

RECEIVED

DEC 05 2025

**NOTICE OF APPEAL FROM A PCR DENIAL BY THE COURT OF
COMMON PLEAS** S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In Supreme Court of SC

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case #2021-CP-43-01588

The State,

Respondent,

v.

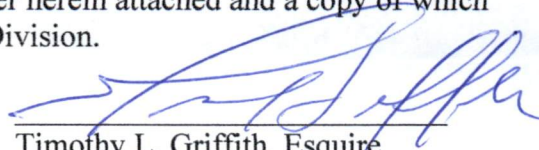
Michael Vandrell Johnson

Appellant.

NOTICE OF APPEAL

Michael Vandrell Johnson, appeals the decision of the Court, in the order dated November 14, 2025, received by counsel on December 2, 2025, where Mr. Johnson was denied his request for Post-Conviction Relief. Mr. Johnson was represented at the hearing by Timothy L. Griffith, Attorney at Law who files this notice on behalf of the Appellant. The order herein attached and a copy of which is also forwarded to the SCCID Appellate Division.

Dated 12/2/25


Timothy L. Griffith, Esquire
2338 Mount Vernon Dr.
Sumter, SC 29154
Telephone: (803) 499-2012
Attorney for Appellant (relieved)
Will not be representing on appeal

Other Counsel of Record:
Zachary W. Jones, Esquire
Assistant Attorney General
South Carolina Attorney General's Office
P.O. Box 11549, Columbia, S.C. 29211

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Michael Vandrell Johnson, #3090430

Applicant,

v.

State of South Carolina,

Respondent.

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

) Case No.: 2021-CP-43-01588

) **ORDER OF DISMISSAL**

RECORDED
2025 NOV 20 PM 3:52
JAMES S. GRIFFITH
CLERK OF COURT
SUMTER COUNTY, S.C.

This matter comes before the Court by way of an application for post-conviction relief (“PCR”) filed by Michael Vandrell Johnson (“Applicant”) on September 13, 2021, and amended on June 27, 2022. The Court convened an evidentiary hearing into the matter on November 3, 2022, at the Sumter County Courthouse. Applicant was present at the hearing and represented by Timothy L. Griffith, Esq. Zachary W. Jones, of the South Carolina Attorney General’s Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant’s trial counsel, Michael Routzong, Esq. (“Counsel”), also testified. After reviewing all records and evidence before the Court, this Court finds Applicant has not met his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is currently confined in the South Carolina Department of Corrections. The Sumter County Grand Jury indicted Applicant for armed robbery (2019-GS-43-0414). Applicant was represented by Assistant Public Defender Michael Routzong of the Third Circuit Public

Defender's Office. Assistant Solicitor Tyler Brown of the Third Circuit Solicitor's Office prosecuted the case. On September 29, 2020, Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr., circuit court judge. However, following pre-trial motions and the striking of a jury, Applicant elected to forgo his right to a jury trial and changed his plea to guilty. Following a through plea colloquy, Judge Cothran accepted Applicant's guilty plea and sentenced him to seventeen years of imprisonment. Applicant did not pursue a direct appeal or otherwise challenge his plea or sentence until the filing of this instant post-conviction relief action.

Factual Summary

On January 21, 2019, Applicant entered a Family Dollar store in Sumter, brandished what appeared to be a firearm, and demanded monies from store employees, who complied with his demands. The encounter was captured on surveillance video. Applicant then fled the store on foot and was apprehended while in possession of the items consistent with what was presented as a handgun during the robbery and the monies taken. He was subsequently arrested and charged with armed robbery.

Present Application

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following grounds:

(a) Ineffective assistance of counsel: "Chronic v. State" and "Strickland v. Washington"

- "failure to raise objections to rights violated, etc."

(b) "Fourth Amendment Violated/Sixth Amendment Violated"

- "lack probable cause/lack reasonable suspicion, etc."

(c) Involuntary Guilty Plea

- lack of effective assistance of counsel

As requested relief, Applicant states he is seeking, “dismiss[al] [of the] case d[ue] to the fourth amendment violation, new trial.”

