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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Frank R. Addy, Jr.

Case No. 2018-CP-07-01226

Preston R. Oates,

Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Petitioner Preston R. Oates appeals the Honorable Frank R. Addy, Jr.'s Order Denying his Application for Post-Conviction Relief filed on **March 4, 2026**, and the Court's Order Denying Applicant's Motion to Alter or Amend Judgment (Rule 59(e), SCRCP) filed on **March 26, 2026**.

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ATTORNEY FOR PETITIONER

April 1, 2026

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cc: Jerri Ann Roseneau, Beaufort County Clerk of Court

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT	)	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT
PRESTON R. OATES, Applicant, v. THE STATE OF SOUTH CAROLINA, Respondent.	)	CASE NO. 2018–CP–07–01226 **ORDER OF DISMISSAL**

THIS MATTER CAME BEFORE THE COURT on an application for post-conviction relief (PCR) filed by Preston R. Oates (Applicant) on June 11, 2018, and amended on April 4, 2025. Respondent filed a return and an amended return, a partial motion to dismiss, and a partial motion for summary judgment. On April 17th and April 24, 2025,[1] evidentiary hearings were convened. Applicant was present and represented by Dayne Phillips, Esquire. Assistant Attorney General Danielle Dixon represented the State. Following a thorough review of the records before this Court and the testimony and evidence presented at the evidentiary hearing, this Court found Applicant did not meet his burden of proof, and that finding was reflected in a form-4 order dated July 28, 2025 and filed on August 5, 2025. Applicant timely moved for reconsideration of the form-4 order. This formal order was subsequently submitted to the Court on March 3, 2026.

For the reasons outlined in this order, this Court denies and dismisses this application with prejudice.

[1] Due to lack of court time, the case could not be completed while in Beaufort County. The matter reconvened in Newberry County the following week.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a twenty-six-year sentence. In February 2014, the Beaufort County Grand Jury indicted Applicant for murder (2014–GS–07–00359).[2] On June 16-19, 2014, Applicant proceeded to a jury trial before the Honorable Brooks P. Goldsmith. Jared Newman and Donald Colongeli, Esquires, represented Applicant. Deputy Solicitor Sean Thornton and Assistant Solicitor Mary Concannon prosecuted the case. The jury convicted Applicant of the lesser-included offense of voluntary manslaughter, and Judge Goldsmith sentenced Applicant to twenty-six years.

Applicant filed a timely notice of appeal, which was perfected by Appellate Defender Kathrine H. Hudgins. On appeal, Applicant argued the trial court erred in (1) denying pretrial immunity; (2) denying his motion for a directed verdict when the State failed to disprove self-defense; and (3) charging the jury with the lesser-included offense of voluntary manslaughter when no evidence showed he acted in a sudden heat of passion. The Court of Appeals affirmed on the merits. State v. Oates, Op. No. 5502 (filed Jul 26, 2017). Applicant filed a petition for rehearing, which was denied. Applicant then filed a petition for a writ of certiorari to the South Carolina Supreme Court, which was also denied. The remittitur was sent August 1, 2018.

CURRENT APPLICATION

On June 11, 2018, Applicant filed this current PCR application alleging trial counsel was ineffective for failing to "adequately investigate and develop potential grounds" to suppress a

[2] The State initially indicated Applicant for voluntary manslaughter. Applicant filed a motion for immunity under the Protection of Persons and Property Act, which was denied by the Honorable R. Markley Dennis after a hearing. Applicant filed an appeal, which was dismissed as interlocutory. After the matter was remitted to the circuit court, the Beaufort County Grand Jury issued a new indictment for murder.

videotape. On July 19, 2019, Respondent filed a motion for a more definite statement.[3]

On April 4, 2025, Applicant filed an amended application alleging:

a. Ineffective assistance of counsel:

1. Counsel failed to adequately prepare for trial;
2. Counsel failed to review all evidence with Applicant prior to trial;
3. Counsel failed to prepare Applicant to testify;
4. Counsel Don Colongeli erroneously advised Applicant to speak with police without an attorney present;
5. Counsel failed to conduct a reasonable investigation;
6. Counsel failed to interview witnesses, specifically J.R. Rowe, Paul R. Oates, and Reba Bryant;
7. Counsel failed to consult with an expert pathologist to challenge the State's expert testimony regarding bullet trajectory and the existence of a shored gunshot wound;
8. Counsel failed to interview witnesses who could have testified to Applicant's good character and request a jury instruction on good character;
9. Counsel improperly agreed to "seal" the murder indictment;
10. Counsel failed to move to quash the murder indictment and demand that the State provide what additional evidence existed to pursue that indictment;
11. Counsel failed to properly preserve whether the Solicitor committed misconduct in presenting a murder indictment;
12. Counsel failed to move for a change of venue based on publicity;
13. Counsel failed to raise, argue, and preserve the issue of whether the State unconstitutionally called his case for trial. See State v. Langford, 400 S.C. 421, 735 S.E.2d 471 (2012);
14. Counsel failed to move for individual *in camera* jury qualification and *voir dire*;
15. Counsel failed to raise whether Applicant's statements to law enforcement were voluntary;
16. Counsel failed to object to the admissibility of Applicant's unredacted recorded statements to police and move for redaction. Specifically, counsel failed to move to have improper hearsay and burden shifting redacted out of those recordings;
17. Counsel improperly conceded to allow Decedent's wife and brother to remain in the courtroom despite the motion for

[3] In February 2022, the Court entered a consent order to stay the matter due to Applicant's recent retention of new PCR counsel who needed to obtain the file from former PCR counsel. Thereafter, the Court issued an order dated July 22, 2022 granting Applicant's motion to compel production of the file from former PCR counsel, as well as orders continuing the matter in March 2023 and December 2023. In August 2024, Application sought leave to depose his father.

