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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas McGee, III., Circuit Court Judge

Case No. 2021-CP-10-3718

Aaron J. White,	Appellant,
v.	
State of South Carolina,	Respondent.

NOTICE OF APPEAL

Aaron J. White hereby appeals the denial and dismissal of his application for post conviction relief in this case. An evidentiary hearing in the matter was convened before the Honorable Thomas McGee, III. Following the hearing, Judge McGee issued a written order denying and dismissing the application with prejudice filed May 15, 2026. Undersigned counsel was emailed a written filed copy of said order on June 12, 2026.

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June 28, 2026

s/ Denise Grainger. Swope
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AT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
Aaron J. White, #382747	)	Case No.: 2021-CP-10-03718
Applicant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
State of South Carolina,	)	
Respondent.	)	

FILED
2026 MAY 15 AM 8:4
JULIE J. ARNS
CLERK OF COURT

This matter comes before the Court by way of Aaron J. White’s application for post-conviction relief (PCR) filed on August 13, 2021. Respondent filed its Return requesting an evidentiary hearing. On April 14, 2026, an evidentiary hearing was held at the Charleston County Courthouse before the Honorable Thomas W. McGee, III. Applicant was present and represented by Denise Swope, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the sole allegation of involuntary guilty plea. Applicant testified on his own behalf. Respondent presented the testimony of Ashley Pennington, Esquire (Plea Counsel).

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

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. In June 2018, the Charleston County Grand Jury indicted Applicant for murder (2018-GS-10-10-02776), attempted murder (2018-GS-10-2809), possession of a weapon during the commission of a violent

crime (2018-GS-10-02813), burglary in the second degree (2018-GS-10-02818), and attempted armed robbery (2018-GS-10-02828). Assistant Public Defender Ashley Pennington, represented Applicant. Assistant Solicitor Bruce Durant of the Ninth Circuit Solicitor's Office prosecuted the case. On April 19, 2020, Applicant appeared before the Honorable R. Markley Dennis, Jr. to plead guilty as indicted. Judge Dennis sentenced Applicant to life imprisonment murder, thirty years for attempted murder, five years for possession of a weapon during the commission of a violent crime, fifteen years for burglary in the second degree, and twenty years for attempted armed robbery, to be served concurrently.

On December 4, 2019, Applicant, through his counsel, filed a motion for reconsideration of his sentence. On April 4, 2020, Applicant amended his motion for reconsideration, raising the issue that the Court improperly considered the option of the death penalty in sentencing, when that sentence was never raised by the State. Furthermore, Applicant's co-defendant was given a much shorter sentence than Applicant, although the description of the shooter fit the co-defendant. On June 11, 2021, Applicant appeared before Judge Dennis to hear the motion on reconsideration. Judge Dennis reduced Applicant's sentenced for murder from life without the possibility of parole to thirty years, to be served consecutively with his other charges. Applicant did not file a direct appeal.

FACTS GIVING RISE TO THE CONVICTION

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

This occurred on February the 23rd, 2018, at 3030 Matipan Avenue, which is over off of Azalea Drive in North Charleston. Although this is for law enforcement, enforcement purposes, in Charleston County Sheriff's Office jurisdiction.

That location, there was a house being renovated. It was a being renovated as a program to provide housing for wounded veterans. The surviving victim, Michael Cooke, who is in the courtroom, and the deceased victim, Bryan Cooke, who is his son, they volunteered their services to perform some plumbing work at the house, and they were actually there that morning replacing the sink and lavatory in the bathroom.

Shortly before eleven o'clock in the morning, Aaron White, and his friend and co-defendant, Da'Quintez Gadsen, were on their way to school. They were on foot and they were students at Greg Mathis Charter High School, which is located on Azalea Drive. And, for some reason, he decided he was going to take a .40 caliber handgun to school.

According to Da'Quintez Gadsen, on the way to school he showed him the gun, asked him if he would be interested in helping him do a lick or committing a robbery, and Da'Quintez said sure, I'm in. And so they set off looking for someone to rob.

So, they went into the neighborhood. This neighborhood where Matipan is kind of catty-cornered across the street from their high school and were walking around looking for targets. And they happened to see the Cooke's at 3030 Matipan, and the door was open, and could see they were there and decided, uh huh, this is it.

So they go into the house. Mr. White is armed. He goes in first. Mr. Gadsden goes in behind him. They confront the deceased victim, Bryan Cooke, who is standing outside right at the doorway into the bathroom. Mr. White presents his weapon, demands money. Mr. Cooke puts his hands in the air and asked him not to shoot, and for some reason, he shot.

Bryan Cooke runs out of the residence. He then confronts Michael Cooke, who is in the bathroom actually performing the plumbing work, and also demands money from him. Mr. Cooke tries to explain that he's got no money, and, once again, for some unknown reason, he shoots him three times before fleeing from the residence.

Bryan Cooke, after being shot, stumbles outside, gets about to the street where he collapses and dies before the EMS can get there. He's basically shot in one side and it goes through both lungs and comes out the other side.