On June 27, 2022, Applicant amended his application to include the following allegations of ineffective assistance of counsel:

1. Applicant’s attorney told him he would be convicted at trial and pressured him to take the plea.
2. His attorney only visited him a few times, and Applicant did not feel he had enough time to speak with his attorney.
3. He did not get to see all of his discovery, which he received only after the plea.
4. His attorney did not appeal his plea. He himself sent a letter to the Sumter Clerk of Court saying he wanted to appeal, but he received a reply after the ten days saying he had sent it to the wrong court. He was denied his right to appeal.
5. His attorney failed to fully investigate the case and could have found witnesses or information to clear him.
6. At the time of the plea, he had been on the wrong medications and was not really thinking clearly.

At the evidentiary hearing, Applicant proceeded on the allegations raised in his amended application.¹

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 transcripts of Applicant’s trial and plea proceedings, the records of the Sumter County Clerk of Court regarding the subject convictions, 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

¹ Applicant clarified that he was waiving ineffective assistance claims against any attorney other than Michael Routzong.

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:

Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of counsel are without merit. In 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. 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 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 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. “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 prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury.” *United States v. Basham*, 789 F.3d 358, 371–72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, 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). 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, 73–74 (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.”). Statements made during a guilty plea should be considered conclusive, unless an applicant presents valid reasons why he or she 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)).

Allegation 1: Counsel pressured Applicant into pleading guilty

Applicant argues Counsel pressured him into pleading guilty by telling him he would likely be convicted at trial. The Court finds this allegation is meritless. The record includes the transcript of Judge Cothran’s plea colloquy with Applicant, in which Applicant agreed that he wanted to plead guilty, that he was not promised anything or threatened in any way, that he understood he was facing up to 30 years in prison, and that he understood the rights he would be waiving by pleading guilty. (Tr. pp.122–25). Applicant also told the court he had enough time to consult with Counsel and he was satisfied with Counsel’s representation. (Tr. p.122, lines 17–22).

Applicant’s sworn statements during the plea colloquy “carry a strong presumption of verity,” and he bears the burden to show valid reasons why he should now be permitted to depart from the truth of those statements. *Blackledge*, 431 U.S. at 73–74; *Dalton*, 376 S.C. at 137–38, 654 S.E.2d at 874.

At the evidentiary hearing, Counsel explained Applicant was caught on the store’s surveillance video committing the crime. Although the figure on the video was wearing a mask, he could be identified by his distinctive clothing, which included a blue belt, blue pants, red-and-black plaid underpants that were visible when he reached over the store counter, and a black jacket with a distinctive white tag on the back (suggesting it was being worn inside-out). Applicant was arrested a short time later, and Counsel was able to examine the clothes he was wearing when he

was arrested, which included red-and-black plaid underpants, a blue belt and blue pants, and a Carhart jacket, which when reversed looked identical to the jacket in the security video. Applicant also had a large amount of cash in his possession when he was arrested.

Counsel testified that, based on these facts, he believed Applicant would be convicted at trial unless he could suppress the evidence obtained during the arrest.² He moved for suppression on the ground that law enforcement lacked probable cause to arrest Applicant because he did not match the description of the suspect, who was described as wearing a black jacket. Counsel recalled telling Applicant he would likely be convicted if the evidence was not suppressed. Ultimately, Counsel's suppression motion was denied. (Tr. pp.109-17). Counsel testified that, after the suppression motion was denied, Applicant made it clear he wished to plead guilty.

The Court finds Applicant's testimony at the evidentiary hearing, to the extent it contradicts his sworn statements during the plea colloquy, is not credible. The Court further finds Counsel credibly testified that the ultimate decision to plead guilty was made by Applicant. To the extent Applicant's decision to plead guilty was influenced by Counsel's advice that he would likely be convicted if he went to trial, the Court finds Counsel's advice was reasonable in light of the strength of the State's evidence. Therefore, Applicant has not met his burden of proving either deficiency or prejudice as to this allegation. Accordingly, the Court finds this allegation must be denied and dismissed with prejudice.

Allegation 2: Failure to adequately visit and consult with Applicant

² Counsel also testified he was prepared to argue at trial that Applicant was not armed when he robbed the store, but he noted that the video showed Applicant pointing an object at the person behind the counter, who appeared genuinely frightened and even jumped over a divider to get away from Applicant.

