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S.C. SUPREME COURT

State of South Carolina in the Supreme Court

State V George Riley Dreher, Pro Se

Appellate Case No. 2025-000557

STATEMENT OF THE CASE

I was indicted in Berkeley County for Attempted Murder and Failure to Stop for Blue Lights Resulting in Great Bodily Injury.

At the first plea hearing in February 2021, I refused to admit to intentionally swerving and striking the deputy. I stated, truthfully that Brandon Swain, the passenger, jerked the steering wheel. The plea was not accepted.

At a second hearing in April 2021, I pled guilty to ABHAN (reduced from Attempted Murder) and Failure to Stop for Blue Lights Resulting in Great Bodily Injury. I was sentenced to twelve (10) years on ABHAN. I was also sentenced to ten (10) years suspended to five (5) years of probation on the blue lights charge, consecutive.

Shortly thereafter, my counsel moved to withdraw the plea based on after-discovered evidence and mental health concerns. My counsel obtained an affidavit from Brandon Swain admitting that he jerked the steering wheel. The motion was denied.

My counsel filed for Post-Conviction Relief. At the PCR hearing, I testified that:

- I informed counsel before the plea that Swain jerked the wheel.
- I told counsel where Swain could be located.
- Counsel did not attempt to locate Swain at the campground.
- Counsel never informed me Swain could be subpoenaed.
- I would have gone to trial had Swain been located.

Defense counsel testified she did not search for Swain in the wooded campground area and would not have sent her unlicensed investigator into the woods.

The PCR court denied relief, finding counsel's performance was not deficient and finding no prejudice because Swain did not testify at the PCR hearing.

This Petition follows.

Claim 1:

The Guilty Pleas Violated the Fifth, Sixth, and Fourteenth Amendments.

A guilty plea is valid only if it represents a voluntary, knowing, and intelligent waiver of constitutional rights. Boykin v. Alabama, 395 U.S. 238 (1969). A plea must be the voluntary expression of the defendant's own choice and not the product of coercion, deception, or improper inducement.

Under the Due Process Clause of the Fourteenth Amendment, a conviction based upon an involuntary plea is constitutionally invalid. Brady v. United States, 397 U.S. 742 (1970). A plea entered under psychological pressure or based upon misinformation or lack of information cannot stand.

The record demonstrates coercive circumstances:

• At the first plea hearing, I maintained that I did not intentionally swerve the vehicle.

• The trial court correctly refused to accept the plea.

• The facts did not change between hearings.

• What changed was counsel's pressure and my mental state.

I was incarcerated pretrial, under emotional distress, and dependent entirely on counsel to locate the only exculpatory witness. I was led to believe no witness could be located and was not informed that subpoena power could compel testimony – nor was I informed that had counsel issued a subpoena the sheriff's office would have assisted in locating the witness her **unlicensed** investigator refused to even **attempt** to locate.

A defendant's plea is not voluntary where it is induced by counsel's misrepresentations or omissions. Hill v. Lockhart, 474 U.S. 52 (1985).

When a defendant pleads guilty because he believes he has no defense due to counsel's failure to investigate, the plea is constitutionally infirm.

The Fourteenth Amendment guarantees fundamental fairness in criminal proceedings. Accepting a plea from a defendant who has changed testimony solely due to incarceration pressure and counsel's investigative failures violates substantive and procedural due process.

Petitioner's waiver of trial rights was not voluntary, knowing, or intelligent. The conviction therefore violates the Fifth, Sixth, and Fourteenth Amendments.

This case turns not on disputed law, but on an undisputed sequence of events demonstrating that Petitioner's guilty plea was the product of mental anguish, coercion, and counsel's failure to investigate a known exculpatory witness.

A. I Consistently Maintained that I Did Not Intentionally Strike the Officer

From the outset of the proceedings, I consistently maintained that I did not intentionally swerve his vehicle to strike Deputy Hayden. I informed law enforcement, plea counsel, and the trial court that the passenger, Brandon Swain, jerked the steering wheel immediately before the vehicle entered the median.

At the first plea hearing in February 2021, I stated on the record that I could not agree with the State's allegation of intentional conduct. Because intent was a critical element of the offense, the trial judge properly and lawfully refused to accept the plea. The court's ruling was based on my refusal to falsely admit intent and demonstrated the court's recognition that the plea, as offered, was involuntary and constitutionally invalid.

B. No Facts Changed Between the First and Second Plea Hearings

Between the first plea hearing and the second plea hearing in April 2021:

- No new evidence was discovered.
- No witnesses were located.
- No statements were recanted.
- No factual circumstances changed.

The only thing that changed was my mental and emotional condition and the advice I received from counsel.

Despite the unchanged facts, defense counsel advised me to change my testimony and agree with the State's version of events. At the second plea hearing, I did so, and the plea was accepted. It is noteworthy, that in the hall of justice no one questioned the changing of facts and testimony, no one cared if that change was due to coercion or misrepresentations.

