extent, there is a reasonable probability the result of the proceeding would have been different but for counsel's unprofessional errors. *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625; *see Johnson v. State*, 325

S.C. 182, 186, 480 S.E.2d 733, 735 (1997) ("To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel's representation fell below an objective standard of reasonableness and, but for counsel's errors, there is a reasonable probability the result at trial would have been different."). Importantly, "[t]he likelihood of a different result must be *substantial*, not just conceivable." *Richter*, 562 U.S.at 112.

Guilty Pleas Based on Ineffective Assistance of Counsel

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. *Hill v. Lockhart*, 474 U.S. 52 (1985), extended the two-part *Strickland* test to challenge guilty pleas based on ineffective assistance of counsel. *See Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel's performance under the first prong of *Strickland* remains unchanged, the applicant must show that counsel's representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. *Hill*, 474 U.S. at 58-59; *accord Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." *Hill*, 474 U.S. at 56. The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." *Id.* at 58-59. Specifically, 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, he would not have pleaded guilty and would have insisted on going to trial." *Id.* at 59.

This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. *Lee v. United States*, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. *Padilla*, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. *Turner v. State*, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

FINDINGS OF FACT & CONCLUSIONS OF LAW

Before this Court are the Oconee County Clerk of Court records of the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the plea transcript. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed this Court to evaluate and scrutinize their credibility. Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief.

INVOLUNTARY GUILTY PLEA

Allegation: Applicant pled guilty to a crime which he was not indicted for.
Allegation: Applicant did not execute a written waiver of presentment.
Allegation: Applicant did not receive notice of the charges against him.

When a crime is beyond the jurisdiction of a magistrate, the defendant is entitled to the presentment of an indictment before a Grand Jury. S.C. Constitution Article 1, Section 11; Article 5, Section 22. A defendant is entitled to be tried only on the charges set forth in the indictment.

S.C. Code Ann. §17-19-10 (1976, as amended). An indictment is sufficient if it charges the crime substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood. S.C. Code Ann. §17-19-20 (1976, as amended). The caption of the indictment is not a finding of the grand jury, so a reference to the statute in the caption does not validate an invalid indictment. *State v. Lark*, 64 S.C. 350, 42 S.E. 175 (1902). Likewise, a defect in the caption will not invalidate an otherwise perfect indictment. *Tate v. State*, 345 S.C. 577, 549 S.E.2d 601 (2001). "'The primary purposes of an indictment are to put the defendant on notice of what he is called upon to answer, *i.e.*, to apprise him of the elements of the offense and to allow him to decide whether to plead guilty or stand trial, and to enable the circuit court to know what judgment to pronounce if the defendant is convicted.'" *State v. Means*, 367 S.C. 374, 383, 626 S.E.2d 348, 353 (2006) (quoting *Evans v. State*, 363 S.C. 495, 508, 611 S.E.2d 510, 517(2005)).

Applicant was indicted for Assault with Intent to Commit Criminal Sexual Conduct. The face of the indictment includes the statute number, 16-3-656. "Assault with intent to commit criminal sexual conduct described in the above sections shall be punishable as if the criminal sexual conduct was committed." S.C. Code Ann. §16-3-656. The body of the indictment states: "The Defendant, Ralph Jake Goss Jr., did in Oconee County, South Carolina, on or about March 12, 2023, attempt to commit the crime of Criminal Sexual Conduct in the First Degree, in that the Defendant, Ralph Jake Goss Jr., did attempt commit a sexual battery, to-wit: grabbing the victim and attempting to drag her into a restroom at a laundromat while using force, on [Victim and Victim's date of birth] without his/her consent, the defendant attempted to use aggravated force to accomplish the sexual battery and/or the victim submitted to sexual battery under circumstances where the victim was also the victim of forcible confinement, kidnapping, trafficking in persons,

robbery, extortion, burglary, housebreaking, or any other similar offense or act and/or the actor attempted to cause the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance, all in violation of Section 16-3-652, Code of Laws of South Carolina, (1976, as amended). Against the peace and dignity of the State, and contrary to the statute in such case made and provided." The indictment was true billed on June 12, 2023, and signed by the foreperson of the grand jury. The body of the indictment charges the crime in substantially the same language as the statute, and correctly cites the Criminal Sexual Conduct, First Degree statute (S.C. Code Ann. Section 16-3-652). Using an objective standard, the court finds this is a proper indictment and properly put Applicant on notice of the crime of which he was accused so he could decide if he wanted to stand trial or plead. Additionally, Applicant was properly indicted, and he pleaded guilty to that same indictment. Therefore, there was no reason for him to sign a waiver of presentment before pleading guilty. This Court finds Applicant's guilty plea was entered knowingly, intelligently, and voluntarily. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Plea Counsel told Applicant to "go along with" the plea.