Applicant argues Counsel was ineffective for failing to sufficiently visit with him and discuss his case. The Court finds this allegation is meritless. At the plea proceeding, Applicant testified he had had enough time to meet with his attorney and he was satisfied with Counsel's representation. (Tr. p.122, lines 17-22). Counsel testified at the evidentiary hearing that he met with Applicant multiple times at the jail and went over all the discovery with him in person prior to trial. The Court finds Applicant's sworn statements at the plea colloquy are more credible than his contrary statements at the evidentiary hearing. The Court further finds, based on Counsel's credible testimony at the evidentiary hearing, that Counsel met with Applicant a sufficient number of times and adequately went over the case with him; therefore, Counsel was not deficient. In addition, Applicant has not explained how the outcome of his case would have been different had Counsel met with him more often or discussed the case with him more thoroughly. Therefore, Applicant has not met his burden of proving he was prejudiced by Counsel's conduct. Accordingly, this allegation is denied and dismissed with prejudice.

Allegation 3: Failure to provide discovery to Applicant

Applicant claims he was not shown all his discovery prior to entering his guilty plea. The Court finds this allegation meritless. Counsel testified he provided all the discovery to Applicant, except that he had to provide still photos instead of videos because the detention center did not have facilities for inmates to watch videos. However, he was able to show Applicant the videos during his visits with him to go over the discovery. Counsel testified he met with Applicant multiple times and went over all the discovery with him. The Court finds Counsel's testimony credible and Applicant's testimony not credible as to this issue.

In addition, to prove prejudice from failure to review discovery, a PCR applicant must present some new evidence or defenses that could have been discovered by counsel's further

review of the discovery. *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)). Here, Applicant did not present any new evidence or defenses that purportedly could have been discovered by further review of the discovery. Accordingly, the Court finds Applicant has not met his burden of proving either deficiency or prejudice as to this claim, and this allegation is denied and dismissed with prejudice.

Allegation 4: Failure to appeal

Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal only when there is reason to think (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for an 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, 480 (2000). A highly relevant factor in this analysis is whether the conviction follows a guilty plea, because a guilty plea reduces the scope of appealable issues and indicates that the defendant seeks an end to further judicial proceedings. *Id.* In addition, where the sentencing court clearly instructs a defendant about his appeal rights, counsel might reasonably decide he need not repeat that information. *Id.* at 479–80.

Applicant argues Counsel was ineffective for failing to file an appeal from his guilty plea despite Applicant's desire to appeal. In support of this claim, Applicant submitted a letter from

the Sumter County Clerk of Court, dated October 12, 2020 (more than ten days after his conviction and sentence), which stated as follows:

Dear Mr. Johnson,
Once you have pled guilty and have been sentenced, you can't just request a jury trial. There are other actions you can take like filing an appeal or a PCR. You have ten (10) days from the date you were sentenced to file and [sic] appeal and looks [sic] like you have missed that time. However, you can file a PCR anytime. We have enclosed a PCR application for your convenience.

Applicant claims this letter indicates that he expressed a desire to appeal within the ten-day period for filing a notice of appeal. On the contrary, the most natural reading of this document suggests that Applicant requested a *jury trial*, which the Clerk of Court explained was not available because Applicant had entered a guilty plea. The Clerk of Court then mentioned “other actions” Applicant could have taken, including filing an appeal—again suggesting that what Applicant requested was something *other* than an appeal.³ Moreover, there is no indication in the letter that Counsel was ever informed of Applicant’s supposed desire to appeal.

At the evidentiary hearing, Counsel testified he did not recall Applicant asking for an appeal at any time. He also testified he had no records or notes in his file of any communications from Applicant about an appeal. The Court finds Counsel’s testimony credible. Furthermore, Applicant admitted that he never asked Counsel to file an appeal.

The Court finds this allegation is meritless. Applicant has admitted that he never demonstrated to Counsel an interest in appealing. Moreover, Applicant has not met his burden of proving that a rational defendant would want to appeal; he has not shown that there were any non-

³ Applicant introduced a subsequent letter from the Clerk of Court, dated October 29, 2020, informing him that any appeal must be filed with the court of appeals. Applicant testified that this letter was sent in response to a letter he sent attempting to file a notice of appeal within the ten-day filing period, but he did not introduce a copy of the letter he sent. The Court finds Applicant’s testimony on this point not credible.

frivolous grounds for appeal, and the fact that he was convicted after a guilty plea significantly reduced the possible scope of appealable issues and suggested he was seeking an end to judicial proceedings. Finally, the plea court explained Applicant's appeal rights during the plea colloquy, and Applicant indicated he understood. (Tr. p.125, lines 4-9). Accordingly, the Court finds Counsel was not deficient for allegedly failing to advise Applicant of his appeal rights or to file a notice of appeal on his behalf. Therefore, this allegation is denied and dismissed with prejudice.