sequestration;
18. Counsel failed to object to the solicitor's opening statement, "Verdict, roughly translated, is Latin for speak the truth. And that's all anybody can ask you as jurors to do, is go back there, evaluate all of the evidence, and determine what the truth is.";
19. Counsel failed to object to the admissibility of the surveillance video recordings presented through Steve Varedi;
20. Counsel failed to properly cross-examine Steven Varedi regarding the video recordings;
21. Counsel failed to properly crosse examine Steve Varedi, Nelson Olivera, Elizabeth Reyes, Edwin Sorto, Zabeli Olivera, and Claudia Olivera based on inconsistent statements;
22. Counsel failed to properly cross-examine the pathologist regarding whether the evidence established that the decedent had a shored exit wound;
23. Counsel failed to admit photographs of the tow truck for the jury to understand the size of the truck in relation to the street based on the State's evidence and argument that Applicant could have easily driven the truck away;
24. Counsel failed to properly cross-examine the pathologist regarding her testimony and finding, which was not included in her report, that the victim had a shored exit gunshot wound;
25. Counsel failed to properly challenge the trial court's refusal to allow counsel to reference the State's dismissal of the indictment for voluntary manslaughter. Specifically, counsel failed to argue the trial court prevented him from being able to present a full and complete defense;
26. Counsel failed to properly argue and preserve the Solicitor's improper comments during the State's closing that Applicant was a coward;
27. Counsel failed to present a reasonable strategy in conceding the admissibility of Applicant's unredacted statements, not present any witnesses, and advising Applicant not to testify; and
28. Counsel failed to properly raise and preserve whether Applicant was entitled to immunity because deadly force was necessary to prevent the commission of a violent crime.

b. Ineffective assistance of appellate counsel:

1. Counsel failed to raise whether Applicant was entitled to immunity because deadly force was necessary to prevent the commission of a violent crime;
2. Counsel failed to raise whether the trial court erred in refusing to charge the jury on counsel's proposed self-defense charge;
3. Counsel failed to raise whether the solicitor's improper comments during closing, i.e. that Applicant was a coward, were calculated to

arouse the juror's passions or prejudices against Applicant;
4. Counsel failed to raise and argue whether the State dismissing the voluntary manslaughter indictment and subsequently requesting the trial court charge the jury on voluntary manslaughter as a lesser-included offense was fundamentally unfair;
5. Counsel failed to raise whether the trial court erred in refusing to allow counsel to reference the State's dismissal of the voluntary manslaughter indictment, which denied Applicant the right to present a full and complete defense;
6. Counsel failed to include Nelson Oliveria's written statement in the record on appeal when it contained impeachment evidence and the Court of Appeals relied on his testimony to affirm the conviction;
7 Counsel provided ineffective assistance in the event counsel did not properly preserved other meritorious issues.

Respondent filed an amended return, a motion to dismiss allegation (b)(7) as overly broad, and a motion for summary judgment as to allegations (a)(18) (related to truth-seeking language) and (a)(13) (related to an alleged Langford violation).

On April 17th and April 24, 2025, evidentiary hearings were convened. At the hearings, Applicant proceeded on the allegations of his amended application as set forth above. Additionally, he alleged counsel was ineffective for opening the door to testimony by Investigator Robert Bromage related to Applicant's veracity. (Tr. 335-54, 369-98, 381-89).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Beaufort County Clerk of Court records of the underlying convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, 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 section 17-27-80 of the South Carolina Code (2017).

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 prejudiced 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." "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.

Trial counsel preparation[4]

Applicant first raises several allegations related to counsel's preparation for trial. Specifically, Applicant maintains that counsel failed to review all discovery with Applicant, failed to prepare him to testify, failed to conduct a reasonable investigation, and did not retain or consult with an expert pathologist to challenge the State expert's testimony regarding bullet trajectory and the existence of a shored gunshot wound. Applicant did not prove this ground.

[4] This section addresses allegations 1-3, 5 and 7 of the amended application, as set forth above.

As to the assertion that counsel did not sufficiently meet or review the discovery with Applicant, the Court finds counsels' testimony more credible than that of Applicant. Mr. Don Colongeli testified that he and Mr. Newman met with Applicant several times and reviewed the roughly twenty (20) packets of discovery with him. Mr. Newman also testified about reviewing the discovery but stated that they did not go "line by line" through the incident report. This Court finds that based on counsel's foregoing credible testimony, counsel sufficiently reviewed discovery with Applicant. More importantly, Applicant never testified about how additional review of the discovery would have altered the outcome; thus, Applicant did not prove deficiency or prejudice.

Regarding failing to prepare Applicant to testify, Mr. Newman articulated a valid strategy concerning why Applicant testifying would not have been the best idea. First, counsel explained Applicant would not have made a good witness. Mr. Newman based this on the fact that he had previously represented Applicant in a civil case where his deposition was taken, and he did not testify well in that case. Having seen Applicant testify, the Court agrees with Mr. Newman's assessment. Put as politely as possible, Applicant came off as supercilious during his testimony, and this Court finds he would not have made a good witness at trial. Second, counsel articulated a valid trial strategy in that his objective was to present the defense through the State's evidence and thus preserve last argument. Applicant has not shown that having Applicant testify at the risk of losing final closing argument would have been reasonable under these circumstances. Third, counsel stated that he did not desire to place Applicant's character in issue because of other prior incidents in which Applicant had been involved. Accordingly, the Court finds counsel's advice to Applicant regarding whether he should testify was reasonable under prevailing professional norms and not deficient. Further, having viewed Applicant's testimony, this Court finds there is no

reasonably probability Applicant would have been acquitted had the jury heard his testimony.[5] Applicant thus did not prove counsel was ineffective in this regard.

With regard to failing to conduct a reasonable investigation, very little testimony concerning this ground was presented at the hearing, and Applicant abandoned the ground concerning counsel failing to call an expert pathologist. To the extent a ballistics expert could have been called, the Court finds that counsel was not ineffective. The gravamen of the defense case was that the decedent was the first to pull a gun and threaten Applicant, and Applicant fired in self-defense. Ultimately Applicant did not show that a ballistics expert would have aided this defense. Again, by calling a ballistics expert to testify, Applicant would have waived last argument. Furthermore, no ballistics expert (or any expert) testified during the PCR hearing as to any conclusions that differed from the evidence presented by the State. Accordingly, Applicant has shown neither deficiency nor prejudice, and this claim is denied.