Applicant testified he went along with what Plea Counsel advised him of during plea colloquy out of fear of otherwise jeopardizing his plea bargain. Applicant alleged that Plea Counsel advised him not to say certain things while pleading guilty. Applicant alleged his hesitancy at the plea hearing was because he did not believe he was guilty, but Plea Counsel advised him to go along with the plea. The plea transcript demonstrates there was some hesitancy at one point during the plea, when Applicant answered the court's question about whether he was guilty as follows: "I

don't think, but, yes, sir" (Plea Tr. p. 10, line 4). Thereafter, the Plea Judge told Applicant that if he did not want to plead guilty, he did not have to, and that he must admit to committing the crime if he wanted to plead guilty. (Plea Tr. p. 10; lines 7-15). Plea Counsel then stated, "If I may, Your Honor. My client and I have gone over discovery at length. We do feel that if we were to bring this before a jury that a jury would find him guilty of these charges. We have talked about the implications of doing a guilty plea versus an *Alford* plea[2], and we do want to go forward with a guilty plea today." (Plea Tr. p. 10, lines 18-24). The Plea Judge confirmed this was a straight guilty plea and not an *Alford* plea. (Plea Tr. p. 10, line 25, p. 11, lines 1-2). The Plea Judge then directly asked Applicant, "So, are you guilty of this charge?" to which the Applicant responded, "Yes, sir." (Plea Tr. p. 11, lines 3-5). Plea Counsel discussed multiple options with Applicant, including an *Alford* plea, but he decided to plead guilty. The Plea Judge clearly explained to Applicant he must admit he did that of which he was accused to plead guilty, and Applicant testified under oath that he understood.

The Court finds Applicant's testimony on this issue is **not credible**, and Plea Counsel's testimony is **credible**. The plea court informed Applicant he did not have to plead guilty if he did not want to. Applicant could have stood down his plea, but he chose to plead guilty. The Plea Judge accepted his voluntarily guilty plea. This Court finds Applicant entered his guilty plea voluntarily, intelligently, and knowingly. Thus, this allegation must be **DENIED** and **DISMISSED**.

[2] *North Carolina v. Alford*, 400 U.S. 25 (1970).

INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

Allegation: Plea Counsel did not explain to Applicant that he would be placed on the sex offender registry for life.

A person who has been convicted of or pled guilty or *nolo contendere* to attempt to commit criminal sexual conduct in the first degree (section 16-3-652) shall be required to complete sex offender registration pursuant to S.C. Code section 23-3-430. "The imposition of a sentence may have a number of collateral consequences, however, and a plea of guilty is not rendered involuntary in a constitutional sense if the defendant is not informed of the collateral consequences." *Smith v. State*, 329 S.C. 280, 494 S.E.2d 626. Applicant testified Plea Counsel failed to inform him that he would be required to be placed on the sex offender registry for life because of this conviction. Applicant further stated, as reflected in the plea transcript, that his registration was not discussed on the record when he pled guilty. Plea Counsel testified she advised Applicant of the sex offender registration requirement multiple times throughout his case. Plea Counsel provided written communication from Applicant which refute Applicant's testimony that he was not informed. Before his plea. Applicant wrote to Plea Counsel, "that's a Class A felony and that would make me register for life over me not doing anything please don't stick that stigma on me." After this exhibit was entered, Applicant did not present any evidence refuting it. This Court finds Applicant's testimony on this issue is **not credible**, and Plea Counsel's testimony is **credible**. The Court finds Plea Counsel properly and diligently advised Applicant about being placed on the sex offender registry multiple times before his plea.

