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May 21 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County

Honorable J. Cordell Maddox, Circuit Court Judge

ROBERT JOSEPH HELRIGEL, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002407

JOHNSON PETITION FOR WRIT OF CERTIORARI

W. CHANDLER NORVILLE
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INDEX

INDEX i

ISSUE PRESENTED1

STATEMENT2

ARGUMENT

**Petitioner’s guilty plea was rendered involuntary when
Petitioner’s primary motivating factor in pleading guilty was
moving to prison from county jail.6**

CONCLUSION8

PETITION TO BE RELIEVED AS COUNSEL9

ISSUE PRESENTED

Whether Petitioner's guilty plea was rendered involuntary when Petitioner's primary motivating factor in pleading guilty was moving to prison from county jail?

STATEMENT

On April 4, 2022, Petitioner was pulled over for traffic violations and suspicion of driving under the influence. App. 10, l. 23 – 11, l. 1. During the traffic stop, the officer smelled marijuana. App. 11, ll. 5-7. The resultant probable cause search of his car located a shoebox and backpack containing 589.1 grams of methamphetamine, 92.3 grams of fentanyl, marijuana, various pills, a significant amount of cash, plastic baggies, and two stolen handguns. App. 11, ll. 12-25.

Petitioner was indicted at the August 2022 term of the Lexington County grand jury for trafficking methamphetamine, 400 grams or more, possession with intent to distribute (PWID) fentanyl, and possession of a weapon during the commission of a violent crime. App. 197-202. In exchange for a guilty plea, the state reduced the trafficking charge to trafficking in methamphetamine, 28 to 100 grams. App. 4, ll. 4-17. The state and Petitioner agreed to a negotiated sentencing range of fifteen-to-twenty years' imprisonment. App. 10, ll. 10-14.

On September 29, 2022, Petitioner pleaded guilty before the Honorable Walton J. McLeod, IV. App. 1. Robert T. Williams, Sr., represented Petitioner; Kelly Oppenheimer represented the state. App. 1. During the plea hearing, Petitioner made several statements that indicated he may not fully understand the proceedings. For example, during the plea court's colloquy regarding the sentencing ranges of the charges, the following occurred:

THE COURT: Okay. The charge of [PWID] fentanyl carries a potential sentence of up to 15 years. Do you understand that?

[PETITIONER]: Yes, Your Honor.

THE COURT: And the charge of possession of a weapon during a violent crime carries a potential sentence of up to 5 years. Do you understand that?

[PETITIONER]: I understand that. The only thing I got a question, like –

[TRIAL COUNSEL]: Wait, wait.

THE COURT: I will – I'm going to let you and your lawyer speak. I just want to know if you understand –

App. 6, ll. 7-18. After the plea court informed Petitioner that trafficking methamphetamine was a violent and serious offense, Petitioner responded: “Now. I didn't. Beforehand, I didn't understand it was violent.” App. 7, ll. 23-24. After the state's factual recitation, the following colloquy occurred:

THE COURT: Okay. Now, [Petitioner], did you hear the state's allegations?

[PETITIONER]: Yes, Your Honor, I heard them.

THE COURT: Did you understand everything she was saying –

[PETITIONER]: I understood.

THE COURT: -- about the allegations?

[PETITIONER]: It wasn't all accurate, but I understand it.

THE COURT: Okay. Well, as to the general nature of the allegations regarding trafficking, possession of the fentanyl, and possession of the weapon, do you agree with them?

[PETITIONER]: Oh, yes, Your Honor.

App. 12, ll. 10-22. The plea court found that the plea was freely, voluntarily, knowingly, and intelligently made and supported by a substantial factual basis. App. 13, ll. 2-7. The plea court accepted the guilty pleas. App. 13, ll. 2-7. The plea court sentenced Petitioner to seventeen years'

imprisonment for the trafficking charge, fifteen years for PWID fentanyl, and five years for the weapons offense, to run concurrently. App. 22, ll. 1-5.

On October 4, 2022, Petitioner, through attorney Benjamin Stitely, filed a written motion to withdraw his guilty plea. App. 24. Petitioner asserted in the motion that he was “under extreme mental distress and did not enter the plea knowingly, intelligently, and with the proper mental understanding of what was transpiring.” *Id.* Petitioner also asserted that a mental evaluation may be necessary. *Id.* The state filed a brief in response to the motion. App. 26-30. The state asserted that plea counsel had been practicing law for forty-six years and had never raised any issue of competency. App. 28-29. The state also asserted that it had listened to recorded jail calls between Petitioner and friends and family, and Petitioner seemed to demonstrate a full understanding of what was occurring in those calls. App. 29. The plea court denied the motion without a hearing. App. 31. The plea court found that the plea colloquy was thorough, and Petitioner did not hesitate to answer the plea court’s questions. App. 32.¹ The plea court further found that Petitioner demonstrated competency on the jail calls that the state referenced in its brief. App. 33.

