STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES ROBERT PRATT,

APPELLANT

APPELLATE CASE NO. 2025-000518

ANDERS BRIEF OF APPELLANT

W. CHANDLER NORVILLE
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in accepting Appellant's plea when Appellant's answers during the plea colloquy showed that he was not competent to stand trial?

STATEMENT OF THE CASE

At its February 10, 2025 term, the Lexington County grand jury indicted Appellant for criminal sexual conduct with a minor, first degree, and incest. R. 58-61. Appellant pleaded guilty to incest and the lesser-included offense of criminal sexual conduct with a minor, third degree, on March 5, 2025, before the Honorable William P. Keesley. R. 1. Jeff T. Goodwyn, Jr., represented Appellant; Rhonda Patterson represented the state. R. 1. Judge Keesley sentenced Appellant to ten (10) years' imprisonment for criminal sexual conduct with a minor, third degree, and ten (10) years' imprisonment for incest, to run consecutively. R. 42, ll. 12-23.

This appeal follows.

STANDARD OF REVIEW

The trial court's determinations of competency must have evidentiary support and not be against the preponderance of the evidence. *State v. Nance*, 320 S.C. 501, 504-505, 466 S.E.2d 349, 351 (1996). Once a defendant pleads guilty, the decision whether to permit a withdrawal of that plea is reviewed for abuse of discretion. *State v. Lopez*, 352 S.C. 373, 378, 574 S.E.2d 210, 212 (Ct. App. 2002).

ARGUMENT

The trial court erred in accepting Appellant's guilty plea because his answers to the trial court's plea colloquy showed that he was not competent to stand trial.

Relevant Facts

The solicitor's factual recitation stated that between the dates of May 31 and July 26 of 2011, Appellant digitally penetrated his two daughters, Minor 1 and Minor 2, while both were under the age of eleven (11). R. 13, l. 12 – 14, l. 6. For reasons that are not clear, law enforcement never acted upon these reports, even though they were made in 2011. R. 14, ll. 7-8. In February 2020, Minor 1, then eighteen (18) years old, moved back into Appellant's home and began a "consensual sexual relationship with him." R. 15, ll. 3-6.

Appellant first appeared before the circuit court for a plea hearing before the Honorable Eugene C. Griffith, Jr., on or about May 9, 2024. R. 57. The record indicates that prior to this hearing Appellant was ordered to be evaluated for competency on August 9, 2021. R. 57. This evaluation found that Appellant was competent to stand trial. R. 57. However, during the May 9, 2024 plea hearing, Judge Griffith became concerned about Appellant's competency. R. 57. Specifically, he entered an order which read, "The court believes that the final conclusion that the Defendant was competent appears to lack confidence and certainty in its findings." R. 57. Judge Griffith also noted that Appellant "has potential memory issues and has a very low functioning intelligence quotient." R. 57. For these reasons, Judge Griffith ordered Appellant to undergo a second competency evaluation. R. 57.

On June 17, 2024, the second competency evaluation was conducted by Department of Mental Health (DMH) psychologists Olivia N. Robinson, Psy.D., and Beth Bluemle, LMSW. R. 45-56. The evaluators opined that Appellant suffered from Persistent Depressive Disorder and

Cannabis Use Disorder but found that he was competent to stand trial. R. 53. The evaluation report noted once that Appellant's last intelligence quotient (IQ) test placed his full-scale IQ score at seventy-five (75)[1] but did not address this further in any significant way. R. 49.

During the operative plea hearing, it was brought to the plea court's attention that Appellant had been evaluated by the Department of Mental Health due to a competency concern. R. 4, ll. 3-7. Therefore, in addition to the normal plea colloquy, the trial court asked several other questions to gauge Appellant's competency, such as:

> THE COURT: Tell me why you're here today. No. You can't talk to your lawyer. You talk to me....
>
> [APPELLANT]: Some charges.
>
> THE COURT: Okay. You know what you're charged with?
>
> APPELLANT: Incest.
>
> THE COURT: Anything else?
>
> APPELLANT: So – touched the two kids. I –
>
> THE COURT: What two kids?
>
> APPELLANT: Two kids. And these are my – my kids.
>
> [DEFENSE COUNSEL]: He said – he said he touched two children.
>
> THE COURT: Touching two children. Okay. And do you know who that is beside you?
>
> APPELLANT: My attorney.
>
> THE COURT: What's his job?

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[1] It is important to note that a full-scale IQ score of 75 is "at the upper end of criteria for intellectual impairment." *See* Taylor A. Koriakin, *et al.*, *Classification of Intellectual Disability Using the Wechsler Intelligence Scale for Children: Full Scale IQ or General Abilities Index?*, Nat'l Institute of Health (Sep. 2013), https://onlinelibrary.wiley.com/doi/10.1111/dmcn.12201. (last accessed Dec. 12, 2025).