Mr. Michael Cooke, despite being severely injured, was able to crawl out of the house, out into the front yard, where he called 911 on his cell phone and EMS got there and transported him to MUSC where he was hospitalized and thankfully survived.

Investigation in this case really didn't take too long. Right after the Sheriff's Office getting there, they learned, from just sending someone

to school, that Mr. White and Da' Quintez Gadsden showed up to the school late, right after the shooting had occurred, and both of them appeared to be sweating.

Investigators went to the school. Detective Muirheid interviewed the Defendant Aaron White, initially at school, and although he initially denied any involvement in it, he was taken to headquarters and pretty quickly ended up confessing.

During the confession he indicated that yea, it was his gun or that he had brought the gun. He was the only one armed, and that he was responsible for shooting both Mr. Bryan Cooke and Mr. Michael Cooke.

Plea Tr. 14-17.

CURRENT ACTION BEFORE THE COURT

Applicant timely filed this post-conviction relief action August 13, 2021, alleging:

1. Ineffective Assistance of Counsel
 - a. Counsel failed to do investigation
2. Involuntary Guilty Plea
 - a. Guilty plea was based on faulty advice
3. Counsel failed to request a Blair hearing
 - a. Counsel failed to request documents from mental health.

As requested relief, Applicant requests a vacation of his guilty plea.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act¹ ("the Act") provides that any person who has been convicted of a crime may seek post-conviction relief based upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

¹ S.C. Code Ann. 17-27-10 to -160 *et seq.*

5. That his sentence has expired, his probation, parole or other conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint;
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

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

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

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel’s conduct “was so [ineffective] as to require reversal” of the applicant’s conviction. Strickland v. Washington, 466 U.S. 668 at 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. Id. at 687-88; Cherry v. State, 300 S.C. 115, 117—18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that “[without proof of both deficient performance and prejudice to the defense... it could not be

said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable” (citation and internal quotation marks omitted)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985), extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel. See Padilla v. Kentucky, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a “critical phase of litigation” for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel’s performance under the first prong of Strickland remains unchanged, the applicant must show that counsel’s representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58-59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice to plead guilty was not “within the range of competence demanded of attorneys in criminal cases.” Hill, 474 U.S. at 56. The second, or “prejudice” prong, however, “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of the plea process.” Id. at 58-59. Specifically, when an applicant claims counsel’s deficient performance caused him to accept a plea, the applicant “must show that there is a reasonable probability that, but for [plea] counsel’s [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.” Id. at 59.

This inquiry “focuses on a defendant’s decisionmaking” and does not turn on the outcome of a defendant’s actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances.

Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—**not** whether counsel would have still advised him or him to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, 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 the 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 prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at

690). The applicant must overcome this presumption to received relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625.

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

Involuntary Guilty Plea

Applicant alleged his guilty plea was involuntary due to the faulty advice from counsel. This Court finds this allegation is without merit.

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

statements at a guilty plea proceeding are “conclusively” established unless he makes some reasonable allegation why this should not be so).

Counsel testified that he has multiple conversations with Applicant prior to the plea discussing the plea early on given the fact that Applicant gave a confession. Counsel testified that he spoke with him about the pros and cons of proceeding to trial. Counsel testified he reviewed and sent the discovery to Applicant. Counsel testified that he discussed the charges and possible sentences with Applicant. This Court finds Counsel’s testimony *credible*. Applicant did not provide what alleged “faulty advice” Counsel gave. This Court finds counsel’s performance was reasonable under prevailing professional norms. Applicant has failed to prove how counsel was deficient in any manner or how he was prejudiced by any advice from Counsel.

Further, Applicant told the plea court that Counsel explained the charges and sentences to Applicant. (Plea Tr. p. 3, 5). Applicant told the plea court he was totally satisfied with his Counsel and that he did not have any complaints about Counsel. (Plea Tr. p. 8). To whatever extent Applicant was not satisfied with Counsel’s representation he had an opportunity to express this to the plea court and instead decided to proceed and avail himself of the benefit of pleading guilty. Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whiteley, 759 F.2d 317 (4th Circ. 1985) (finding that the accuracy and truth of an accused’s statements at a guilty plea proceeding are “conclusively” established unless he makes some reasonable allegation why this should not be so). Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty. Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Remaining Allegations

Applicant waived the remaining allegations in his application at the onset of the hearing.

CONCLUSION

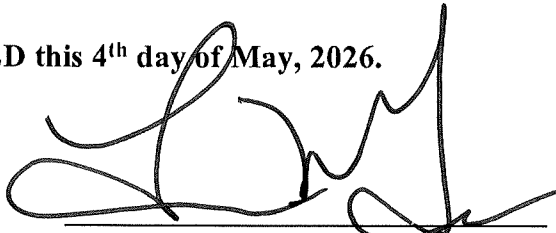
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 4th day of May, 2026.

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THE HONORABLE THOMAS W. MCGEE, III
Presiding Judge
Ninth Judicial Circuit

Charleston, South Carolina