

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable R. Lawton McIntosh, Circuit Court Judge

MARK S. WINGO,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000935

PETITION FOR WRIT OF CERTIORARI

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ISSUES PRESENTED

I. Did the post-conviction relief court err denying relief where defense counsel was ineffective for failing to conduct an independent investigation prior to advising petitioner to plead guilty rendering petitioner's guilty plea invalid?

II. Did the post-conviction relief court err denying relief where defense counsel was ineffective for failing to address petitioner's mental health difficulties throughout her representation rendering petitioner's guilty plea invalid?

III. Did the post-conviction relief court err denying relief where defense counsel misadvised petitioner regarding sentencing and a potential state's witness thus inducing an invalid guilty plea?

STATEMENT

On August 24, 2018, a Spartanburg County grand jury indicted petitioner for trafficking methamphetamine. App. 299-300. On May 6, 2019, petitioner pled guilty to trafficking methamphetamine before the Honorable J. Mark Hayes, II.¹ App. 1-20. Andrea Price represented petitioner. App. 1. Sydni Kallam prosecuted for the state. App. 1. Judge Hayes sentenced petitioner to fifteen years' imprisonment to run concurrently with his present sentence. App. 20, ll. 15-17.

On the same day as his guilty plea, May 6, 2019, petitioner filed a motion to reconsider his sentence. App. 22. On May 9, 2019, petitioner moved to withdraw his guilty plea. App. 23. On October 2, 2019, Judge Hayes held a hearing on the above motions. App. 24-30. During the hearing petitioner went forward only on the motion to withdraw his guilty plea. App. 27, ll. 2-17. On October 28, 2019, Judge Hayes denied petitioner's motion to withdraw his guilty plea by written order. App. 32-33.

Thereafter, petitioner filed an application for post-conviction relief (PCR). App. 34-40. On September 3, 2024, an evidentiary hearing was held before the Honorable R. Lawton McIntosh. App. 52-191. Tricia Blanchette represented petitioner. App. 52. Bryan Hall appeared for the state. App. 52.

Judge McIntosh signed an order denying PCR on November 22, 2024. Subsequently, petitioner filed a motion pursuant to Rule 59, SCRPC. App. 233-241. On January 1, 2025, Judge McIntosh held a hearing on petitioner's motion. App. 250-294. On April 8, 2025, Judge McIntosh denied petitioner's motion by written order. App. 296-297.

This petition follows.

¹ Petitioner's guilty plea was taken as part of a group guilty plea with several defendants with unrelated cases. App. 3-9.

ARGUMENTS

Introduction

Defense counsel was ineffective resulting in an invalid guilty plea, and this Court should grant certiorari to review the PCR court's denial of relief. Petitioner's defense counsel was deficient where she admittedly failed to do any independent investigation in petitioner's case prior to advising him to plead guilty to a violent and serious charge. Petitioner's defense counsel was deficient where the record reflects, she failed to address serious concerns regarding petitioner's mental health throughout her representation of him and during his guilty plea to a violent and serious charge.

Petitioner's defense counsel was deficient where she misadvised petitioner regarding a potential state's witness if he were to continue to trial and about sentencing in his case.

Petitioner was prejudiced by these failures where he repeatedly testified at his PCR hearing that but for these deficiencies, he would not have pled guilty but would have gone to trial

Guilty plea and post-plea motion proceedings

Petitioner pled guilty during a group plea that involved at least seventeen other defendants pleading in unrelated cases. App. 3-9. During the guilty plea petitioner and the other defendants were addressed as a group regarding the specific questions generally asked during a guilty plea hearing. App. 9-13.

During the guilty plea the state alleged that on September 28, 2017, while incarcerated, petitioner contacted a confidential informant (CI) via a contraband cell phone. During his discussions with the CI petitioner arranged for the CI to meet another individual for the purpose of selling a quantity of methamphetamine. App. 15-16.

