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S.C. SUPREME COURT

12STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

Honorable Edward W. Miller, Circuit Court Judge

MICHAEL VANDRELL JOHNSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002413

JOHNSON PETITION FOR WRIT OF CERTIORARI

Wanda H. Carter
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER

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Trial counsel erred in allowing petitioner to plead guilty while under the influence of Seroquel and Remeron because this meant that there was a reasonable probability that petitioner was not competent to enter voluntary guilty pleas in the case.	3
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ISSUES PRESENTED

I.

Trial counsel erred in allowing petitioner to plead guilty while under the influence of Seroquel and Remeron because this meant that there was a reasonable probability that petitioner was not competent to enter voluntary guilty pleas in the case.

II.

The PCR judge erred in denying petitioner's claim that he did not voluntarily waive his right to a direct appeal in the case.

STATEMENT OF FACTS

Petitioner Michael Vandrell Johnson pled guilty to armed robbery during the September 2020 term of the Sumter County General Sessions Court before Judge R. Ferrell Cothran and was sentenced to seventeen years imprisonment. Attorney Michael David Rontzong represented petitioner at the plea proceeding, and Assistant Solicitor Tyler Brown prosecuted the case. App. 121-137. Petitioner did not enjoy the benefit of a direct appeal of his case.

On September 13, 2021, and June 27, 2022, petitioner filed PCR applications (the latter one amended) with the Sumter County Office of the Clerk of Court. App. 139-145. The respondent filed a Return on March 14, 2022. App. 146-158.

A PCR hearing was convened on November 3, 2022, at the Sumter County Courthouse before Judge Edward W. Miller. App. 159-213. Petitioner was present at the hearing and received legal representation from Timothy Lee Griffith, and Assistant Attorney General Zachary William Jones appeared on behalf of the state at the hearing.

On November 20, 2025, Judge Miller filed an Order of Dismissal in the case therein denying post-conviction relief to petitioner. App. 215-228.

Petitioner appealed. This petition follows.

QUESTION I

Trial counsel erred in allowing petitioner to plead guilty while under the influence of Seroquel and Remeron because this meant that there was a reasonable probability that petitioner was not competent to enter voluntary guilty pleas in the case.

Petitioner was indicted on the offense of armed robbery, to wit that he entered a Family Dollar store in Sumter, South Carolina, on January 21, 2019, displayed what was believed to have been a deadly weapon, and took goods/money from therein.

During the PCR hearing held in the case, petitioner testified that he was medicated on Seroquel and Remeron (for depression), and that he could not think clearly during the plea proceeding, and that he understood nothing about what transpired in court due to his medicated state of mind at that time. App. 177, l. 4 – p. 178, l. 25; App. 19-, l. 11 – p. 191, l. 13.

Trial counsel testified at the PCR hearing regarding the subject of petitioner's medicated state of being at the time of the plea proceeding, and in effect admitted that he could not recall as to whether petitioner was under the influence of psychotropic medicines when he pled guilty to armed robbery. App. 196, lines 10-21.

Due process prohibits the conviction of one who is mentally incompetent. Jeter v. State, 308 S.C. 230, 417 S.E.2d 594 (1992). Additionally, counsel has a duty to conduct adequate and appropriate investigations in a case. Strickland v. Washington, 466, U.S. 668 (1984). Specifically, with respect to cases where mental issues exist, counsel has a duty to investigate, prepare, and present evident of mental illness on behalf of the defense. See Ramirez v. State, 419 S.C. 14, 795 S.E.2d 841 (2017). Clearly, in the case at bar, counsel's failure to ascertain whether petitioner's medications rendered him mentally unable to plead guilty voluntarily and intelligently in the case constituted deficient legal representation that was below the range of competence demanded of

criminal attorneys in violation of the Sixth Amendment. See Hill v. Lockhart, 484 U.S. 52 (1985). Also, but for counsel's error in this regard, a reasonable likelihood exists that the outcome of the case would have been different.

QUESTION II

The PCR judge erred in denying petitioner's claim that he did not voluntarily waive his right to a direct appeal in the case.

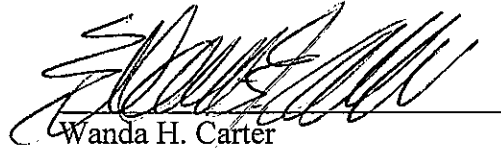
During the PCR hearing held in the case, petitioner testified that he tried to obtain an appeal on his own and wrote to the court twice regarding an appeal because he wanted to appeal his case. Petitioner's attempts to appeal his case on his own failed. App. 183, l. 3 – p. 187, l.25; App. 193, l. 1 – p. 194, l. 10.

Trial counsel testified that he was unaware of any request made by petitioner regarding securing an appeal of his case. App. 201, lines 9-23; App. 210, lines 6-15.

Trial counsel has a duty to make certain a client is fully aware of the right to appeal and ascertain whether his client desires an appeal, and then file an appeal if the client wishes to appeal. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989); Frasier v. State, 306 S.C.158, 410 S.E.2d 572 (1991). Here, trial counsel did not perform his duty with respect to petitioner's appellate rights. A defendant is entitled to an appeal where there has been no intelligent or voluntary waiver of the right to an appeal made by the defendant. White v. State, 263 S.C. 110, 208 S.E.2d 35 (1975). Petitioner desired an appeal of his case and did not voluntarily waive his right to an appeal. Therefore, trial counsel erred in failing to take the appropriate steps to ensure petitioner's right to have his case reviewed on direct appeal. If after an indigent client requests an appeal the client wishes to appeal, then trial counsel must serve and file a notice of appeal. In Re Anonymous Member of the Bar, 303 S.C. 306, 400 S.E. 483 (1991).

CONCLUSION

Based on the foregoing arguments, counsel for petitioner would request that this Court grant the petition and allow briefing on the above raised issues.

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 1st day of July, 2026.

STATEMENT OF ISSUE ON DIRECT APPEAL

The plea judge erred in allowing petitioner to plead guilty while under the influence of psychiatric medications.

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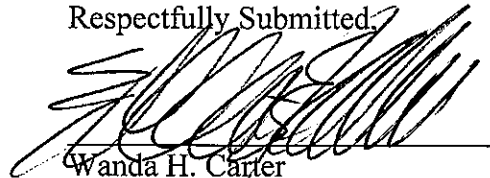
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Michael Vandrell Johnson states:

1. She is Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's post-conviction relief hearing before Judge Edward W. Miller, which was held on Nov. 3, 2022, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She 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 her as counsel for Michael Vandrell Johnson.

Respectfully Submitted,



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 1st day of July, 2026.

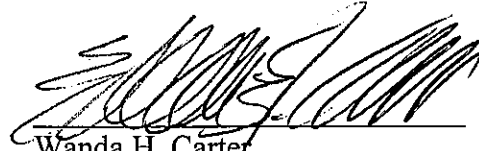
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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of her 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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