

IN THE SUPREME COURT OF SOUTH CAROLINA
Appellate Case No. 2024-001993

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Telly Darnell McClam,
Petitioner,

S.C. SUPREME COURT

v.

State of South Carolina,
Respondent.

PRO SE RESPONSE TO JOHNSON PETITION

Petitioner, Telly Darnell McClam, respectfully submits this pro se response to the Johnson petition filed by appointed counsel. Petitioner disagrees with counsel's assertion that this appeal lacks merit and respectfully requests full review of the substantial constitutional issues presented.

INTRODUCTION

This case presents serious constitutional questions concerning the Sixth Amendment right to effective assistance of counsel during plea negotiations, particularly where Petitioner faced mandatory life without parole sentencing.

The issues raised are not frivolous and warrant full appellate consideration rather than summary dismissal under Johnson.

I. Sixth Amendment Right to Effective Assistance During Plea Negotiations

The right to effective assistance of counsel extends to the plea-bargaining stage, which is a critical stage of criminal proceedings. *Strickland v. Washington*, 466 U.S. 668 (1984); *Missouri v. Frye*, 566 U.S. 134 (2012); *Lafler v. Cooper*, 566 U.S. 156 (2012).

It is not constitutionally sufficient that counsel merely communicate the existence of a plea offer. Counsel must provide competent, meaningful advice that enables a defendant to make a knowing, intelligent, and informed decision regarding whether to accept or reject the plea.

Even if statutory notice requirements were technically satisfied as to counsel, the constitutional inquiry remains whether Petitioner was adequately informed in time to meaningfully evaluate the plea offer in light of mandatory life without parole sentencing.

~~Where statutory notice intersects with Sixth Amendment plea rights, meaningful communication is constitutionally required.~~

CONCLUSION

Petitioner respectfully submits that this appeal presents substantial constitutional questions regarding plea-stage ineffective assistance of counsel and the resulting prejudice.

Given the severity of the sentence imposed and the constitutional magnitude of the issues raised, Petitioner respectfully requests that this Court decline to dismiss the petition under Johnson and instead grant full briefing on the merits.

Respectfully submitted,

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Date: Telly McClam 3-2-2016

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