After the state's recitation of the facts the plea court asked petitioner if he agreed with the

facts. Petitioner responded, “[s]omewhat. No.” After speaking with defense counsel petitioner returned and agreed he was guilty of trafficking methamphetamine. App. 16, ll. 18-24; 17, 5-24.

During sentencing defense counsel offered no mitigation on petitioner’s behalf. Counsel asked the court to begin petitioner’s sentence starting that day and run it concurrent to the sentences he was already serving. App. 18, 25—19, l. 24. Immediately thereafter, petitioner stated he wished to withdraw his guilty plea. App. 19, l. 25. Then the following interaction occurred:

Defense counsel: Sir, you're making a mistake.

Petitioner: Nah this is---

Defense counsel: You're making a mistake.

Petitioner: That is not what y'all told me Friday.

Defense counsel: Yes, it is.

Petitioner: It's not.

(Pause.)

The court: Just talk to your lawyer.

(Pause.)

The court: All right. Do you still want to go ahead with the plea?

Petitioner: Yes, I do.

The court: All right. I'll find that there's a substantial factual basis for the plea. On this case, it will be a 15 year sentence at the State Department of corrections. I've indicated that it would run concurrent with his present sentence. Good luck to you, sir.

Defense counsel: Thank you, Your Honor.

App. 20, ll. 1-19.

That same day defense counsel filed a motion to reconsider sentence. App. 22. Three days later, on May 9, 2019, counsel filed a motion to withdraw petitioner’s guilty plea. App. 22. The plea court held a hearing on the motions on October 2, 2019. App. 24. Defense counsel informed the court petitioner wished to withdraw his motion for reconsideration of sentence and only go forward on the motion to withdraw his guilty plea. Petitioner confirmed to the plea court he wished to go forward only on his motion to withdraw his guilty plea. App. 26, l. 23—27, l. 20.

Defense counsel asserted petitioner wished to withdraw his guilty plea for two reasons. First, because he was not given his mental health medication on the day of the guilty plea hearing. In support of this basis of withdrawal, counsel offered no argument, but she handed over a letter² for the court to consider from Dr. Howard, a psychiatrist. Counsel offered no explanation or argument regarding the letter or this basis of withdrawal but merely said, “it’s pretty self-explanatory . . . I won’t go into it today.” App. 28, l. 1—29, l. 9.

Counsel told the court the second reason petitioner wished to withdraw his guilty plea was after the guilty plea petitioner ascertained the state’s potential material witness against him never intended to testify. App. 29, ll. 10-23. That witness was not present on the day of this hearing. Defense counsel moved for a continuance in order to present his testimony. App. 29, l. 24—30, l. 1. The solicitor told the court the witness, Randy Hollifield, met with them and identified petitioner’s voice on a phone recording with the CI and agreed to testify for the state against petitioner at trial. App. 30, ll. 3-13. The court deferred ruling until a later date. App. 30, ll. 16-19.

By written order the court denied petitioner’s motion to withdraw, stating the arguments were not sufficiently supported by a factual foundation.³ The court found specifically, the record did not indicate petitioner’s mental health issues interfered with the guilty plea and that the assertion regarding Hollifield was “unclear.” App. 32-33.

PCR proceedings

Prior to the evidentiary hearing, PCR counsel filed an amended PCR application and

² A copy of Dr. Howard’s letter was made an exhibit at petitioner’s PCR hearing and is included in the appendix. Applicant’s exhibit 2; App. 204.

³ The order is titled “order denying reconsideration of sentence.” App. 32. However, the body of the order addresses petitioner’s motion to withdraw his guilty plea. App. 32-33.

informed the court during the hearing that those were the allegations petitioner was going forward on. App. 49-51; 58, l. 16—59, l. 4. The allegations set forth in the amended application are as follows:

1. [Defense] counsel provided ineffective assistance of counsel that rendered [petitioner's] guilty plea involuntary, due to but not limited to the following:

a. Counsel failed to properly review the evidence with [petitioner] and conduct an independent investigation prior to the entry of the guilty plea.

b. Counsel failed to prepare for trial and properly advise [petitioner] regarding possible defenses.

c. Counsel misadvised [petitioner] prior to the entry of the plea agreement regarding the evidence against him and credit for time served, which induced his guilty plea. Additionally, counsel failed to ensure that he had a full and complete understanding at the time of the guilty plea.

d. Counsel failed to properly address [petitioner's] mental health, specifically, but not limited to his medications, prior to and during his guilty plea.