Defendant's Statement[6]

Applicant next raises several allegations related to his video-recorded statement to police. First, he contends Counsel Don Colongeli erroneously advised him to speak with police without an attorney present. Next, he contends counsel failed to object to the admissibility of his unredacted recorded statements to police and move to redact improper hearsay and burden shifting from those recordings. Finally, he contends Counsel failed to present a reasonable strategy in conceding the admissibility of Applicant's unredacted statements.[7] Applicant did not prove this ground.

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[5] Applicant himself waived the right to testify—which only he could do—after being advised of that right by the trial court and that "the final decision is left entirely up to you." (Tr. 486-89).
[6] This section addresses allegations 4, 16, and 27 of the amended application.
[7] Concerning the remainder of allegation 27, this Court previously addressed counsel's advice regarding whether Applicant should testify. This court will address counsel's failure to present witnesses in the next section.

Prior to trial, Applicant provided statements to law enforcement, one of which was video recorded and reflected Applicant being read his *Miranda* rights. As to the allegation that Mr. Colongeli advised Applicant to speak with Officer Bromage without counsel present, Mr. Colongeli testified he did not recall giving Applicant this advice and he doubted he would advise any client to speak with law enforcement without counsel present. This Court finds counsel's foregoing testimony credible. Further, this Court finds it hard to believe that any first-year law student—let alone someone who has passed the bar and practiced criminal law for years—would ever advise a client involved in a fatal shooting to speak with law enforcement without a lawyer present. The Court concludes that Mr. Colongeli never gave such advice. Applicant thus did not prove deficiency or prejudice in this regard.

Applicant also asserts that counsel was ineffective for failing to object to the admission of Applicant's unredacted video statement. Mr. Newman and Deputy Solicitor Thornton both testified regarding this. Clearly, some of the more fanciful things which Applicant said in the video do go to credibility, such as the Istanbul reference. Mr. Newman testified that the substance of all Applicant's statements supported his theory of self-defense, and counsel was not overly concerned with the minutia contained in the video statement that was arguably objectionable. The Court finds counsel's' foregoing testimony credible. The Court likewise agrees with counsel's assessment and finds counsel was not deficient in not seeking further redactions of the video. To the extent that certain portions of the video could have been objected to and potentially redacted,[8] the Court finds that Applicant has not demonstrated a reasonable probability that those portions affected the outcome at trial. Accordingly, these allegations are denied.

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[8] Notably, had counsel moved for additional redactions, the State could have chosen *not* to introduce the recorded statement at trial—effectively forcing Applicant to testify in support of self-defense. Counsel repeatedly explained his concerns with having Applicant testify.

Failure to call witnesses[9]

Applicant alleges counsel was ineffective in failing to call various witnesses and failing to adequately cross-examine various State witnesses. He specifically alleges that counsel failed to interview J.R. Rowe, Paul R. Oates, and Reba Bryant, that counsel failed to interview witnesses who could have testified to Applicant's good character, and that counsel failed to request a jury instruction on good character. Applicant further contends counsel failed to properly cross-examine (1) Steven Varedi regarding the video recordings; (2) Steve Varedi, Nelson Olivera, Elizabeth Reyes, Edwin Sorto, Zabeli Olivera, and Claudia Olivera based on inconsistent statements; (3) the pathologist regarding whether the evidence established that the decedent had a shored exit wound; and (4) the pathologist regarding her testimony and her finding, which was not included in her report, that the victim had a shored exit gunshot wound. Finally, he contends counsel was ineffective for not admitting photographs of the tow truck for the jury to understand the size of the truck in relation to the street to rebut the State's argument that Applicant could have easily driven the truck away. Applicant did not prove these grounds.

At the PCR hearing, Applicant presented the testimony of J.R. Rowe, Applicant's father Paul Oates, and Charles Slaybaugh. Rowe testified that the road where the shooting occurred was narrow, and it would have been challenging for Applicant to simply drive away from the scene. He also spoke as to Applicant's peaceful character and trustworthiness. Paul Oates testified he went to the scene shortly after the shooting and asked Rowe to move the truck. Similar to Rowe, he could have testified as to the narrowness of the street. Finally, Slaybaugh testified he met Applicant on a plane about four years before Applicant's incarceration. Although Slabaugh visited Applicant in Beaufort 2-3 times per year, Slabaugh lived in Colorado and had never lived in South Carolina

[9] This section addresses allegations 6, 8, and 20-24 of the amended application.

or the Beaufort area. He had met Applicant's family and some of Applicant's friends. Although Applicant did not call Reba Bryant at the PCR hearing, she was the person who called 911; in that call, she described the decedent as cussing loudly.

As a preliminary matter, the Court finds Mr. Newman's desire to preserve final argument to be a very valid reason not to present a formal defense and call witnesses under the particular facts of this case and given the limited value these witnesses would have provided. Any attorney must evaluate and weigh the relative importance of a witness's testimony against losing the significant strategic advantage of last argument. The Court finds that counsel properly weighed the risks and benefits of calling witnesses, and his reasoning for not calling these witnesses was sound.

Mr. Newman testified that the narrowness of the street was obvious to anyone, so it was unnecessary to call Rowe and Paul Oates to testify to this clear fact. This Court finds counsel articulated a valid reason for not calling Rowe and Oates to testify about the width of the road and the truck and, therefore, was not deficient. Similarly, counsel was not deficient for not introducing the photo of the truck to show how large it was and how difficult it would be to navigate the narrow street. The photo was cumulative to other evidence introduced at trial, including a picture of the tow truck and a video that clearly depicted the large size of the tow truck, and introducing this additional photo would have resulted in the loss of last argument. Concerning Bryant, calling her so that her statement (introduced as Applicant's exhibit 2) could come in was unnecessary because this information was introduced at trial through other witnesses, and the cost of calling her to testify was substantially more than the benefit to Applicant because, again, Applicant would have lost last argument. Counsel thus articulated a valid reason for not calling these witnesses or introducing this evidence and, therefore, was not deficient.

Likewise, there is no reasonable probability the outcome would be different had Rowe or Paul testified about the size of the truck or width of the road, as that was obvious from the evidence presented at trial. For the same reason, there is no reasonable probability the outcome would have been different had counsel introduced additional pictures of the truck. Applicant did not call Bryant at the hearing—leaving this court to merely speculate about whether her testimony would have benefited Applicant. Applicant thus did not meet his burden of proving prejudice.

