

CLERK OF COURT
PICKENS COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)
2025 JUN 07 P 10:21)
Sandra C. Yingst, #394024,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

SOUTH CAROLINA COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
CASE NO. 2025-CP-39-00226

**ORDER OF DISMISSAL
WITH PREJUDICE**

Presiding Judge:	Honorable Christopher D. Taylor
Applicant's Attorney:	Susannah C. Ross, Esq.
Respondent's Attorney:	Sydney N. Willingham, Esq.
Plea Counsel:	Frank L. Eppes, Esq.
Date of Hearing:	November 6, 2025
Court Reporter:	Hollie M. Jenkins

This matter comes before the Court pursuant to an application for post-conviction relief ("PCR") filed by Sandra C. Yingst ("Applicant") on February 24, 2025. Respondent filed its Return, requesting that an evidentiary hearing be held on the allegations. On November 6, 2025, an evidentiary hearing was held at the Greenville County Courthouse before the Honorable Christopher D. Taylor. Applicant was present and represented by Susannah C. Ross, Esquire. Assistant Attorney General Sydney N. Willingham represented Respondent. Applicant proceeded on the allegation in her application. This Court received testimony from Applicant and her plea counsel, Frank L. Eppes, Esquire.

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 her to relief and, accordingly, **DENIES** and **DISMISSES** this action with prejudice.

PROCEDURAL HISTORY

Applicant is currently confined in the South Carolina Department of Corrections, Graham Correctional Institution, pursuant to orders of commitment from the Pickens County Clerk of Court. During the July 2023 term, the Pickens County Grand Jury indicted Applicant for trafficking methamphetamine, 28-100g, second offense (2021-GS-39-2061) and possession of a controlled substance, second offense (2021-GS-39-2063).

On May 6, 2024, Applicant pled guilty before the Honorable Perry H. Gravely as indicted. Applicant was represented by Frank L. Eppes, Esq., and Assistant Solicitor Jacob Q. Hofferth prosecuted the case. The State offered no recommendation and noted that the plea was off the trial docket. (Attachment 2, Plea Tr. at 7). Judge Gravely sentenced Applicant to eight (8) years for trafficking methamphetamine and to one (1) year for possession of a controlled substance, with credit for five (5) days' time served, to be served concurrently. (Attachment 2, Plea Tr. at 12; Attachment 3, Sentence Sheets). Applicant did not appeal her conviction or sentence.

FACTS GIVING RISE TO THE CONVICTION

The facts are outlined as read into the record by the State at Applicant's guilty plea hearing:

This took place on May 20th of 2021, when agents with the Pickens County Sheriff's Office responded to this Defendant's home on Agnes Court where they were assisting probation agents who were doing a home visit. In conducting that search of the home, they found in this Defendant's room a quantity of 38 grams of methamphetamine, along with some Oxycodone and Hydrocodone. After given -- after she was given her Miranda warnings, she did admit to ownership of those substances.

(Plea Tr. at 7).

CURRENT APPLICATION

In her application for post-conviction relief, Applicant alleges “counsel admitted to the presiding judge his ineffectiveness. Lawyer said he felt he wasn’t doing it good enough/left out information.” (PCR App. at 3). Applicant asks this Court for a “sentence reduction and new hearing or time off or go home.” (PCR App. at 6).

In the Amended application dated October 27, 2025, by counsel Susannah C. Ross, the Applicant alleged the following:

“The Applicant alleges Fifth, Sixth, Eight, and Fourteenth Amendment violations of the Constitution of the United States & Art. I Sec. 3, 10, & 14 of the South Carolina Constitution due to ineffective assistance of counsel for failure to review discovery and communicate with Applicant as well as failure to relate and preserve plea offer.”

At the evidentiary hearing, Applicant proceeded on the allegations contained in the amended application.

Before this Court are the Pickens County Clerk of Court records regarding the subject convictions and sentences, Applicant’s records from the South Carolina Department of Corrections, Applicant’s guilty plea transcript, and the records of the current PCR action.

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 on 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.

5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
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), SCRCP; 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)).

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 decision-making" 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 her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed the Court to evaluate and scrutinize their credibility.

Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant her application for post-conviction relief. See Rule 71.1(e), SCRCP (stating that in a post-conviction relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of fact and conclusions of law as required by § 17-27-80 of the South Carolina Code:

INITIAL FINDINGS

This Court finds applicable the strong presumption that at all stages of Plea Counsel's representation of Applicant, he rendered adequate assistance and exercised reasonable professional judgment in his representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, supra). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

Allegation 1: Failure to review discovery.

Applicant alleged Plea Counsel was constitutionally ineffective for failing to review discovery with Applicant. This Court finds these allegations are without merit.