2. Counsel provided ineffective assistance of counsel in preparation for and during the post-plea motion hearing, to include failure to utilize a mental health expert, failure to address [petitioner's] understanding regarding time credit, failure to ensure availability of a witness, and failure to properly advise [petitioner] before the withdrawal of the motion to reconsider.

3. [Petitioner] did not knowingly and voluntarily waive a direct appeal and requests a belated appeal under *White 11. State*, 263 S.C. 110, 208 S.E.2d 35 (1974).

App. 49-50.

At the PCR hearing Dr. Donna Maddox was qualified as an expert in forensic psychiatry. App. 64, ll. 4-24. Dr. Maddox discussed Dr. Howard's letter, admitted during petitioner's hearing on his post-plea motion to withdraw. App. 66-69. Dr. Maddox explained Dr. Howard wrote a letter dated March 21, 2019, stating that while in the county detention center in Spartanburg petitioner was not being given his psychiatric medication. The letter explained how this affected petitioner and his ability to participate in his defense. App. 67, ll. 1-7. The letter

explained that if he were not given his medication he would be unable to focus and participate with his attorney. The letter further stated the “sudden [cessation] of these medicines . . . could lead to worsening impulse control, difficulty with focus, physical withdrawal symptoms, and potential for significant worsening of depression” and warned that petitioner needed access to his prescribed medications for these reasons. Applicant’s exhibit 2; App. 67, ll. 8-12; 68, ll. 3-9.

Based on her evaluation of petitioner, review of his case, review of his medical records, and review of the transcripts below, Dr. Maddox opined that due to being unmedicated petitioner likely became acutely paranoid and agitated in 2019, at the time of his guilty plea. App. 70, ll. 15-20; 74, ll. 6-9. She testified that an explanation beyond the letter was necessary for the plea court to consider in order to understand how petitioner’s unmedicated state would affect his ability to understand and to plead guilty. App. 75, l. 13—76, l. 11.

Private investigator, Brian Setree, reviewed the case and testified at petitioner’s PCR hearing. App. 86-104. Investigator Setree, stated that after his review he had concerns. One of his interests was the motivation of the CI and the history of this particular CI because without this individual “I’m not sure the crime ever happens.” App. 94, l. 15—95, l. 16; 96, ll. 13-20. Setree also had concerns regarding the chain of custody of the drugs because law enforcement was not in control of them the entire time. App. 97, ll. 5-16. He spoke with Randy Hollifield, the witness the state claimed would testify against petitioner were he to go to trial. After their conversation Setree believed Hollifield never intended to testify in this case. App. 99, l. 2—100, l. 24. He also testified defense counsel never contacted Hollifield prior to petitioner’s guilty plea. App. 101, ll. 1-12.

Throughout the PCR hearing petitioner insisted that he had not been misadvised by counsel and had he been properly medicated at the time of his guilty plea he would not have pled

but would have insisted on going to trial. App. 110, ll. 12-14; 115, ll. 3-8; 116, ll. 20-24; 119, ll. 19-25; 120, ll. 4-12; 134, ll. 4-13.

Regarding the state of his mental health petitioner informed defense counsel had not been given his necessary psychiatric medications and gave her the letter from Dr. Howard. App. 113, ll. 6-12; 114, ll. 21-23. He testified that during his guilty plea he was experiencing physical and mental withdrawal from his medication, and he really did not know what to do during the group guilty plea. App. 124, ll. 1-10; 125, ll. 10-21.

Petitioner stated he spoke with defense counsel regarding his questions about the CI in his case and the facts alleged by the state. App. 115, ll. 15-22; 116, ll. 6-24. Petitioner denied having called the CI requesting he sell drugs and testified that the CI sought him out to help him find methamphetamines. App. 116, ll. 11-17.