As to the calling of character witnesses and requesting a jury instruction on character evidence, the Court again finds that Mr. Newman offered a valid reason for not doing so. Here, calling Rowe or Slaybaugh to testify as to Applicant's character would have opened the door to questions about specific prior instances that would have hurt Applicant's case. If the witnesses were allowed to testify as to other traits, such as peacefulness, Deputy Solicitor Thornton indicated that the State would seek to cross Applicant about his attempted escape from jail and other incidents that would have hurt Applicant's case more than the character testimony would have helped. Furthermore, such testimony is generally limited to asking the witness about the defendant's capacity for truth and veracity, which presupposes that the defendant has testified. As explained previously, counsel's decision to discourage Applicant from testifying was a very wise call. Therefore, counsel's decision not to call Rowe, Slaybaugh, or any other character witnesses was valid and wise, and Applicant did not prove deficiency or prejudice in this regard.

Finally, Applicant failed to prove counsel was ineffective in his cross-examination of various witnesses. As to witnesses Varedi, Nelson Olivera, Reyes, Sorto, Zabeli Olivera, and Claudia Olivera, counsel explained his reasoning at the April 24th hearing. Varezi and Nelson Olivera were largely friendly witnesses who indicated that the *decedent* started the altercation. Sorto and Reyes were essentially "nothing" witnesses in that they did not actually witness

anything. As to Zabeli and Claudia Olivera, counsel stated that these family members of the decedent were very emotional during their testimony, and Applicant would not have won any points with the jury by beating up on grieving family members. Having reviewed the testimony of these witnesses, the Court concurs and finds that counsel's questioning of these witnesses was proper, measured, and met accepted professional norms. Applicant likewise did not set forth any additional cross-examination that would have had a reasonable probability of changing the outcome. Therefore, prejudice has not been demonstrated.

Regarding the cross of the pathologist and the shored exit wound, counsel testified that the defense was aware of this fact and that it would have hurt their case. (*See* Tr. 471-472). Again, the questions counsel asked of the pathologist were proper, advanced Applicant's case, and were not deficient in any respect. Applicant likewise has failed to set forth any cross-examination counsel should have conducted that would have had a reasonable probability of changing the outcome; Applicant has not proven prejudice. These allegations are denied.

Indictment issues[10]

Applicant raises several allegations related to the indictment. Specifically, he contends counsel was ineffective for (1) improperly agreeing to "seal" the murder indictment; (2) failing to move to quash the murder indictment and demand the State set forth the additional evidence it used to pursue that indictment; (3) failing to properly preserve whether the Solicitor committed misconduct in presenting a murder indictment to the Beaufort County Grand Jury; and (4) failing to properly challenge the trial court's refusal to allow counsel to reference the State's dismissal of the voluntary manslaughter indictment on the basis it prevented him from being able to present a full and complete defense. Applicant did not prove this ground.

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[10] This section addresses allegations 9-11 and 25, as set forth above.

Applicant maintains counsel's failure to take issue with the State's handling of the murder indictment was inadequate. Applicant was initially indicted for voluntary manslaughter. In the weeks prior to trial, the State elected to seek an indictment for murder and informed counsel of same. Because these events had been subject to a great deal of pretrial scrutiny, that indictment was subsequently sealed at the request of trial counsel to prevent further media attention.

Counsel's request to seal the murder indictment to avoid additional media attention was reasonable under prevailing professional norms and not deficient. Further, Applicant has not shown how the sealing of this indictment affected his trial or defense strategy—especially when he was aware that he was indicted for murder prior to trial. Applicant did not prove deficiency or prejudice in this regard.

Regarding the allegation that counsel should have moved to quash the murder indictment, a review of the record shows counsel *did* contest the new indictment, fought the State when they subsequently requested a voluntary manslaughter charge, argued judicial estoppel, and took issue with the judge's ruling. (Tr. 36-38, 490-91, 502-12) This Court further finds Applicant did not set forth any additional valid argument that would have reasonably led to the quashing of this indictment. To the extent Applicant contends that counsel could have asked the trial court to inquire of the solicitor what additional evidence was presented to the Grand Jury to warrant an increase in the charge to murder, such a request would likely have been refused since grand jury proceedings are secret and confidential. The Deputy Solicitor also credibly testified that, although the evidence presented to the Grand Jury had not changed, he viewed the case differently from the predecessor prosecutor; apparently, the Grand Jury agreed with the Deputy Solicitor's assessment. This Court finds Applicant has not shown any misconduct on the part of the State in presenting the murder indictment to the grand jury, and Applicant did not prove counsel was ineffective.

Concerning the trial court's ruling that counsel could not reference the dismissed manslaughter indictment, counsel cannot be held responsible for the trial court's rulings, and that his argument to the trial court was not successful is not the fault of counsel. Applicant did not set forth any additional argument counsel could have made that would have had a reasonable probability of changing the trial court's decision on this matter and thus did not prove deficiency or prejudice in this regard. In other words, although Applicant sweepingly stated the failure to reference the dismissed indictment prevented him from presenting a full defense, he did not set forth any law that existed at the time of trial (or even now) to support that claim. A review of the trial transcript shows Applicant was, in fact, afforded an opportunity to present a defense with competent counsel. Applicant did not prove deficiency or prejudice.

Finally, the Court notes that Applicant was ultimately convicted of the very crime for which he had been originally indicted—namely, voluntary manslaughter; by doing so, the jury obviously acquitted him of murder. Therefore, to some extent, the fact that Applicant was indicted for murder is moot and of no import. The Court concludes that counsel properly protected the record with regard to the indictment issue, and Applicant failed to prove counsel was ineffective in this regard.

Venue and Jury[11]

Applicant contends counsel was ineffective for failing to (1) move to change venue based on publicity and (2) move for individual *in camera* jury qualification and voir dire. Applicant did not prove this ground.

The Court acknowledges that the trial was subject to some measure of pretrial publicity. Counsel explained that, had a change of venue be granted, the case likely would have been moved to another county in the 14th Circuit. In his opinion, drawing a jury pool from Beaufort was much

[11] This section combines allegations 12 and 14 of the amended application.

more preferable than the other counties. Based on counsel's testimony, which this Court finds credible, this Court finds counsel articulated a valid reason for not seeking a change in venue.

