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Jun 15 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Darlington County

Honorable The Hon. S. B. Doby, Circuit Court Judge

SINATRA L. HUNTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002476

JOHNSON PETITION FOR WRIT OF CERTIORARI

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ATTORNEY FOR PETITIONER

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ISSUE PRESENTED

Was petitioner's guilty plea unknowing and involuntary because his plea strategy was based on a mistaken idea concerning the right to appeal?

STATEMENT

A Darlington County grand jury indicted petitioner for throwing bodily fluids by a prisoner, third-degree burglary, first-degree burglary, petit larceny, armed robbery, attempted murder, and a weapons charge. App. 81. On March 26, 2024, petitioner appeared before the Honorable R. Kirk Griffin for a negotiated guilty plea. App. 1. Monty Bell represented the State and Marianna White and Jacob Godwin represented petitioner. App. 1. Judge Griffin accepted the negotiated plea and sentenced petitioner to twenty-five years' imprisonment, concurrent, for attempted murder, first-degree burglary, and armed robbery. App. 30. The court sentenced petitioner to a consecutive term of one year in prison for throwing bodily fluids. App. 30. The remaining charges were dismissed and no appeal was taken.

On October 1, 2024, petitioner filed a PCR application. App. 33. On September 3, 2025, the Honorable S. Bryan Doby held a hearing. App. 52. Steven W. Fowler represented petitioner. App. 52. Sydney Willingham represented the State. App. 52. On December 10, 2025, Judge Doby denied relief and this petition for certiorari follows.

ARGUMENT

Petitioner's guilty plea was unknowing and involuntary because his plea strategy was based on a mistaken idea concerning the right to appeal.

Petitioner unambiguously testified at his PCR hearing that he wanted to appeal his plea. App. 61-62. He told plea counsel that he wanted to "Immediately" appeal his conviction and sentence. App. 62. Petitioner only pled guilty because he was afraid of getting a life sentence. App. 62. He wanted to go to trial, but his mistaken ideas about what could happen on appeal led him to plea. App. 67.

Petitioner stated he pled instead of going to trial, "Thinking I would get lesser time and if I plea, they would do the appeal and I would come back to court." App. 67. PCR counsel asked, "So you're saying that the plea was based on her filing an appeal for you?" App. 67. Petitioner responded, "Yes, sir." App. 67. He thought an appeal would allow "new evidence or something I could use." App. 68.

Plea counsel testified that petitioner "had been LWOPed, so he was looking at life." App. 71. She agreed with petitioner that "the deciding factor" in his plea was avoiding a life sentence. App. 71. Plea counsel admitted never discussing an appeal with petitioner. App. 71. She said, "No, we never discussed an appeal, just the guilty plea." App. 71. She also admitted she did not discuss the appellate process at all. App. 73. "There was never any discussion about that. That is never the goal for a guilty plea." App. 73. When asked, "But did you talk to him about what his appellate rights were if he pled," plea counsel responded, "I didn't. He never asked." App. 73.

Plea counsel understood petitioner's severe mental health problems. App. 74-77. Petitioner is schizophrenic. App. 63. He hears voices. App. 63. At the time of his plea, he was

on Seroquel, Remeron, and another psychiatric medication. App. 63. Plea counsel had petitioner evaluated for competency to stand trial, but he was found competent. App. 74-77. Petitioner attempted suicide before a scheduled trial. App. 75. Ultimately, petitioner was evaluated three times. App. 77

The PCR court denied relief on this ground. App 87-89. The PCR court found that the plea judge informed petitioner about his right to appeal. App. 88. This finding is correct. App. 22. The PCR court also found no extraordinary circumstances existed that would have warranted plea counsel explaining the appellate process to petitioner. App. 87-89. This finding is incorrect.

Given petitioner's severe mental health limitations and plea counsel's undisputed knowledge of his schizophrenia, she had an affirmative duty to make sure his plea was not based on mistaken assumptions about the appellate process. The PCR court failed to understand this nuance that rendered petitioner's guilty plea unknowing and involuntary. The plea judge's advisement about the right to appeal confirmed the mentally ill petitioner's beliefs. It did not cure it.