APPELLANT: He – I guess – he's trying to get me out of it.

THE COURT: Okay. Do you know what Ms. Patterson does?

APPELLANT: No.

THE COURT: Do you know what a solicitor is in South Carolina?

APPELLANT: Yes, sir.

THE COURT: What is that?

APPELLANT: Attorney.

THE COURT: Okay. And what do they do?

APPELLANT: Charge against – charge me.

THE COURT: Okay. Do you know what a jury does.

APPELLANT: No.

THE COURT: You got no idea what a jury does?

APPELLANT: I – I guess not – not really. I guess whatever we say in here.

R. 4, l. 11 – 5, l. 20. Appellant then stated, "I guess the jury listens to everybody. And they go with that." R. 6, ll. 3-4. The trial court clarified, "They listen to the evidence and they make a decision. Is that what you're telling me?". R. 6, ll. 5-6. Appellant answered in the affirmative. R. 6, l. 7. The trial court found Appellant competent and later accepted the plea. R. 22.

Analysis

The trial court erred in finding that Appellant was competent to stand trial. Thus, his plea was not entered freely and voluntarily, and his conviction and sentence should be vacated.

A person who suffers from a mental condition that renders him unable to understand "the nature and object of the proceedings against him, to consult with counsel and to assist in preparing his defense," cannot be made to stand trial. *State v. Bell*, 293 S.C. 391, 396, 360 S.E.2d

706, 708 (1987) (citing *Drope v. Missouri*, 420 U.S. 162 (1975)). "The test for competency to stand trial or continue trial is whether the defendant has the sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational, as well as factual, understanding of the proceedings against him." *Id.* The defendant bears the burden of proving his incompetence by a preponderance of the evidence. *State v. Nance*, 320 S.C. 501, 504, 466 S.E.2d 349, 351 (1996). To determine whether a criminal defendant is competent to stand trial, the trial court should consider several factors, including the defendant's demeanor, prior medical opinions, and the defendant's behavior. *See State v. Blair*, 275 S.C. 529, 533, 273 S.E.2d 536, 538 (1981) (citing *Drope*, 420 U.S. at 180).

Here, Appellant's statements to the trial court demonstrated that he lacked the capacity to understand the proceedings against him, and the trial court should not have accepted the guilty plea. When asked what the role of his attorney was, Appellant responded that his attorney would try to "get [him] out of it." However, Appellant was in court for a guilty plea. His attorney would be doing no such thing, but this fact appeared beyond his understanding. Further, Appellant indicated that he did not know what a jury was and simply agreed when the trial judge gave his own statement of what a jury is. This does not indicate understanding; it indicates a willingness to agree and move on. That is not competence to stand trial. Further, although Appellant seemed to have a very limited understanding of the role of a solicitor, he did not know who the solicitor in his case was. The fact that Appellant, who was at this point days from trial, was not familiar with the solicitor in his case is of paramount concern and does not suggest that he was competent to stand trial.

Further, the trial court did not conduct a full *Blair* hearing. The trial court entered the DMH evaluation report as a court's exhibit and asked Appellant several basic questions, but it

did not go into any depth, nor did it appear to reference the report at all apart from the first page, which stated that Appellant was competent in DMH's opinion.

While it is true that the issue of Appellant's competency is not preserved for this Court's review, this Court and the Supreme Court have held that the error preservation rules can be departed from in "exceptional circumstances." *See Moses v. State*, 442 S.C. 263, 271, 898 S.E.2d 174, 178 (Ct. App. 2024); *Fishburne v. State*, 427 S.C. 505, 517, 832 S.E.2d 584, 590 (2019) (Hearn, J., concurring). Appellant faces twenty (20) years in prison, a lifetime on the sex offender registry, and potential future designation as a sexually violent predator. And, based on this record, he may not have understood what he was doing. These are exceptional circumstances justifying departure from the normal, rigid error preservation rules.

Accordingly, the trial court erred by accepting Appellant's guilty plea. This Court should vacate and remand for further proceedings.

CONCLUSION

For the foregoing reasons, Appellant's conviction and sentences should be vacated and this case remanded to the trial court for further proceedings.

W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

This 20th day of February, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for James Pratt states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge William P. Keesley, which was held on March 5, 2025, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S. Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

Wherefore, he asks the Court to relieve him as counsel for James Pratt.

Respectfully Submitted,

W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

This 20th day of February, 2026.

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DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

(1) True-billed indictments: 2025-GS-32-00209; 2020-GS-32-02711;
(2) Entire plea transcript;
(3) Court's Exhibit 1 (Evaluation Report);
(4) May 9, 2024, Evaluation Order.

I certify that this designation contains no matter which is irrelevant to this appeal.

W. Chandler Norville
Appellate Defender

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(803) 734-1330

ATTORNEY FOR APPELLANT

This 20th day of February, 2026.

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CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on James Pratt, #396695, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 20th day of February, 2026.

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