Further, this Court notes that, procedurally per the law, a trial court should attempt to empanel a jury in the county where the offense occurred. Only if an impartial jury cannot be seated should a court then change venue. Having reviewed the record, although some jurors did have passing knowledge of the case, the trial court was successful in sitting an impartial jury. Accordingly, counsel was not deficient for not seeking a change of venue, and there is likewise not a reasonable probability such a motion would have resulted in a change of venue.

Regarding the suggestion that individual *voir dire* should have been sought, Counsel testified that he did not believe any of the responses to the trial court's questions prejudiced the panel. The Court is aware that individual *voir dire* is rarely granted and is generally reserved for death penalty cases; thus, prevailing professional norms did not require counsel to request individual voir dire, and counsel was not deficient for not doing so. Based upon the trial court's instructions that the jury must remain fair and impartial and judge the case based only upon the evidence presented in court, the Court finds that counsel was not ineffective in not seeking individual *voir dire*, and to the extent a motion may have been granted on this basis had counsel so moved, Applicant has not demonstrated any prejudice.

Failed to preserve arguments for appeal[12]

Applicant next contends counsel was ineffective for failing to preserve various arguments for appeal. Specifically, he contends counsel was ineffective for failing to (1) raise, argue, and preserve the issue of whether the State unconstitutionally called his case for trial[13]; (2) raise

[12] This section combines allegations 13, 15, 26, and 28.
[13] Applicant cites State v. Langford, 400 S.C. 421, 735 S.E.2d 471 (2012) in support.

whether Applicant's statements to law enforcement were voluntary; (3) properly argue and preserve an argument against the Solicitor's improper comment that Applicant was a coward; and (4) properly raise and preserve whether Applicant was entitled to immunity because deadly force was necessary to prevent the commission of a violent crime. Applicant did not prove these grounds.

As to allegations thirteen (13) and fifteen (15) (one and two in the paragraph above), this Court finds no evidentiary basis exists to support these grounds. Although Langford stands for the general proposition that the court should control the docket, the solicitor is granted broad discretion concerning the cases which are prioritized for trial. Here, a review of the trial transcript shows counsel was prepared for trial, and Applicant has not shown any prejudice in the timing or manner by which his trial was docketed—especially here where Applicant did not have codefendants such that the timing of whose case was called first would even matter. See Langford, 400 S.C. at 436, 735 S.E.2d at 479 ("To warrant reversal, Langford must demonstrate that he sustained prejudice as a result of the solicitor setting when his case was called for trial.").

Regarding counsel conceding that Applicant's statement was admissible, this Court finds it is not reasonably probable that the statement would have been suppressed had counsel challenged it pursuant to Jackson v. Denno. Specifically, Applicant was read his rights prior to giving his statement, and there is no indication from a review of the statement that he was coerced or that the statement was involuntarily given. Therefore, Applicant did not prove prejudice. Further, and importantly, counsel used Applicant's statement to support his defense without the risk of subjecting Applicant to cross examination. This was a very valid strategy, especially here where counsel expressed genuine, practical concerns about Applicant testifying at trial. Thus, counsel's decision to not challenge the admissibility of the statement was reasonable under prevailing professional norms and not deficient.

Concerning the Deputy Solicitor's reference to Applicant as a "coward" during closing argument, counsel did, in fact, object to that comment, but the trial court overruled the objection. (Tr. 569) This Court further finds Counsel was not deficient in failing to request a mistrial since his objection was overruled, nor was it reasonably likely a mistrial would have been granted under these circumstances. See State v. Wilson, 389 S.C. 579, 585–86, 698 S.E.2d 862, 865 (Ct. App. 2010) ("A mistrial should only be granted when absolutely necessary, and a defendant must show both error and prejudice in order to be entitled to a mistrial."); cf. Fortune v. State, 428 S.C. 545, 556, 837 S.E.2d 37, 43 (2019) ("We next must determine whether the improper argument so unfairly prejudiced the defendant as to deprive him of a fair trial."); Darden v. Wainwright, 477 U.S. 168, 181 (1986) (providing the relevant question when determining whether an improper comment by a solicitor prejudiced a defendant "is whether the prosecutors' comments so infected the trial with unfairness as to make the resulting conviction a denial of due process"); id. at 168 (finding prosecutor's improper comments—which included statements such as "He shouldn't be out of his cell unless he has a leash on him" and "I wish that I could see him sitting here with no face, blown away by a shotgun"—did not "so infect the trial with unfairness as to make the resulting conviction a denial of due process"). Applicant has not set forth what more counsel could or should have argued which would have reasonably changed the outcome and thus did not prove deficiency or prejudice.

Finally, this Court has reviewed the pretrial immunity hearing and finds counsel's argument was reasonable under prevailing professional grounds and not deficient. Applicant has not advanced any additional argument that had a reasonable probability of changing the outcome. Applicant specifically claims counsel should have argued deadly force was necessary *to prevent the commission of a crime*; however, in its detailed order, which was affirmed on appeal, the circuit

court explicitly found that the "use of deadly force against [decedent] was not necessary to prevent his own death or great bodily injury, *or the commission of a violent crime*." (Or. Denying Immunity, pg. 5, emphasis added). Based on that finding, it is unclear how *further* arguing this would have changed the outcome, especially when the circuit court's denial of immunity hinged on its finding that the confrontation had ended and the victim was walking away from the truck when Applicant "got out of his vehicle and shot [Victim]." Applicant did not advance an additional argument which would have had a reasonable probability of changing the outcome. Therefore, Applicant did not prove deficiency or prejudice, and this claim is denied.

Sequestration[14]

Applicant maintains that counsel was deficient for not raising the issue of the decedent's wife and brother remaining in the courtroom despite the sequestration order. First, the Court doubts that the trial court would have prevented those family members from remaining in the courtroom during the entire trial. Under the Victim's Bill of Rights, close family members of the decedent are allowed in the courtroom, and most judges will permit their presence even if they testify. Second, from a review of the transcript, these witnesses were the third, fourth, and fifth witnesses to testify, and the witnesses who testified before them, and whose testimony these witnesses would have heard, were simply the 911 operator and a neighbor whose security camera captured some of the events. Therefore, their testimony as fact witnesses was not likely tainted by the testimony of the 911 operator or neighbor. Accordingly, the Court finds that counsel was not deficient for failing to raise this issue with the trial court. Furthermore, Applicant has not demonstrated how he was prejudiced by their presence. This claim is denied.