Petitioner testified the turning point for him was that the day before his guilty plea he was told by counsel that Randy Hollifield, his brother-in-law and a member of law enforcement, would testify against him at his trial and tell the jury it was his voice on the recordings. He was also told by counsel that he would get credit for time served (517 days) on these charges. Due to these facts he decided to plead guilty. App. 120, l. 16—122, l. 21.

Petitioner asked defense counsel to file a motion to withdraw almost immediately after the guilty plea because he realized that he was not getting credit for his 517 days time served. App. 130, l. 17—131, l. 20.

Defense counsel testified that she first met with petitioner on March 8, 2018, when he was transported to Spartanburg County for his preliminary hearing. App. 101, ll. 2-7. Counsel said that despite being told by petitioner that he was not being given his psychiatric medication he seemed “pretty normal” to her and there was nothing to suggest he would not be fit for court.

App. 153, l. 19—154, l. 6.

Defense counsel readily admitted she conducted no independent investigation, nor did she request an investigator do so. She claimed she saw no defense for petitioner to put forth at trial. App. 156, l. 19—157, l. 20. Defense counsel did not contact the state’s potential witness, Mr. Hollifield, because she had no reason to doubt the solicitor’s honesty. App. 163, ll. 2-23; 165, ll. 4-15. She denied telling petitioner he would be entitled to credit for time served. App. 161, ll. 20-23.

Discussion

Entering a guilty plea results in a waiver of several constitutional rights, therefore the Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently by defendants. *Boykin v. Alabama*, 395 U.S. 238 (1969). The United States Supreme Court has held that before a court can accept a guilty plea, a defendant must be advised of the constitutional rights they are waiving. *Id.* Specifically, a defendant must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers.

In addition to the requirements of *Boykin*, a defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived. *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). “Any defects in the information conveyed by defense counsel can be cured by information provided at the guilty plea proceeding. *Rollinson v. State*, 346 S.C. 506, 513, 552 S.E.2d 290, 293 (2001) (citing *Moorehead v. State*, 329 S.C. 329, 496 S.E.2d 415, (1998)). “The knowing and voluntary nature of the plea ‘may be accomplished by colloquy between the Court and the defendant, between the Court and defendant’s counsel or

both.” *Id.* (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)).

“An ineffective assistance claim has two components: A petitioner must show that counsel’s performance was deficient, and that the deficiency prejudiced the defense.” *Wiggins v. Smith*, 539 U.S. 510, 521, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003). The two-part test also “applies to challenges to guilty pleas based on ineffective assistance of counsel.” *Hill v. Lockhart*, 474 U.S. 52, 58 (1985). “A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty, but would have insisted on going to trial.” *Holden v. State*, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011) (quoting *Rolen v. State*, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009)).

In addressing the adequacy of a PCR applicant’s guilty plea, it is proper to consider both the guilty plea transcript, and the evidence presented at the PCR hearing. *Id.* at 573, 713 S.E.2d at 615 (citing *Suber v. State*, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007)). “[T]here is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case.” *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). *Sellner v. State*, 416 S.C. 606, 610–11, 787 S.E.2d 525, 527 (2016).

The Supreme Court of South Carolina has considered the requirements of a valid guilty plea previously, including in the following cases.

In *State v. Hazel*, the Court held defendant’s guilty plea was not knowing and therefore invalid because it was made without an understanding of the sentencing consequences. 275 S.C. 392, 271 S.E.2d 602 (1980). In that case neither defense counsel nor the plea court made

defendant aware of the mandatory punishment for the offense they pled guilty to. *Id.*

In *Dover v. State*, the Court affirmed the lower court's grant of PCR, holding defendant's guilty plea was not voluntarily and understandingly made where defendant was not made aware of the consequences of his guilty plea.⁴ 304 S.C. 433, 405 S.E.2d 391 (1991). In that case the defendant pled guilty to twenty-nine indictments including grand larceny, burglary, second degree burglary and petit larceny and was given an aggregate sentence of twenty-five years' imprisonment. *Id.* at 434, 405 S.E.2d at 392. In that case the Court found defendant's guilty plea was not voluntarily and understandingly made where defendant did not have a full understanding of the consequences of his plea where it was not established that defendant understood the severity of the crimes or the sentences they carried. *Id.* The Court analogized *Dover* to *Hazel* where the defendant was not made aware that her charges carried a mandatory life sentence. *Id.* at 435, 405 S.E.2d at 392.

