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S.C. SUPREME COURT

**PSTATE OF SOUTH CAROLINA
In The Supreme Court**

APPEAL FROM PICKENS COUNTY

**Court of Common Pleas
Hon. Patrick Cleburne Fant, III, Circuit Court Judge**

Appellate Case No. 2025-000966

MATTHEW JAMIE BRYANT,

Petitioner,

v.

THE STATE,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF THE CASE

A Pickens County jury convicted Petitioner Matthew Bryant of First-degree Criminal Sexual Conduct. The Honorable Letitia Verdin sentenced Bryant to 15 years' incarceration. Bryant's conviction was affirmed on appeal. State v. Bryant, Op.No. 2021-UP-396 (S.C. Ct.app. filed Nov. 10, 2021).

Bryant applied for post-conviction relief. An evidentiary hearing was convened at the Greenville County Courthouse on October 9, 2024, before the Honorable Patrick Cleburne Fant, III, Circuit Court Judge. Judge Fant denied relief in a written order on May 2, 2025.

Bryant raises one issue in his petition for writ of certiorari: whether the PCR court correctly denied relief on his claim that trial counsel provided ineffective assistance by ignoring evidence that the victim fabricated her rape allegation.

Relevant facts adduced at the PCR evidentiary hearing.

Dana Young testified and claimed the victim told her she had made up the rape allegation. According to Young, the victim stated she had consensual sex with Bryant but she was afraid her boyfriend would leave her if she found out, and she was "scared she was going to get beat up by the guy's girlfriend." App.471. Young claimed this happened prior to trial. On cross-examination, Young admitted she did not tell the police or defense counsel about the conversation. App.472.

Brandy Hayes O'Kelly testified she was in a romantic relationship with Bryant at the time of trial. She claimed she reached out to Dana Young because she saw Young was Facebook friends with the victim. O'Kelly claimed Young told her

the victim said she had fabricated her rape allegation. App.480. O’Kelly claimed she shared this information with defense counsel. App.481. She could not remember when this happened. App.482. She did not contact the police or the solicitor’s office.

Bryant testified and claimed he told his attorney about Young’s statement, and that counsel responded that the statement was hearsay. App.483. The victim testified and unequivocally denied telling Dana Young she fabricated the allegation. App.467–68.

Daniel Hunt, Esquire, represented Bryant. At the time of the PCR hearing, Hunt had been practicing law for 48 years. App.492. Hunt was “great friends” with Bryant’s grandfather. App.492. He testified: “I thought the world of Jamie . . . I considered it an honor and a privilege to try to represent Jamie and to do everything I could for him.” App. 492. He continued: “there was nothing I wouldn't do for that boy. God didn't give me children. . . And, you know, I have somebody that comes into my office like that, a fine young man like that. . . I would move heaven and earth for him.” App.494. Hunt testified he talked to O’Kelly “a lot” leading up to trial. He denied she told him anything about Dana Young or an exculpatory statement:

A: [I]f I'd have been told someone had made a statement contrary to what was going on, there's no doubt what we'd have done. No doubt. I mean, I just -- you know, maybe I'm wrong, but I -- and I wouldn't tell this court an untruth for anything in this world. And -- but I do not remember that. I do not. I know I would not have let it sit had I known about it.

Q: Okay. So nobody ever told you about a Dana Young, did they?

A: No, sir. Not that I know of, no.

Q: Okay. And you admire this young man very much.

A: Oh, I would rather be there than him.

Q: Okay. And so if they came to you about a Dana Young saying that he didn't do this, you would remember that?

A: I would have moved heaven and earth to get her there.

App.195-96. On cross-examination, Hunt continued:

Q: And you say you don't recall being told about Dana Young.

A: I do not, no. And I may have. And I'm not going to sit here and tell you something that's untrue. I don't recall that.

Q: Okay. So you can't say for sure you weren't told. You just don't recall six years ago.

A: I just -- here, I just know that had I been told about something like that, I would have been all over it.

Q: That's not the question. The question is, are you saying that you were not told or you don't recall?

A: I'm not going to represent to this court that I was or I was not. I'm just simply saying that I don't recall it.

App.496-97. On re-direct, Hunt reiterated:

Q: You don't quite remember being told by Dana Young, but do you think if you were told about a Dana Young you would not do anything about it?

A: There's not a force on this earth that would have kept me from getting to that woman to find out about what she had to say.

App.498.

STANDARD OF REVIEW

The appellate court defers to a PCR court's findings of fact and will uphold them if there is evidence in the record to support them, but reviews questions of law de novo. Smalls v. State, 422 S.C. 174, 180, 810 S.E.2d 836, 839 (2018).

ARGUMENT

The PCR court correctly rejected Bryant's non-credible claim that counsel ignored evidence that the victim fabricated her rape allegation.

Bryant claims counsel failed to act on information that the victim admitted she fabricated her accusation against Bryant. The record supports the PCR court's credibility-based finding rejecting Bryant's claim.

The PCR court correctly found Bryant's claim not credible. Counsel testified he "did not recall" being told of any such statement and that he would have investigated the claim had he been told. There is a simple explanation for why Counsel did not recall being told about the victim's purported retraction: because it never happened.

Counsel plainly denied—albeit diplomatically—that anyone told him about the victim's purported retraction. Counsel testified that "had [he] been told about something like that, [he] would have been all over it. . . . There's not a force on this earth that would have kept [him] from getting to that woman to find out about what she had to say." App.498.

Bryant attempts to take advantage of counsel's diplomatic answer that he did not "recall" being told of the victim's purported recantation. Bryant cites cases where counsel failed to articulate a valid trial strategy for failing to call a witness. But this case is not about trial strategy. Counsel repeatedly testified that if he knew of Young's purported statement, he would have "moved heaven and earth to get her there." App.496.

This case is about credibility. It is simply not credible that counsel was informed of such a highly exculpatory statement and chose not to pursue it. The victim herself testified and unequivocally denied making any such statement. App.467–68. In any case, the PCR court found counsel’s testimony credible, and Bryant’s and O’Kelly’s testimony not credible. App.570. The appellate court defers to the PCR court’s credibility findings. Thompson v. State, 423 S.C. 235, 247, 814 S.E.2d 487, 493 (2018). The record supports the PCR court’s ruling. Certiorari should be denied.

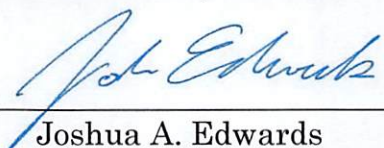
CONCLUSION

For all the foregoing reasons, it is respectfully submitted that certiorari should be denied.

Respectfully submitted,

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