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75–76, 659 S.E.2d 140, 145–46 (2008) (citing Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998)), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018). Likewise, in order to prevail on a claim that counsel did not review discovery with the applicant, the applicant must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. Id.

PCR Evidentiary Hearing

At the evidentiary hearing, Applicant testified on direct examination that Plea Counsel did not review discovery with her until a few days before court. (PCR Tr. p. 9).

Plea Counsel testified on direct examination that he recalled receiving discovery from the State. (PCR Tr. p. 12). Plea Counsel testified to the evidence in the case: Applicant was on probation at the time and there was video evidence wherein the police found drugs inside her home. (PCR Tr. p. 12). Plea Counsel testified he discussed the evidence with Applicant on multiple occasions. (PCR Tr. pp. 12-13).

Findings

This Court finds that Applicant has failed to overcome the “strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case.” Ard v. Catoe, *supra*. This Court additionally finds that Applicant has failed to overcome her burden in proving Plea Counsel’s representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. This Court finds Plea Counsel *credibly* testified Applicant was on probation at the time she was charged of the underlying offense and made a confession on video to police, and that he discussed the evidence with Applicant on multiple occasions. (PCR Tr. pp. 12-13). Applicant failed to present “any evidence of how additional preparation or communication would have resulted in a different outcome.” Smith v. State, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (Ct. App. 2012). Applicant has not suggested any defenses, or any evidence or anything that should have been investigated further, resulting in mere speculation. Thus, Applicant failed in her burden of proving deficiency or prejudice. See Glover, *supra*.

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonable effective assistance under prevailing professional norms. Furthermore, Applicant has failed to

present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland—that she was prejudiced by Plea Counsel's performance.

Further, to whatever extent Applicant was not entirely satisfied with the amount of time to review discovery, she was presented with an opportunity to express her dissatisfaction to the plea court and chose to proceed with her guilty plea. Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation is **DENIED** and **DISMISSED**.

Allegation 2: Failure to communicate with Applicant.

Applicant alleged Plea Counsel was constitutionally ineffective for failing to communicate with Applicant. This Court finds these allegations are without merit.

Federal case law holds that there is no constitutional minimum number of meetings between attorneys and their clients to satisfy competency. Campbell v. Polk, 447 F.3d 270, 279 fn.2 (4th Cir. 2006) (no constitutional minimum number of meetings to satisfy competency); United States v. Olson, 846 F.2d 1103, 1108 (7th Cir. 1988) (reciting that there is no constitutional minimum number of meetings between attorney and client and observing that an experienced attorney may get more out of a single meeting than a neophyte). "Brevity of time spent in consultation, without more, does not establish that counsel was ineffective," Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980) (holding that it is not enough to merely show that counsel only met with his client twice before trial as long as counsel devoted sufficient time to ensure an adequate defense and to become thoroughly familiar with the facts of the case and the law applicable to the case, and holding the record revealed that counsel was so prepared.).

South Carolina case law has established that even if Counsel only met with his client very briefly, that alone does not establish that he was unprepared or ineffective at trial. See Harris v.

State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (citing Easter) (finding “Even if the meetings were brief, this fact alone is not indicative of inadequate trial preparation.”), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

Additionally, “brevity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation.” Smith v. State, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012). Applicant must show evidence indicating “how additional preparation or communication would have resulted in a different outcome.” Id.; see Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (where application failed to show ineffective assistance of counsel based on lack of preparation by neglecting to show evidence of what counsel failed to discover or what defenses counsel could have pursued had he more fully prepared for the case); Skeen v. State, 325 S.C. 210, 214-15, 481 S.E.2d 129, 132 (1997) (where applicant failed to show ineffective assistance of counsel when he did not present evidence showing how additional preparation would have impacted the trial).

PCR Evidentiary Hearing

At the evidentiary hearing, Applicant testified she felt like she and Plea Counsel could never get together on the case. (PCR Tr. p. 7).

Plea Counsel testified on direct examination that he was retained by Applicant early in the case and represented her for a long while. (PCR Tr. p. 11). Plea Counsel testified he does not recall exactly how many times he met with Applicant. However, every time she got a “court card” they talked, and Applicant came to [Plea Counsel’s office] a few times. (PCR Tr. p. 16).

Findings

This Court finds that Applicant has failed to overcome the “strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all

significant decisions in [her] case.” Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome her burden in proving Plea Counsel’s representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. This Court finds Applicant’s testimony on this matter *not credible* or *persuasive*. Applicant testified that she felt like she could never get together with Plea Counsel on the case, whereas Plea Counsel *credibly* testified to multiple discussions about the case with Applicant. Additionally, Applicant indicated to the plea court that she was satisfied with Plea Counsel’s representation and did not need further time with him. (Plea Tr. p. 5). Plea Counsel *credibly* testified that Applicant did not want to go to jail and he had expressed to her concern that she would receive 25 years at trial, as opposed to the aggregate 8 year sentence she received from the plea. (Plea Tr. p. 14). This Court finds Applicant has failed to articulate specifically what Plea Counsel failed to discuss with her prior to her plea or what matter would have been discovered that would have changed her mind to proceed to trial and not plead guilty.