In *Harres v. Leeke*, the Court reversed the lower court's grant of PCR and held defendants' guilty pleas were voluntary and knowing. 282 S.C. 131, 318 S.E.2d 360 (1984). In that case two defendants pled guilty to exhibiting obscene films and were sentenced. *Id.* at 132, 318 S.E.2d at 360. At the PCR hearing the defendants testified it was their belief the plea court would sentence them to probation, and they were instead sentenced to active time. Based on the defendants' testimonies during the plea hearing and their testimonies during the PCR hearing the Court found the guilty pleas were knowing and voluntary. *Id.* at 133, 318 S.E.2d at 361.

In *Rollinson v. State*, the Court reversed the lower court's grant of PCR and held (1) counsel was not ineffective for failure to challenge the legality of a weapons frisk that led to discovery of drugs and (2) counsel was not ineffective in allowing defendant to plead guilty to

⁴ The Court disagreed with the lower court's reasoning and affirmed the result on other grounds appearing in the record.

both first and second offense drug charges. 346 S.C. 506, 507, 552 S.E.2d 290 (2001). In that case defendant pled guilty pursuant to a negotiated agreement to possession of crack cocaine possession with intent to distribute crack cocaine second offense and carrying a pistol. *Id.*

At PCR the lower court found counsel was ineffective in allowing defendant to plead to second offense possession with intent to distribute at the same time he was pleading guilty to his first drug offense. *Id.* at 510, 552 S.E.2d at 292. The Court disagreed finding he “knowingly intelligently, and voluntarily agreed to plead guilty to both as part of a plea bargain where the state dropped three other drug charges. *Id.* The Court found there was a sufficient factual basis presented for both charges reasoning “[a]ll that is required before a plea can be accepted is that the defendant understand the nature and crucial elements of the charges, the consequences of the plea, and the constitutional rights he is waiving, and that the record reflect a factual basis for the plea.” *Id.* at 511, 552 S.E.2d at 292.

In *Sellner v. State*, the Court reversed the PCR court’s denial of relief, granted defendant a new trial, and held defense counsel’s advice to defendant that he could be convicted of armed robbery without proof of a physical representation of a deadly weapon rendered counsel’s performance deficient. 461 S.C. 606, 607, 787 S.E.2d 525 (2016). In that case defendant was charged with armed robbery and because of prior convictions was subject to a sentence of life imprisonment without the possibility of parole. *Id.* at 608, 787 S.E.2d. at 526. At PCR, counsel testified there was no evidence defendant had a gun during the robbery or that he made any representation of a weapon. *Id.* at 609, 787 S.E.2d at 527. The Court found “counsel’s advice to [defendant] that he could be convicted of armed robbery without proof of a physical representation of a deadly weapon rendered counsel’s performance deficient and the PCR court erred in finding [] counsel effective. *Id.* at 612, 787 S.E.2d at 528.

I. The PCR court erred, denying relief where defense counsel was ineffective for failing to conduct an independent investigation prior to advising petitioner to plead guilty rendering petitioner's guilty plea invalid.

It was unreasonable for defense counsel to fail to conduct any investigation into the facts and evidence in petitioner's case and advise him to plead guilty to a violent and serious offense. Defense counsel admitted she conducted no independent investigation in petitioner's case and instead wholly relied on the discovery given by the solicitor's office. She eagerly admitted she failed to contact an important state's witness that supposedly would verify the voice on the recordings with the CI was that of petitioner. Counsel's stated reason for failing to investigate was that it was office policy unless there were "red flags" in discovery and she saw none in this case. However, Investigator Setree found red flags upon his review of the evidence in this case including a potential defense of entrapment. Setree contacted the supposed state's witness, Hollifield, who told him he never intended to testify for the state.