On February 21, 2023, Petitioner filed a timely *pro se* application for post-conviction relief (PCR). App. 34-43. The application was amended through appointed counsel on March 20, 2024. App. 62-65. Petitioner asserted, *inter alia*, that his plea was invalid because he “was rushed into pleading last minute with threats of having bond revoked and being sent to Alvin Glenn if he did not plead.” App. 64. An evidentiary hearing was held on March 21, 2024, before the Honorable J. Cordell Maddox. App. 66. Chelsey F. Marto represented Petitioner; Donald J. Zelenka represented the state. App. 66.

¹ As demonstrated *supra*, this is not accurate.

At the hearing, Petitioner testified that he did not know he would plead guilty until the last minute. App. 76, ll. 1-9. Petitioner felt rushed to plead guilty because he was terrified of the conditions at the Alvin S. Glenn Detention Center. App. 76, ll. 10-17. Plea counsel confirmed this testimony, testifying that the “driving force” behind Petitioner pleading guilty was that he was incarcerated at Alvin S. Glenn. App. 100, ll. 19-21. Stitely also testified that his motion’s characterization of Petitioner’s “incredible emotional distress” was “completely accurate.” App. 117, ll. 20-22. Stitely testified that Petitioner felt pushed into pleading guilty because of the poor conditions at Alvin S. Glenn, the fact that he had bad cellmates there, and the fact that he would have likely waited two or more years for his case to be called to trial. App. 117, ll. 5-11.

The PCR court denied relief and dismissed the application with prejudice. App. 141. The PCR court found plea counsel and Stitely’s testimony that Petitioner’s primary motivation for pleading guilty was leaving Alvin S. Glenn was credible. App. 155. However, the PCR court found that Petitioner understood the consequences of his guilty plea, so the plea was voluntary. App. 170-71. Petitioner filed a Rule 59(e), SCRCP, motion to alter or amend the judgment. App. 173.² Therein, Petitioner asserted that he was rushed into pleading due to his incarceration at Alvin S. Glenn, and the same violated his rights under the Eighth and Fourteenth Amendments to the federal constitution. App. 177-187. The PCR court denied the motion on the same grounds as in its order of dismissal. App. 195-196.

This petition follows.

² This motion was filed by counsel but included a several-page-long *pro se* document as an attachment and incorporated the *pro se* document’s assertions. App. 170-187.

ARGUMENT

Petitioner's guilty plea was rendered involuntary when Petitioner's primary motivating factor in pleading guilty was moving to prison from county jail.

Petitioner pleaded guilty primarily due to extraneous pressure to do so, which came from an illegitimate source. This rendered his guilty plea involuntary. This Court should grant certiorari and reverse.

By pleading guilty, a defendant waives numerous constitutional rights, such as the Fifth Amendment right against self-incrimination and the Sixth Amendment rights to a trial by jury and confrontation. *Boykin v. Alabama*, 395 U.S. 238, 243 (1969). Because of the importance of these rights, their waiver by guilty plea must be knowingly, voluntarily, and intelligently made. *Id.* Whether a guilty plea is voluntarily made is governed by the same standard that this Court would employ to determine whether a confession was voluntarily made. *Id.* at 242. Therefore, a guilty plea is not voluntarily made if under “the particular circumstances of the case” it “is unlikely to have been the product of a free and rational will.” *Miller v. Fenton*, 474 U.S. 104, 110 (1985). When a guilty plea is coerced from a defendant, “important human values are sacrificed,” by “wring[ing]” such a waiver of rights “out of an accused against his will.” *Jackson v. Denno*, 378 U.S. 368, 386 (1964).

Here, Petitioner pleaded guilty primarily because he wanted to be moved to a prison, rather than continue pre-trial detention in the Alvin S. Glenn Detention Center. This fact raises additional constitutional concerns. For one, pre-trial detention cannot be punitive, *see Bell v. Wolfish*, 441 U.S. 520, 535-36 (1979); however, Petitioner's strong desire to be placed in prison rather than pre-trial detention suggests that it was punitive in his case. *Boykin* makes clear that pleading guilty necessitates the waiver of numerous, important constitutional rights. That waiver

must be voluntary. But Petitioner's waiver was based solely on his desire to leave poor conditions in pre-trial detention. The circumstances of his decision to forgo trial render the decision involuntary. It cannot be true that the Constitution tolerates a regime where defendants who would otherwise go to trial choose not to, based solely upon the conditions of whatever county jail they are placed in during the pendency of their cases.

Further, the pressure that Petitioner felt to plead guilty did not come from a legitimate source. Petitioner did not primarily plead guilty to avoid a harsher sentence or have other charges dismissed; he pleaded guilty primarily to move from one detention center to another. Because Petitioner's perception of the conditions at Alvin S. Glenn caused him to plead guilty, his guilty plea was invalid. This Court should grant certiorari and reverse.

CONCLUSION

For the foregoing reasons, the petition for writ of certiorari should be granted.



W. Chandler Norville
Appellate Defender

ATTORNEY FOR PETITIONER

This 21st day of May, 2026.

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Counsel for Robert Helrigel states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. He has reviewed the record of petitioner's post-conviction relief hearing before Judge J. Cordell Maddox, which was held on MARCH 21, 2024, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve him as counsel for Robert Helrigel.

Respectfully Submitted,



W. Chandler Norville
Appellate Defender

ATTORNEY FOR PETITIONER

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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of his ability this Johnson Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”



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