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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM GREENVILLE COUNTY

S.C. SUPREME COURT

Court of Common Pleas

HONORABLE WALTON J. McLEOD, IV

2025-CP-23-06002

Tristan W. Ramey, SCDC# 397597

APPELLANT,

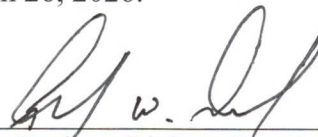
vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Tristan W. Ramey appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable Walton J. McLeod, IV, Circuit Judge on February 3, 2026 an Order issued on March 24, 2026 and filed on March 26, 2026. The Appellant received notice of the judgment on March 26, 2026.



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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Tristan W. Ramey, #397597,

Applicant,

v.

State of South Carolina,

Respondent.

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

CASE NO. 2025-CP-23-06002

ORDER OF DISMISSAL WITH PREJUDICE

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This matter comes before the Court by way of Tristan Ramey's application for post-conviction relief (PCR) filed on September 17, 2025. Respondent filed its Return requesting an evidentiary hearing and on February 3, 2026, the hearing was held before this Court at the Greenville County Courthouse. Applicant was present and represented by Rodney Richey, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the allegations in his application and amended application. Applicant testified on his own behalf and presented the testimony of Sara E. Gorski (Plea Counsel).

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an aggregate thirty-year sentence. In April 2022, the Greenville County Grand Jury indicted Applicant for attempted murder (2022-GS-23-7664), possession of a weapon during the commission of a violent crime (2022-GS-23-7664), kidnapping (2022-GS-23-7665), and criminal

conspiracy (2022-GS-23-7666). In April 2024, the Greenville County Grand Jury indicted Applicant for murder (2025-GS-23-1652), possession of a weapon during the commission of a violent crime (2025-GS-23-1652), kidnapping (2025-GS-23-1654), and criminal conspiracy (2025-GS-23-1653). Sara E. Gorski, Esquire represented Applicant. Courtney R. Rea of the Thirteenth Circuit Solicitors Office prosecuted the case. On June 3, 2025, Applicant appeared before the Honorable Edward W. Miller and pled guilty to murder and attempted murder.¹ Judge Miller sentenced Applicant to thirty years concurrent for each charge. Applicant did not appeal.

FACTS GIVING RISE TO THE CONVICTION

The underlying facts of the crime for which Applicant is incarcerated were articulated by the State during the plea proceedings as follows:

On July 3rd, 2022, at 203 8th Street in Greenville County, law enforcement responded to a report of a gunshot victim. When they arrived on scene, they found Joshua Garrett deceased. The medical examiner's report lists the cause of death as two gunshot wounds to the torso. The victim was shot in the presence of his oldest daughter, who is present today and would like to address the Court at the appropriate time.

The homicide investigation revealed the facts which the State is about to relay. Earlier in the day on July 3rd, 2022, the victim went over to Sunny Sorgee's house to confront her about a drive-by shooting that occurred the night before at that same location on July 2nd, at the home where Joshua Garrett's daughters lived.

When the victim went to Sunny's home, she was not home. This Defendant was at Sunny's house. He learned that Seth Norris was suspected of the drive-by shooting the night before. And the victim, Joshua Garrett, was looking for him. Sunny went to 203 8th Street to talk to Joshua Garrett about the drive-by shooting. Witnesses state that Sunny was on the phone during the entire exchange with the victim.

The victim and Sunny got into an altercation and the victim hit her. A few minutes later, the same work truck driven by Seth Norris the night before during the drive-by shooting and a light blue Dodge Avenger registered to Tristan Ramey were found at the -- were observed at the scene.

¹ In exchange for the plea, the State *nolle prossed* the remaining charges.

Shortly after those vehicles pulled up to the home, several rounds were fired towards the victim from the Dodge Avenger resulting in the victim's death.

Tristan Ramey, ultimately, provided a full confession to firing the gun that killed Joshua Garrett. He told officers he used a [inaudible] AR pistol, which was found during a search warrant of David Norris' home, who is one of the co-defendants in this case.

Ramey stated that when the shooting occurred, he was on several drugs. Several of the rounds ended up going into the vehicle driven by Sunny Sorgee, who is charged with accessory after the fact for hiding the evidence in this case. She hid her vehicle behind a friend's house in an attempt to impede the homicide investigation.

David Norris, once he learned of the shooting, told this Defendant to run. And this Defendant was apprehended in Florida.

Once he was arrested, this Defendant was very cooperative. He corroborated law enforcement's investigation as to the facts of the drive-by shooting that led up to the murder, as well as he provided a full confession to the murder. This Defendant told officers that Seth Norris observed an individual who owed money to Sunny at Cookout in Cherrydale and followed him back to 203 8th Street.

This individual went inside a home to hide from Seth Norris, who stayed in the street for several minutes trying to get this individual to come outside before, eventually, leaving.

An hour later, Seth Norris, who was driving that work truck, belonging to his father, David Norris, came back and fired 13 rounds into the home. A witness observed Norris looking for his wallet in the street, which he dropped at some point, making gestures towards 203 8th Street as if he were holding and firing a rifle.