Due to defense counsel's unreasonable failure to conduct even a minimal investigation into the facts and circumstances in petitioner's case he was without any other real choice but to plead guilty. Like *Sellner*, there were discoverable problems with the state's evidence in this case. Because counsel never tried to discover the potential problems petitioner made the choice to take a guilty plea.

Petitioner was prejudiced by counsel's deficiency where but for counsel's failure he would not have pled guilty but would have gone to trial. *See Holden v. State*, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011) (Holding a defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable

probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial.). Petitioner's contention that he would not have pled guilty is strongly supported by the record below. *See Suber v. State*, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007) (Reasoning in addressing the adequacy of a PCR applicant's guilty plea, it is proper to consider both the guilty plea transcript, and the evidence presented at the PCR hearing). Petitioner attempted to withdraw his plea during the hearing. Petitioner demanded that defense counsel move to withdraw his guilty plea.

II. The PCR court erred denying relief where defense counsel was ineffective for failing to address petitioner's mental health difficulties throughout her representation rendering petitioner's guilty plea invalid.

Petitioner never claimed incompetency nor stated counsel was ineffective for failure to have him evaluated for competency. Since the time of his guilty plea petitioner has consistently stated that he was denied his psychiatric medications while housed in Spartanburg County before court proceedings including the days before he decided to plead guilty. Counsel acknowledged she knew this fact. Dr. Maddox opined regarding how being unmedicated would have affected petitioner during his guilty plea and stated that it would have caused acute paranoia and that he would have had trouble focusing during the hearing. Dr. Maddox said this may have been compounded by the fact that petitioner was part of a group guilty plea with several other defendants.

Defense counsel did not dispute petitioner's claim regarding his medication. However, counsel failed to take petitioner or the situation seriously when he came to her with his concern. She was deficient in advising him to plead guilty knowing that he was mentally unwell on that day.

Counsel was also deficient for failing to adequately argue to the plea court in the motion to withdraw regarding petitioner's mental state at the time of the guilty plea. Instead of taking the time to explain to the plea court that petitioner was unmedicated during his guilty plea or call Dr. Howard to explain the difficulty counsel handed up a letter without context, wrongly assuming it was self-explanatory.

As stated above petitioner was prejudiced by counsel's deficiency where but for her failures as his counsel, he would not have pled guilty but would have continued to trial. This contention is well supported by evidence in the record.

III. The PCR court erred denying relief where defense counsel misadvised petitioner regarding sentencing and a potential state's witness thus inducing an invalid guilty plea.

Counsel was deficient in her advice to petitioner regarding what would happen at trial and in advising him that he may receive time served. Petitioner testified he decided to plead guilty after learning that a family member, Mr. Hollifield, would testify against him if he pursued a trial. However, counsel never spoke to Mr. Hollifield, or she would have discovered he did not intend to testify for the state. Counsel also seemed to be aware during the evidentiary hearing that Hollifield's testimony would be objectionable, but she never mentioned that fact to petitioner prior to his decision to plead guilty.

Counsel disputed petitioner's testimony that she advised him he would receive 517 days time served if he pled guilty. However, his testimony is corroborated by the transcript of the guilty plea. Petitioner immediately responded verbally when he learned during the plea that his time would begin that day and that he will not receive any credit for time served. Petitioner attempted to withdraw the guilty plea, not just in that moment but a few days later when he requested counsel file a motion to withdraw his guilty plea.

As stated above petitioner was prejudiced by counsel's deficiency where but for her failures as his counsel he would not have pled guilty but would have continued to trial. Petitioner's contention is well supported by evidence in the record.

CONCLUSION

Based on the foregoing arguments, petitioner respectfully requests this Court grant the petition for writ of certiorari and order further briefing on the issues presented.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR PETITIONER

This 13th day of February, 2026.