Moreover, to whatever extent Applicant was not entirely satisfied with Plea Counsel’s representation or investigations, she was presented an opportunity to express her dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail herself of the benefit of her guilty plea.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED with PREJUDICE**.

Allegation 3: Failure to relay and preserve plea offer.

Applicant alleged Plea Counsel was constitutionally ineffective for failing to relay and preserve plea offers to Applicant. This Court finds these allegations are without merit.

Claims of ineffective assistance of counsel in the plea bargain context are governed by the two-part test set forth in Strickland. See Hill v. Lockhart, 474 U.S. 52 (1985). “The art of negotiation is at least as nuanced as the art of trial advocacy, and it presents questions further removed from immediate judicial supervision.” Premo v. Moore, 562 U.S. 115 (2011). “As a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused.” Missouri v. Frye, 566 U.S. 134 (2012). To show prejudice from ineffective assistance of counsel where a plea offer has lapsed, defendants must demonstrate a reasonable probability they would have accepted the earlier plea offer had they been afforded effective assistance of counsel. Id. “Defendants must also demonstrate a reasonable probability the plea would have been entered without the prosecution canceling it or the trial court refusing to accept it, if they had the authority to exercise that discretion under state law.” Id. To establish prejudice, it is necessary to show a reasonable probability that the result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time. Id. cf. Glover v. United States, 531 U.S. 198 (2001) (“[A]ny amount of [additional] jail time has Sixth Amendment significance”).

“Where a defendant complains that ineffective assistance led him to accept a plea offer as opposed to proceeding to trial, the defendant will have to show ‘a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial.’” Frye, supra (quoting Hill, 474 U.S. at 59). “In order to complete a showing of Strickland prejudice, defendants who have shown a reasonable probability they would have accepted the earlier plea offer must also show that, if the prosecution had the discretion to cancel it or if the trial court had the discretion to refuse to accept it, there is a reasonable probability neither the prosecution nor the trial court would have prevented the offer from being accepted or implemented.” Frye, 566

U.S. at 148. “This further showing is of particular importance because a defendant has *no right to be offered a plea*.” See Weatherford v. Bursey, 429 U.S. 54 (1977) (emphasis added).

PCR Evidentiary Hearing

At the evidentiary hearing, Applicant testified on direct examination that there was a plea offer that was never relayed to her. (PCR Tr. p. 7).

Plea Counsel testified that Applicant did not want to go to jail. (PCR Tr. p. 14). Plea Counsel testified he had the Solicitor agree that if Applicant passed a drug test, she could receive a lesser sentence. However, Applicant did not pass the drug test. (PCR Tr. p. 15). Plea Counsel testified he did not have a memory of any other plea offers for lower than 10 years. (PCR Tr. p. 15).

Findings

This Court finds that Applicant has failed to overcome the “strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [her] case.” Ard v. Catoe, *supra*. This Court additionally finds that Applicant has failed to overcome her burden in proving Plea Counsel’s representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. This Court finds Applicant’s testimony on this topic *not credible* and *not persuasive*. This Court finds that Plea Counsel *credibly* testified that Applicant did not want to serve jail time and that he advocated for her to get a lesser sentence if she passed a drug test. (PCR Tr. p. 13; 15). Plea Counsel *credibly* testified the State never offered lower than a 10-year sentence. (PCR Tr. p. 15). This Court finds Applicant has not met her burden to show a reasonable probability she would not have pleaded guilty and would have insisted on going to trial. Applicant received the benefit of no longer facing

a maximum sentence when she decided to plead. Thus, Applicant failed in her burden of proving deficiency or prejudice. See Glover, supra.

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonable effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland—that she was prejudiced by Plea Counsel’s performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation is **DENIED** and **DISMISSED**.

[CONCLUSION & SIGNATURE PAGE FOLLOWS]

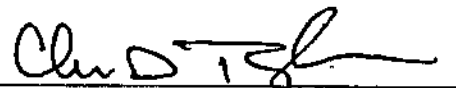
CONCLUSION

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 her application. Therefore, this application for post-conviction relief must be **DENIED** and **DISMISSED with PREJUDICE**.

This Court notifies the Applicant that she must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. 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. Your attention is directed to South Carolina Appellate Court Rule 243 for the appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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



CHRISTOPHER D. TAYLOR
Presiding Judge
Thirteenth Judicial Circuit

June 15, 2026
Pickens, South Carolina