Having to register as a sex offender is a collateral consequence of a sentence, since registration on the sex offender registry has no effect on the range of punishment and is not intended to punish. Therefore, this Court finds that Plea Counsel is not ineffective for failing to advise applicant

of the requirement that he register. *Williams v. State*, 378 S.C. 511, 662 S.E.2d 615 (2008). Registration on the sex offender registry has no direct bearing on the range of the defendant's punishment as delineated in *Cuthrell v. Dir., Patuxent Inst.*, 475 F.2d 1364, 1365-66 (4th Cir. 1973). Therefore, this Court finds that this allegation fails to state a cognizable claim. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: **Plea Counsel told Applicant she could work out a deal for rehabilitation and probation but would later tell Applicant he could only enter a straight plea of 0-30 years.**

Allegation: **Plea Counsel lied to Applicant and promised him a 5-to-7-year plea deal.**

Applicant alleged Plea Counsel advised Applicant he would likely receive a five to seven years sentence which included rehabilitation and probation. Applicant testified Plea Counsel promised him a similar (five to seven years) sentence and did not properly negotiate with the solicitor to obtain an offer. Plea Counsel testified no offer existed other than a straight up plea in exchange for dismissal of other pending charges. Plea Counsel testified she told Applicant it was a straight up plea, the possible punishment he faced, and made no promise to him about a sentencing outcome. Plea Counsel testified she believed rehabilitation programs were possible for Applicant because he was preapproved for two programs. Plea Counsel testified she told Applicant that she would ask for 5-7 years active time followed by probation during which Applicant could participate and complete the rehabilitation program. The Court finds Applicant's testimony on this issue is **not credible**, and Plea Counsel's testimony is **credible**. The Court finds Plea Counsel properly and diligently advised Applicant about the charge, nature of the charge, possible punishment, and the sex offender registry requirement. At his plea hearing. Applicant testified under oath that he understood it was straight up and the sentencing range. (Plea Tr. p. 4). Plea Counsel requested the plea court consider a split sentence with seven years active time, followed

by enrollment in a rehabilitation program while on probation. (Plea Tr. pp. 15-16). Plea Counsel was not deficient, nor did Applicant suffer any prejudice resulting therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: **Plea Counsel refused to review discovery and video footage with Applicant.**

Allegation: **Applicant would have gone to trial had Plea Counsel investigated and reviewed discovery with him.**

At the evidentiary hearing, Applicant alleged Plea Counsel was constitutionally ineffective for failing to review discovery and video footage with him. This Court finds that Applicant has failed to meet his burden of proof. An applicant who alleges his or her defense attorney was ineffective in failing to spend more time preparing or providing a copy of the discovery materials must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. *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)), *abrogated on other grounds by Smalls*, 422 S.C. 174, 810 S.E.2d 836. Furthermore, an applicant must also show how the new evidence or defenses would have resulted in a different outcome. *Id.* (citing *David 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. *Id.*, 377 S.C. at 75, 659 S.E.2d at 145 (citing *Glover v. State*, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

At the evidentiary hearing, Applicant testified that his motivation for pleading guilty derived in part from the solicitor's unwillingness to work with Applicant. Applicant's testimony acknowledged he had just been released from incarceration but felt the solicitor should have made an offer. Applicant stated he did not want to "have his life taken" and serve a greater sentence.

On direct examination, Plea Counsel testified that she received discovery from the State and the Public Defender's Office. Plea Counsel testified that she requested discovery and reviewed it with Applicant on at least three occasions. Plea Counsel also testified that while she could not show Applicant the video footage at the detention center, she discussed the contents with him.

This Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." *Ard v. Catoe*, *supra*. Also, this Court finds Applicant has failed to overcome his burden in proving Plea Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. *See Butler*, *supra*. This Court finds Plea Counsel **credibly** testified that she met with Applicant 18 times and went over discovery with Applicant after requesting and receiving it. Furthermore, this Court finds that Applicant has failed to present what evidence or defenses could have been discovered had Plea Counsel further reviewed discovery with Applicant. For the foregoing reasons, the Court finds Plea Counsel was not deficient, nor did Applicant suffer any prejudice resulting therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

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), an 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 PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

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

AND IT IS SO ORDERED this 17th **day of** October, **2025.**

Jane H. Merrill

JANE H. MERRILL
Presiding Judge
Tenth Judicial Circuit

Greenwood, South Carolina

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