C. Petitioner Was Under Mental Anguish and Extreme Pressure While Incarcerated Pretrial

At the time of the second plea hearing, I was incarcerated in pretrial detention. I had no ability to investigate my case, no access to witnesses, and no means to verify whether

counsel was making genuine efforts to locate Brandon Swain – which the record now shows no attempt was made.

Pretrial detention is a means of protecting the public and ensuring a defendant appears at trial – in Berkeley County, detention is clearly, and evidently used to ensure that defendants cannot in any effectually way prepare their cases or exercise their constitutional rights to fair and impartial trial.

I was facing serious charges carrying significant prison exposure. I was emotionally distressed, isolated, and dependent entirely on counsel to investigate the only witness who could corroborate the facts of this case.

I repeatedly informed counsel that Swain could be found living in a campground area. Counsel refused to search the area and admitted she would not send her investigator into the woods. The very way in which counsel describes the location of the witness is compelling, because it is not a forest in the middle of nowhere, it is simply a strand of trees behind a neighborhood populated by people simply down on their luck. Counsel also failed to advise me that Swain could be subpoenaed and compelled to appear at trial -whereas the sheriff would be compelled to locate and bring the witness.

As a result, I was led to believe:

- That the witness could not be found.
- That no defense could be presented.
- That I had no viable option other than pleading guilty.

Under these circumstances, I changed my testimony — not because it was true, but because I believed I had no alternative.

D. Counsel's Failure to Investigate Was Unreasonable

Shortly after the plea, Brandon Swain executed an affidavit admitting that he jerked the steering wheel, confirming Petitioner's original account.

This affidavit demonstrated that:

- Swain was locatable.
- Swain was willing to provide exculpatory information.
- A reasonable investigation would have uncovered this evidence before the plea.

Had this affidavit been obtained earlier — or had I been advised that Swain could be

subpoenaed — I would not have pled guilty and would have exercised my constitutional right to trial.

E. The Plea Was the Product of Coercion, Not a Voluntary Choice

A plea is not voluntary simply because it is spoken aloud in court. A plea entered after a defendant is pressured to abandon a truthful defense, misled about the availability of witnesses, and worn down by incarceration is the product of coercion.

The trial court's initial refusal to accept the plea confirms that my original position was truthful and constitutionally significant. The later acceptance of the plea, under identical facts, reflects not a valid waiver of rights but my coerced compliance under mental anguish.

The record shows that I did not plead guilty because I was guilty of intentional conduct — I pled guilty because he believed the system had left him no choice.

Counsels' "investigator" is and was not a licensed investigator at the time. The state of South Carolina maintains a robust licensing system for investigators, ensuring that when their services are offered, the public is reasonably able to trust them. This investigator was not allowed by counsel to locate a witness in a homeless encampment, as counsel testified. Counsel was not able to trust that this investigator could safety enter a homeless encampment, license investigators are specifically trained on "staying safe in the field". Would counsel have allowed this investigator to go into a rough neighborhood? Downtown?

F. Violation of the 14th Amendment

The 14th amendment guarantees equal protection for individuals with mental impairments. This very court has held that individuals, like me, deserve equal protection under the laws. It should have been clear to the court, judge, prosecution and defense attorney that I was under extreme duress and suffering from mental illness – as evident by attempting to plead guilty at hearing where I was also denying responsibility.

G. Violation of 8th amendment

I was sentenced to ~~8~~ 10 GD years of incarceration and 10 years on a suspended sentence. After appealing the sentence and my motion to withdrawal plea, the judge erroneously changed the sentence to ~~10~~ 12 GD years of incarceration in clear attempt to punish me for attempt to exercise my constitutional rights. I am requesting an evidentiary hearing to show that the judge in my trial punished me for appealing my conviction, by changing the sentence.

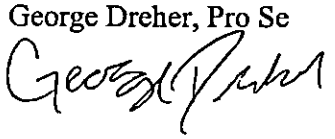
Further, the sentenced imposed is not proportional to the conviction. A 20-year sentence: 10 years in prison, and 10 years suspended probation is grossly disproportionate to the conviction in this case. O'neil v Vermont.

Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Certiorari;
2. Reverse the PCR court's order denying relief;
3. Vacate Petitioner's guilty pleas; and
4. Remand for further proceedings or for a new trial.

Respectfully submitted,

George Dreher, Pro Se



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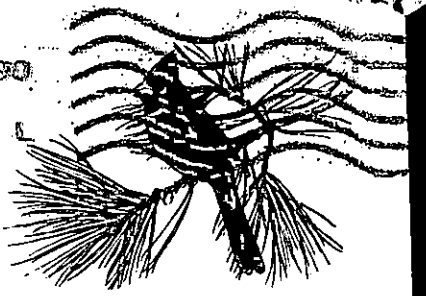

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