[14] This section addresses allegation 17.

Failed to object – Solicitor's "truth" language[15]

Applicant asserts counsel should have objected to the Solicitor defining "verdict" as meaning "to speak the truth" in his opening statement. However, the jury was instructed that argument of counsel was not evidence. Furthermore, although Beaty, which was issued *after* Applicant's trial, stands for the proposition that the trial court should not instruct a jury to "search for the truth," Beaty does not prohibit an advocate from arguing that the fact finders should strive to find *true* facts.[16] The Court thus finds that counsel's representation was not deficient, nor did Applicant suffer prejudice from the solicitor's use of the word "truth." See State v. Aleksey, 343 S.C. 20, 27, 538 S.E.2d 248, 251–52 (2000) (finding defendant not prejudiced by trial court's truth-seeking language when "the "seek" language here did not appear in either the reasonable doubt or circumstantial evidence charges, but in the instructions on credibility").

Failed to object – Admissibility of surveillance video[17]

Applicant contends counsel was ineffective for not objecting to the admissibility of the surveillance video recordings presented through neighbor Steve Varedi who owned the video surveillance system. However, this Court finds the video was properly authenticated, its relevance was clear, and Applicant has not articulated a valid legal objection which would have excluded the video. Further, counsel used the video to advance his theory of the case. Applicant has not shown deficiency or prejudice, and this ground is denied.

Opening door during Investigator Bromage's testimony

Although not raised in his application, Applicant moved at the start of the hearing to allege

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[15] This section addresses allegation 18

[16] Furthermore, and not to be overly sarcastic or rhetorical, but does the addition of the word "true" really add anything to either the Solicitor's or a court's opening remarks? Hopefully, no juror has ever been under the impression that their job is to find *false* facts.

[17] This section addresses allegation 19.

counsel was ineffective for opening the door to improper testimony about Applicant's veracity during Investigator Robert Bromage's cross-examination. Applicant did not prove this ground.

At the PCR hearing, Applicant questioned counsel about the following cross-examination of Investigator Bromage:

> Q. You weren't out there and you didn't have that decision to make at gunpoint, did you?
>
> . . . .
>
> A. I wasn't out there. I don't know how long it took for these three people to run up to his truck. It sounds to me like he had plenty of time to get in the truck, shut the truck. Why not drive off. Why not hit 911 on the phone he's got in his hand And then he said it wasn't in his hand.
>
> Q. That's not a call you can make, is it? You weren't there.
>
> A. It's certainly something for me to evaluate, whether he's telling the truth or not. He has great detail from the beginning of the statement, how people are coming out. And at one point he say—he says something about this third person, go get the shotgun. He says something about this person. And when I asked him, he said, I couldn't see. I couldn't even see what the guy looked like, I think. And then he gets into some detailed description, like blue pants and a white shirt, shoulder length hair. But he didn't see this person.
>
> Q. He is telling you the same thing that he told him about the ponytail, that he really didn't see this person. This was dark in this incident too.
>
> A. I couldn't see him, he said. I distinctly remember just hearing that, as a matter of fact.
>
> Q. Now, as to these gunshots, have you watched the video?
>
> A. I have.
>
> Q. Okay. And all of those shots are fired in the span of approximately three seconds?
>
> A. Sir, it's probably been three years since I've seen the tape. If you want to play it for me, I could watch my watch and tell you exactly how long it is. But I don't remember it being that fast. But it could have been.
>
> Q. Okay. So, you're judging someone's truthfulness on an incident, the critical incident, that lasted three maybe five seconds, correct?
>
> A. I'm also judging it on his illusion of military training and everything else he's leading into. And it's—it's—it's, oh, I'm on an adventure. I just don't get it. You ask him a question, he goes into details or sensation. There's no record of me being in the military. I went to basic training at Fort Stwart. Fort Steward doesn't have basic training. So, I know he's lying up front.

(Tr. 380-82; R. 794-76). Trial counsel testified his strategy for cross-examining Investigator Bromage included showing Investigator Bromage had developed a personal beef against Applicant. He further explained he was getting a good feel from the jury about Investigator Bromage, who counsel believed came across as an egotistical police officer with a very high opinion of himself.

This Court finds counsel's foregoing testimony about his perception of Investigator Bromage and the jury's impression of him to be credible. This Court further finds counsel articulated a valid strategy for his cross-examination of Investigator Bromage, and his questions aligned with that strategy. Based on the questions asked, counsel was attempting to undermine Investigator Bromage's investigation, make the point to the jury that Investigator Bromage did not know what actually occurred at the time of the shooting, and persuade the jury that Investigator Bromage's beliefs were motivated by his assessment of Applicant personally. In other words, counsel sought to undermine the credibility of the investigation by showing Investigator Bromage's dislike of Applicant clouded his judgment and controlled his investigation rather than the verifiable facts. This strategy was reasonable under prevailing professional norms.

Further, Applicant has not proven prejudice. Although the statement "I know he's lying up front" could be damaging in isolation, Investigator Bromage was testifying about Applicant's "illusion of military training" rather than verifiable facts about the investigation.[18] In context, the cross-examination as a whole damaged the credibility of Investigator Bromage's investigation more than Applicant individually. Finally, because the jury heard Applicant's conversation with Instigator Bromage about his military training (or lack thereof) and his later admission that he did

[18] Applicant admitted during his interview with Investigator Bromage that he was not trained in the military, although he initially insinuated otherwise. R. 417-21, 438, 472-73

not have military training, there is no reasonable probability the outcome would be different had the jury *not* heard Investigator Bromage's foregoing testimony. Applicant did not prove deficiency or prejudice, and this claim is denied.

Ineffective Assistance of Appellate Counsel

Applicant alleges appellate counsel was ineffective for not raising various issues on appeal. This Court finds Applicant did not prove appellate counsel was ineffective.