"Defendants have a Sixth Amendment right to counsel, a right that extends to the plea-bargaining process." Lafler v. Cooper, 566 U.S. 156, 162 (2012). "Before deciding whether to plead guilty, a defendant is entitled to the effective assistance of competent counsel." Padilla v. Kentucky, 559 U.S. 356, 364 (2010) (internal quotations omitted). Plea counsel has a duty to conduct an independent investigation. Wiggins v. Smith, 539 U.S. 510, 521-22 (2003).

Misadvice about aspects of the judicial process, such as sentencing, have been found to be ineffective assistance of counsel warranting reversal of a guilty plea in PCR. In Hinson v. State, 297 S.C. 456, 377 S.E.2d 338 (1989), the defendant's trial attorney told him he would be eligible for

parole after serving ten years when, in reality, defendant would have to serve twenty years. Id. at 457-58, 377 S.E.2d at 339. Hinson found such advice deficient and reversed the PCR court. Id.; see also Alexander v. State, 303 S.C. 539, 402 S.E.2d 484 (1991) (reversing guilty plea on PCR where attorney misadvised defendant on maximum exposure at sentencing).

In Ray v. State, 303 S.C. 374, 401 S.E.2d 151 (1991), plea counsel was ineffective for erroneously advising the defendant that he faced a sentence of life without parole. Id. at 375, 401 S.E.2d at 152. The State argued that since the defendant faced a possible seventy-five year sentence, he could not have been prejudiced by the erroneous advice. Id. at 376, 401 S.E.2d at 152-53. The Ray Court dismissed the State's reliance on a "possible" maximum sentence because had the defendant proceeded to trial, he could have faced a much shorter sentence. Id.

Like in Hinson, Ray, and Alexander, petitioner's plea was rendered unknowing based on his misconceptions about what could happen in an appeal. He thought new evidence could be presented in an appeal after a guilty plea. He thought he would be sent back to the trial court for a lesser sentence after avoiding LWOP during his guilty plea and did not understand that a successful appeal would result in reviving the LWOP potential.

The PCR court cited Turner v. State, 380 S.C. 223, 670 S.E.2d 373 (2008) as its authority for finding that plea counsel has no duty to make their client fully aware of the right to appeal a guilty plea absent extraordinary circumstances. App. 87. While the PCR court accurately stated the law, it misapplied that law to petitioner's situation.

While no extraordinary circumstances existed warranting an appeal from petitioner's guilty plea, extraordinary circumstances did exist regarding petitioner's misconceptions about the appellate process. Given petitioner's severe mental illness, plea counsel needed to make sure he understood the finality of his guilty plea and that appeals of guilty pleas are usually fools'

errands. She admitted she made no such explanation, despite having petitioner evaluated three times. This failure satisfies the deficient performance prong.

The prejudice component in a guilty plea is whether petitioner would have reasonably chosen to go to trial, not whether he would have been convicted. Smith v. State, 369 S.C. 135, 631 S.E.2d 135 (2006). A defendant's testimony that he would have gone to trial can suffice to prove prejudice in a guilty plea PCR. See id. Petitioner adamantly testified he wanted a trial and would have gone to trial had he understood appealing a guilty plea is a dead end. App. 67. His testimony satisfies the prejudice prong. The PCR court erred in denying this petition and this Court should grant certiorari and reverse.

CONCLUSION

For the foregoing reasons, this Court should grant certiorari and reverse petitioner's convictions.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR PETITIONER

This 15th day of June, 2026.

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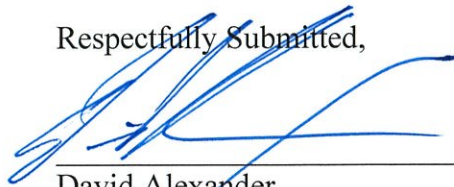
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Sinatra Hunter states:

1. He is Deputy Chief Attorney for Capital Appeals 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 The Hon. S. B. Doby, which was held on , 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 Sinatra Hunter.

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR PETITIONER

This 15th day of June, 2026.

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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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This 15th day of June, 2026.