A few minutes later, a witness heard gunshots. Seth Norris was charged with six counts of attempted murder as a result of this incident.

Further, during their investigation of the homicide, officers obtained a search warrant for Seth Norris' phone where they observed several videos of brutal and violent assaults that occurred in recent months prior on various victims who happened to be homeless.

This Defendant, as well as David Norris, Joshua Norris, Seth Norris, Logan Holmes, and Jesse Palm [phonetic] are observed in these videos assaulting various individuals. In one video, David Norris is observed repeatedly kicking Shera [phonetic] Pierson in the head and face until she does not get up. Ramey, also, corroborated the involvement with these individuals in many of these assaults.

(Plea Tr. pp. 6-9).

CURRENT ACTION

Applicant timely commenced this post-conviction relief action on September 17, 2025 raising the following allegations:

1. "Insufficient Counsel"
 - a. "My Public Defender refused to give me my Motion of discovery until 3 weeks before (sic) my Court date. She promised me reduced charges, reduced sentence."
 - b. "If she would have shown me my motion of Discovery I would have went to trial. She refused me my rights as a defendant to go over any and all evidence the state has against me."
 - c. "She refused my right to be present during my preliminary hearing."
 - d. "My public defender and I had a deal with our first solicitor. Then when my solicitor changed the deal was taken off the table. My public defender said she would still get another deal, but when she came back to see me, she told me I had to take the 30 years or I was going to trial. Then proceeded to talk me out of trial by convincing me I was gonna lose."
 - e. "I tried to write a Affidavit taking back what I told the (...) My public defender never explained anything to me whenever I talked to her about relieving my counsel she would talk me into keeping her by promising a certain amount of time. She also promised me she would get me a mental health evaluation[...]"

As requested relief, Applicant requests "either a time reduction or a whole new trial."

On July 30, 2025, Applicant, through counsel, filed an amended application alleging:

1. Counsel was ineffective for advising Applicant to turn down a 25-year plea offer;
2. Counsel was ineffective for forcing and coercing Applicant to plead guilty;
3. Counsel was ineffective for advising Applicant that she could get him a plea offer less than 25 years;
4. Counsel was ineffective for not allowing Applicant to attend his preliminary hearing
5. Applicant was ineffective for not allowing Applicant to review his discovery;
6. Counsel was ineffective for not interviewing any potential witnesses;

7. Counsel was ineffective for not visiting Applicant at the county jail enough times to prepare him for trial;
8. Counsel was ineffective for not advising Applicant on a self-defense defense.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act² (“the Act”) provides that any person who has been convicted of a crime may seek post-conviction relief based upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or other conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint;
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann 17-27-20(A).

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive the kind of effective assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a PCR action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to

² S.C. Code Ann. 17-27-10 to -160 *et seq.*

warrant granting relief. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court must apply the two-part test outlined in *Strickland* to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. *Strickland v. Washington*, 466 U.S. 668 at 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687-88; *Cherry v. State*, 300 S.C. 115, 117—18, 386 S.E.2d 624, 625 (1989). Failure on the part of the applicant to make the required showing of either deficient performance or sufficient prejudice is fatal to the ineffective assistance of claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[without proof of both deficient performance and prejudice to the defense... it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, *Hill v. Lockhart*,³ extended the two-part *Strickland* test to challenge guilty pleas based on ineffective assistance of counsel. *See Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of plea counsel's performance under the first prong of *Strickland* remains unchanged, the applicant must show that counsel's representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. *Hill*, 474 U.S. at 58-59; *accord Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). In other words, an applicant alleging his guilty plea was induced by ineffective assistance of counsel must

³ *Hill v. Lockhart*, 474 U.S. 52 (1985).

prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." *Hill*, 474 U.S. at 56.

However, the second, or "prejudice" prong, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." *Id.* at 58-59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." *Id.* at 59.

This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. *Lee v. United States*, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. *Padilla*, 559 U.S. at 372. Therefore, the operative question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would still have advised him or her to plead guilty. *Turner v. State*, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Greenville County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the PCR hearing and weigh their testimony accordingly. After a careful review based on the *Strickland* standard, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of fact and conclusions of law as required by S.C.

Code § 17-27-80.

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudice applicant. *Strickland v. Washington*, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C at 117, 386 S.E. 2d at 635 (quoting *Strickland*, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Butler*, 286 S.C. at 442, 334 S.E.2d at 814 (citing *Strickland*, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. *Id.* at 117-18, 386 S.E.2d at 625.

An applicant who enters a guilty plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty but would have insisted on going to trial instead. *Roscoe v. State*, 345 S.C 16, 20, 546 S.E.2d 417, 419 (2001); *Richardson v. State*, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993).

Failure to Meet, Review Discovery, Interview Witnesses, and Discuss Self-Defense⁴

⁴ This section addresses allegations 1(a) and 1(b) in Applicant's original application and allegation 5, 6, 7 and 8 of Applicant's amended application.