A defendant is entitled to effective assistance of appellate counsel. Southerland v. State, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999). Although appellate counsel is required to provide effective assistance of counsel, "appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990) citing Jones v. Barnes, 463 U.S. 745 (1983). "For judges to second-guess reasonable professional judgments and impose on ... counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy. . ." Jones, 463 U.S. at 754.

In analyzing a claim of ineffective assistance of appellate counsel, the Court applies the Strickland test just as it would when analyzing a claim of ineffective assistance of trial counsel. See Southerland v. State, 337 S.C. 610, 616, 524 S.E.2d 833, 836 (1999). Thus, the proper question is (1) whether appellate counsel's performance was deficient, and (2) whether Applicant was prejudiced by appellate counsel's deficient performance. Bennett v. State, 383 S.C. 303, 309, 680 S.E.2d 273, 276 (2009). To prove prejudice, the applicant must show that, but for counsel's errors, there is a reasonable probability he would have prevailed on appeal. Anderson v. State, 354 S.C. 431, 434, 581 S.E.2d 834, 835 (2003).

Immunity hearing

Applicant first contends appellate counsel was ineffective for not raising whether Applicant was entitled to immunity because deadly force was necessary to prevent the commission of a violent crime. However, appellate counsel advanced other more meritorious arguments regarding the denial of immunity, and the failure to raise this ground as well did not constitute deficiency. See Thrift, 302 S.C. at 539, 397 S.E.2d at 526 ("[A]ppellate counsel is not required to raise every non-frivolous issue that is presented by the record."); Jones v. Barnes, 463 U.S. 745, 754 (1983) ("For judges to second-guess reasonable professional judgments and impose on . . . counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy . . . ."). Further, Applicant has not produced sufficient evidence to prove any armed robbery was taking place at the time the decedent was shot. Thus, although trial counsel made that argument to Judge Dennis at the immunity hearing, appellate counsel was not deficient in failing to raise this on appeal. Finally, the denial of immunity hinged on Judge Dennis's findings that the conflict had ended and the victim was walking away, and those findings were affirmed on appeal. Thus, it is not reasonably probable the appellate court would have reversed had appellate counsel also argued the shooting was necessary to prevent the commission of a crime. In other words, to reverse the denial of immunity based on the allegation that the shooting was necessary to prevent the commission of a crime, the appellate court would have to reverse the finding that the conflict had ended and the victim was walking away. Since that finding was affirmed, it is not reasonably probable this additional argument would have resulted in a different outcome on appeal.

Self-defense instruction

Applicant next contends appellate counsel was ineffective for not raising the trial court's refusal to charge the jury on counsel's proposed self-defense charge. However, appellate counsel

explained she did not see the proposed charge in the material she had, noting it was not entered as a court exhibit. She further stated she didn't see anything lacking in the instructions charged by the trial court. Based on counsel's foregoing credible testimony, her performance in this regard was not deficient. Further, based on this Court's review, the instruction given by the trial court correctly stated the law, and Applicant has not set forth with specificity anything improper about the trial court's charge. (Tr. 594-97). Therefore, Applicant could not have been prejudiced by trial counsel not making his proposed instruction a part of the record, and appellate counsel was not deficient in failing to raise this issue.

Closing argument

Applicant asserts appellate counsel was ineffective for failing to raise whether the solicitor's improper comments during closing argument that Applicant was a coward were calculated to arouse the juror's passions or prejudices against Applicant. The Court agrees with appellate counsel that the Solicitor's "coward" and "$5 billion lunch" remarks likely would not warrant reversal. As framed (i.e. whether the comments were calculated to arouse the juror's passions or prejudices against Applicant), Applicant's argument ignores a critical issue: whether the comments were prejudicial or, more specifically, whether the comments "so infected the trial with unfairness as to make the resulting conviction a denial of due process." See Fortune, 428 S.C. at 556, 837 S.E.2d at 43 ("We next must determine whether the improper argument so unfairly prejudiced the defendant as to deprive him of a fair trial."); Darden, 477 U.S. at 181 (providing the relevant question when determining whether an improper comment by a solicitor prejudiced a defendant "is whether the prosecutors' comments so infected the trial with unfairness as to make the resulting conviction a denial of due process"). When viewed in context of the record as a whole, this comment, made in isolation during the course of a nearly twenty-page closing argument, did

not deprive Applicant of a fair trial or so infect the trial with prejudice as to warrant reversal. Id. at 168 (finding prosecutor's improper comments—which included statements such as "He shouldn't be out of his cell unless he has a leash on him" and "I wish that I could see him sitting here with no face, blown away by a shotgun"—did not "so infect the trial with unfairness as to make the resulting conviction a denial of due process"). Therefore, this Court finds Applicant did not prove deficiency or prejudice.

Dismissal of voluntary manslaughter indictment

Applicant contends appellate counsel was ineffective for failing to raise and argue whether the State's dismissal of the voluntary manslaughter indictment and subsequent request for a charge on the lesser-included offense of voluntary manslaughter was fundamentally unfair. Initially, the Court references its earlier ruling on this issue. Further, Applicant has not advanced any argument to support that this would have been a reversible issue other than to generically argue it was unfair. However, as noted, this Court finds Applicant did not prove any misconduct on the solicitor's part, especially here where the murder indictment was true-billed by the Grand Jury. Further, the fact that the prior voluntary manslaughter charge had been dismissed did not preclude the circuit court from charging voluntary manslaughter as a lesser-included-offense because the evidence supported the charge. See State v. Gilmore, 396 S.C. 72, 76, 719 S.E.2d 688, 690 (Ct. App. 2011) ("If there is evidence in the record from which the jury could infer the defendant is guilty of the lesser-included offense, rather than the crime charged, the trial judge must instruct the jury on the lesser-included offense."). In other words, it would have been legal error for the trial court to deny the request to charge the lesser-included offense when evidence supported it. Here, Applicant had notice of the charge against him and an opportunity to challenge the State's evidence and present his own case to the jury trial, and he has not shown the proceedings were fundamentally unfair.

Applicant has failed to prove deficiency or prejudice in this regard. Finally, he was convicted of the very offense for which he had originally been indicted; hence, he cannot show prejudice.