Allegation 5: Failure to adequately investigate

Applicant argues Counsel failed to adequately investigate his case. Applicant claims that, if Counsel had more thoroughly investigated the case, he would have uncovered exculpatory evidence. The Court finds this allegation meritless.

Counsel credibly testified that he hired an investigator and went to the scene of the robbery. Because the robber left the store carrying a cash register drawer, Counsel and the investigator looked for the drawer in the vicinity. Counsel testified he was hoping to find the drawer in a location that would prove the robber went in the opposite direction from where Applicant was arrested. In addition, he was hoping there might be fingerprint evidence on the drawer that could have exonerated Applicant. Ultimately, however, they were not able to find the cash register drawer. Counsel also recalled that they were not able to locate the woman who was behind the counter during the robbery.

Counsel also testified that Applicant's explanation for the cash in his possession at the time of his arrest was that he had just cashed a check at a nearby liquor store. In an attempt to corroborate this story, Counsel went to the liquor store and questioned the clerk, but the clerk did not remember what happened on the date of the crime. Counsel recalled that the store's security camera either wasn't working or had recorded over the footage of the night of the robbery.

Counsel testified he went to the evidence locker and examined the clothing Applicant was wearing when he was arrested. Based on the clothing and other items in Applicant's possession at the time of arrest, as well as the surveillance video from the store that was robbed, Counsel believed Applicant would likely be convicted if he were unable to suppress the evidence.

The Court finds Counsel conducted a thorough investigation of the case and pursued several potential theories for the defense. The mere fact that Counsel's investigation did not yield any exculpatory evidence does not mean the investigation itself was inadequate. Therefore, the Court finds Counsel's performance was not deficient.

In addition, Applicant failed to introduce any evidence at the evidentiary hearing that purportedly would have been discovered by a more thorough investigation. Therefore, he has failed to meet his burden of proving prejudice. *See, e.g., Martin v. State*, 427 S.C. 450, 455, 832 S.E.2d 277, 279–80 (2019) (holding a PCR applicant who claims trial counsel was ineffective for failing to call certain witnesses must produce those witnesses or their testimony at the PCR hearing); *Taylor v. State*, 258 S.C. 369, 378, 188 S.E.2d 850, 854 (1972) (holding a PCR applicant's allegation that his trial counsel failed to adequately investigate his case was unsupported where the applicant failed to point out any beneficial evidence which could have been discovered by further investigation). Therefore, this allegation is denied and dismissed with prejudice.

Allegation 6: Applicant was on medication at the time of his plea

Applicant alleges he was on medications at the time of his plea that prevented him from thinking clearly. The Court finds this allegation meritless. At the plea proceeding, the following exchange occurred:

THE COURT: Do you have any mental diseases that would keep you from understanding what you're doing here today?

THE DEFENDANT: I'm on medication for hallucinations and things like that; but when I'm taking it, it got me to a level so I understand what's going on.

THE COURT: Okay. How long have you been on his medication?

THE DEFENDANT: About a year or two years now.

THE COURT: Okay. So you're clear headed today and you understand exactly what's going on?

THE DEFENDANT: Yes, sir.

(Tr. p.123, lines 4–18). In addition, Applicant's statements throughout the transcript of his trial and guilty plea indicate that he was alert, communicative, and able to formulate and express clear ideas. Furthermore, Counsel testified that he never had any concerns about Applicant's competency and observed no evidence of mental impairment.

The Court finds Counsel's testimony, and Applicant's sworn statements during the plea proceeding, credible. The Court finds Applicant's contrary testimony at the evidentiary hearing not credible. Accordingly, the Court finds Applicant has failed to meet his burden of proof as to this issue.

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.

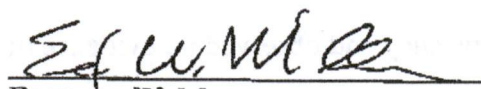
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), 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. That Applicant be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 17 day of November, 2025.


EDWARD W. MILLER
Presiding Judge
Third Judicial Circuit

Brenn, South Carolina