Applicant alleged counsel was constitutionally ineffective for failing to meet sufficiently to prepare for trial, review discovery with Applicant, failing to interview witnesses and advise applicant on self-defense. This Court finds this allegation is without merit.

Federal case law holds that there is no constitutional minimum number of meetings between attorneys and their clients to satisfy competency. *Campbell v. Polk*, 447 F.3d 270, 279 fn.2 (4th Cir. 2006). “Brevity of time spent in consultation, without more, does not establish that counsel was ineffective,” *Easter v. Estelle*, 609 F.2d 756, 759 (5th Cir. 1980) (holding that it is not enough to merely show that counsel only met with his client twice before trial as long as counsel devoted sufficient time to ensure an adequate defense and to become thoroughly familiar with the facts of the case and the law applicable to the case, and holding the record revealed that counsel was so prepared.).

An applicant who alleges his or her defense attorney was ineffective in failing to spend more time preparing or providing a copy of the discovery materials must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. *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)).

As an initial matter, Applicant told the plea court that he was “totally and completely satisfied” with the representation of his attorney. (Plea Tr. 5). Applicant also told the plea court he had enough time to review the evidence the State had against him. (Plea Tr. 5). This directly contradicts Applicant’s allegation that he was unable to sufficiently review his discovery.

At the hearing, plea Counsel testified that she discussed with Applicant his options of pleading and proceeding to trial. Plea Counsel also testified that she had adequate time to meet with Applicant, that she discussed the charges with Applicant and the rights he was giving up by pleading guilty, and that she went over the discovery with Applicant multiple times and did so with an investigator. Finally, Plea Counsel informed this Court that she did discuss trial strategies and defenses with Applicant but at no point did he say he wanted a trial nor did he ask her to interview any witnesses.

This Court finds Plea Counsel’s testimony credible. This Court finds that Applicant has failed to overcome the “strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case.” *Ard v. Catoe, supra*. Therefore, Applicant has failed to prove the deficiency prong.

This Court further finds Applicant has failed to prove the prejudice prong. Applicant has not suggested any testimony to support a self-defense claim, nor has he provided any potential witnesses or evidence that should have been investigated further. All of this results in mere speculation on the part of Applicant. Therefore, Applicant has failed to prove prejudice. Furthermore, to whatever extent Applicant was not entirely satisfied with the amount of time to review discovery and investigate the charges, he was presented an opportunity to express his

dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the *Strickland* test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of *Strickland* as laid out in *Hill*—that but for Plea Counsel’s deficient performance, Applicant would have gone to trial and not pled guilty. Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom.

*Preliminary Hearing*⁵

Applicant alleged counsel was ineffective for not allowing Applicant to attend his preliminary hearing. This Court finds this allegation is without merit. Plea Counsel testified that there was a transport issue with the co-defendant and so Applicant’s hearing was rescheduled so they would not be set on the same day and that she did not do anything to prevent Applicant from attending. Further, Applicant waived his right to a preliminary hearing when he entered his guilty plea. *See Bonnette v. State*, 277 S.C. 17, 19, 282 S.E.2d 597, 599 (1981) (Finding defendant’s plea negotiations and silence before the plea court of his desire for a preliminary hearing constitutes evidence of waiver). Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation is denied.

⁵ This section addresses allegation 1(c) of Applicant’s original application and allegation 4 of Applicant’s amended application.

*Misadvising of Plea Offers and Involuntary Plea*⁶

Applicant alleged Plea Counsel was ineffective for advising applicant to turn down a 25-year plea, offer, for advising him he could get a less than 25-year offer, and for forcing and coercing Applicant to plead guilty. This Court finds this allegation is without merit.

An applicant who enters a guilty plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty but would have insisted on going to trial instead. *Roscoe v. State*, 345 S.C 16, 20, 546 S.E.2d 417, 419 (2001); *Richardson v. State*, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. *See Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by *United States v. Whiteley*, 759 F.2d 317 (4th Circ. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so).

Plea Counsel testified that she discussed with Applicant the charges against him and the rights he was waiving by pleading guilty. Plea Counsel also testified that Applicant at no point said he wanted a trial and that she never advised that he had a 25-year plea offer nor that it would have been a good deal if it was reduced from murder, which it was not. This Court finds counsel's testimony credible.

Applicant presented no evidence of the existence of this alleged 25-year offer. Applicant has not provided any evidence to prove counsel's representation fell below an objective

⁶ This section addresses allegations 1(d) and 1(e) of Applicant's original application and allegations 1, 2 and 3 of Applicant's amended application.

standard of reasonableness. Further, at the plea hearing, Applicant told the plea court it was his free and voluntary decision. (Plea Tr. p. 4). Applicant told the plea court he understood the sentences he faced and the constitutional rights he was waving. (Plea Tr. pp 4 – 5). Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty. Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

CONCLUSION

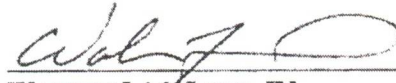
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 24 day of MAY, 2026.



WALTON J. McLEOD, IV
Presiding Judge
Thirteenth Judicial Circuit

 _____, South Carolina