Denial of request to reference State's dismissal of indictment

Applicant contends appellate counsel was ineffective in failing to raise whether the trial court erred in refusing to allow counsel to reference the State's dismissal of the voluntary manslaughter indictment, which he contends denied him the right to present a complete defense. However, Applicant has not advanced any additional argument to support that this would have been a reversible issue other than to generically argue it denied him the right to present a defense. This Court finds it is not reasonably probable the appellate court would have found the trial court abused its discretion in not allowing counsel to argue the purported impropriety of the Solicitor seeking a murder indictment, especially here where the trial court had already found the Solicitor could properly re-indict Applicant for murder. Here, appellate counsel raised other more meritorious issues, and it is not reasonably probable the appellate court would have reversed on this ground. Applicant has not proven deficiency or prejudice.

Record on appeal

Applicant next contends counsel was ineffective for not including Nelson Oliveria's written statement in the record on appeal. This statement allegedly "contained impeachment evidence and the Court of Appeals relied on his testimony to affirm the conviction." Initially, the record on appeal *did* contain a written statement from Nelson dated December 28, 2010 which was entered as part of the pretrial immunity hearing but not the trial itself. (ROA 493-96). Although Applicant entered an additional statement from Nelson at the PCR hearing,[19] there is no evidence this

[19] The additional statement was taken the day of the shooting (December 24, 2010). Critically, the December 24th statement is largely cumulative to, although not as detailed as, the statement in the record on appeal.

statement was entered at the pretrial immunity hearing or at trial itself, thereby making it improper to include in the record on appeal. See Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal.") Additionally, appellate counsel credibly testified she did not recall having the first statement. Because she did not have it, she cannot be deficient for not designating it for the record on appeal, especially when it was not entered at the immunity hearing or at trial.

Further, Applicant has not shown how Nelson's December 24th statement was relevant to the disposition of the legal issues raised on appeal, which included whether (1) the circuit court abused its discretion in denying immunity when evidence showed the victim attempted to forcibly remove Applicant from his vehicle, (2) the circuit court's finding that the conflict had resolved at the time of the shooting was supported by the evidence, (3) the circuit court erred in refusing to direct a verdict of acquittal based on self-defense, and (4) evidence of sudden heat of passion existed to justify the voluntary manslaughter charge. Because this statement was not before the circuit court and was not relevant to the disposition of these legal issues, counsel was not deficient for not designating it for the record on appeal.[20] See Rule 209(b), SCACR ("A party shall not include in matter in his Designation which is not relevant to the appeal.").

Applicant likewise did not prove a reasonable probability that the Court of Appeals would have reversed this conviction had the record included Nelson's December 24th statement. Inferentially, Applicant seems to be averring that, if the Court of Appeals had this statement, it would have doubted Nelson's story and reached a different conclusion. However, the statement

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[20] To the extent Applicant raises this in support of his claim of ineffective assistance of trial counsel, this Court finds trial counsel's cross of Nelson Oliveria was thorough and did, in fact, address the inconsistencies in his testimony and his prior statements. As previously discussed, Applicant did not prove trial counsel was ineffective in his cross-examination of Nelson Oliveria.

would only be relevant to the first two issues[21] related to the circuit court's denial of immunity (since it was not entered at trial and thus could not be the basis of trial court error). Ultimately, the Court of Appeals noted that, although Applicant raised "compelling" arguments related to the denial of immunity, the Court could not 'reweigh the evidence or second-guess the [circuit] court's assessment of witness credibility." (Op. 11-12). Because of the Court of Appeal's deferential review of findings of fact, there is no reasonable probability this statement—which was largely cumulative to Nelson's statement that *was* included in the record on appeal—would have changed the Court of Appeals' decision. Accordingly, Applicant has shown neither deficiency nor prejudice, and this claim is denied.

Catch-all allegation

As a final allegation, Applicant alleges appellate counsel was ineffective "in the event counsel properly preserved other meritorious issues." This Court finds Applicant has not met his burden of proving any preserved, unraised issue that would have had a reasonable probability of a different outcome on appeal. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985) (providing a PCR applicant bears the burden of proving the allegations in his application). Applicant thus did not prove this claim.

CONCLUSION

As a final matter, the Court wishes to note that, having reviewed the underlying facts, I could see where the result in this case was perhaps surprising to Applicant and his counsel. At the end of day, however, the result which the jury reached was not counsel's fault. To the contrary, counsel did an exceptional job representing Mr. Oates. Ultimately, the jury simply concluded that the decedent did not have to die for what he did and that this was not a case of self-defense.

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[21] The Court of Appeals combined these issues into one analysis.

Based on the foregoing, this Court concludes Applicant has not established any constitutional violations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

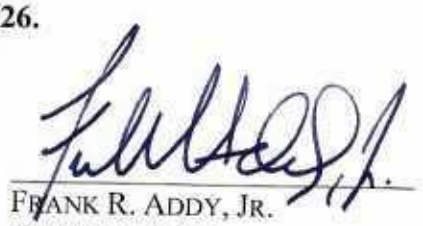
Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty (30) days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and

2. Applicant shall be remanded to and remain in the custody of the State.

IT IS SO ORDERED THIS 4th day of March, 2026.



FRANK R. ADDY, JR.
Presiding Judge
Fourteenth Judicial Circuit

Greenwood, South Carolina

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	FOURTEENTH JUDICIAL CIRCUIT
	)	
PRESTON R. OATES,	)	CASE NO. 2018–CP–07–01226
	)	
Applicant,	)	
	)	
v.	)	**ORDER DENYING MOTION TO ALTER OR AMEND**
	)	
THE STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

THIS MATTER ORIGINALLY CAME BEFORE THE COURT for a hearing on April 17, 2025 and April 24, 2025. The Court issued a form-4 order dated July 29, 2025 denying relief, and the formal order was issued on March 4, 2026. Applicant timely moved to alter or amend the formal order under Rule 59 by motion dated March 13, 2026.

Having fully reviewed and reconsidered the order of March 4, 2026, the Court denies Applicant's motion to alter or amend.

IT IS SO ORDERED.

FRANK R. ADDY, JR.
Presiding Judge
Fourteenth Judicial Circuit

March 26, 2026
Greenwood, South Carolina