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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Jessica Salvini, PCR Action Judge
2022-CP-40-06492

WILLIAM COLEMAN,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

William Coleman appeals the denial of his post-conviction relief application. The post-conviction relief action was heard and denied by the Honorable Jessica Salvini, circuit court judge, on June 2, 2025, and was denied by written order issued filed on July 14, 2026. Applicant received notice of the judgement on July 16, 2026.

/s Chelsey F. Marto
Chelsey F. Marto, Esquire
Attorney for the Applicant
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Other Counsel of Record:
MacKinnon Westraad, Esquire
Office of the Attorney General, State of SC
P.O. Box 11549
Columbia, SC, 29211-1549

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

William T. Coleman,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT
)

) CASE NO. 2022-CP-40-06492
)

**ORDER OF DISMISSAL
WITH PREJUDICE**

Presiding Judge: Hon. Jessica A. Salvini
Applicant's Attorney: Chelsey F. Marto, Esq.
Respondent's Attorney: MacKinnon Westraad, Esq.
Trial Counsel: Patrick C. Sharpe, Esq.
Date of Hearing: June 2, 2025
Court Reporter: Brandi Berry

RICHLAND COUNTY
FILED
2025 JUL 14 P 12:17
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

This matter comes before the Court pursuant to an application for post-conviction relief ("PCR") filed by William T. Coleman ("Applicant") on December 13, 2022. Respondent filed its Return, Partial Motion to Dismiss, and Motion for a More Definite Statement, requesting that an evidentiary hearing be held on the allegations. On June 2, 2025, an evidentiary hearing was held at the Richland County Courthouse before the Honorable Jessica A. Salvini. Applicant was present and represented by Chelsey F. Marto, Esquire. Assistant Attorney General MacKinnon Westraad represented Respondent. Applicant proceeded on various amended allegations raised on the day of the hearing. In support of his claims, Applicant testified on his own behalf and called Patrick C. Sharpe, Esquire ("Trial Counsel") to testify.

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 not presently confined in the South Carolina Department of Corrections. Applicant was charged with Shoplifting-value \$2000.00 or less (2020A3220400225) by the Town of Irmo. Applicant was represented by Trial Counsel, and Jake Moore, Jr., Esquire, prosecuted the case. On August 23, 2022, Applicant proceeded to a jury trial before the Honorable Rebecca Adams, summary court judge. The jury found Applicant guilty as indicted. Judge Adams sentenced Applicant to thirty days in jail.

Trial Counsel filed a notice of appeal on behalf of Applicant on August 29, 2022. According to the South Carolina Public Index,¹ Applicant's appeal was scheduled for hearing on April 19, 2024, but Applicant failed to appear. Thus, Applicant's appeal was dismissed for failure to prosecute on April 22, 2024.

FACTS GIVING RISE TO THE CONVICTION

The facts of the underlying convictions as articulated from the arrest warrant:

On 07/30/2020, while at Walmart located at 1180 Dutch Fork Road, Irmo, Richland County, South Carolina, [Applicant] did commit the offense of shoplifting \$2000.00 or less. While at this location the [Applicant], William Coleman, placed \$1,698.76 worth of merchandise in a shopping cart and attempted to pass all points of sale without rendering payment. [Applicant] was stopped by store employees, at which time he provided a forged receipt. [Applicant] was identified in a photo line-up by the witness, who also provided a written statement and video surveillance of the incident.

(Arrest Warrant 2020A3220400225).

CURRENT APPLICATION

¹ Case No. 2022-CP-40-04477.

In his application for post-conviction relief, Applicant alleges he is being detained unlawfully for the following reasons (excerpts verbatim):

1. "I told the judge I wish to appeal and asked my attorney to file an appeal but no appeal was filed."
 - a. "Attorney was supposed to file appeal and stated on record that he would and no appeal was ever filed."
2. "I was judged illegally. Judge Rebecca Adams was a party to a previous lawsuit which resulted in an officer from their precinct being fired and she judge me in retaliation, it's a Banon Violation for a judge to preside over a case in which they have been a party to a suit to any party involved."
 - a. "Also Patrick Sharp did not give adequate defence proving himself to be insufficient assistance of counsel by failing (No Refusing) to make the motions the client asked of him or placing material on record that the client asked to."

On June 2, 2025, Applicant's counsel stated at the outset of his evidentiary hearing that Applicant was going forward on the following allegations:

1. Ineffective assistance of counsel:
 - a. Counsel did not meet with him enough
 - b. Counsel did not prepare for trial
 - c. Counsel failed to move to recuse the judge
 - d. Counsel failed to prepare a defense
 - e. Counsel failed to object to the judge going into the jury room

Before this Court are the Irmo Summary Court records regarding Applicant's conviction and sentence, the video recordings of Applicant's trial, and the records of the current PCR action.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act² (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 S.C. Code Ann. §§ 17-27-10 to -160.

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;
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).

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. 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), SCRCF; 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 v. Washington to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. 466 U.S. 668, 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; accord.

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 "[w]ithout 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)).

Regarding the deficiency prong of the Strickland analysis, the proper measure of performance is whether counsel provided representation within the reasonable range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. When analyzing counsel's performance, the reviewing court will strongly presume counsel provided adequate assistance, and the applicant is responsible for rebutting that presumption "by proving that his attorney's representation was unreasonable under prevailing professional norms and that the challenged action was not sound strategy." Kimmelman v. Morrison, 477 U.S. 365, 384 (1986); cf. Cullen v. Pinholster, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation).

Furthermore, the reviewing court will scrutinize counsel's performance in a highly deferential manner, make every effort "to eliminate the distorting effects of hindsight," and "evaluate the conduct from counsel's perspective at the time" in light of then-existing circumstances. Strickland, 466 U.S. at 689. In order to establish counsel's performance was deficient, the applicant must demonstrate "counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." Id. at 687. Accordingly, counsel's performance will be considered deficient only when it was objectively

incompetent under prevailing professional norms and *not* when it simply "deviated from best practices or most common custom." Harrington v. Richter, 562 U.S. 86, 105 (2011).

Beyond satisfying the burden required by the deficiency prong, an applicant also bears the burden of establishing prejudice in order to be entitled to relief as "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." Strickland, 466 U.S. at 691. To meet this burden, counsel's deficient performance must have prejudiced the applicant to such an extent, there is a reasonable probability the result of the proceeding would have been different but for counsel's unprofessional errors. Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625; see Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) ("To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel's representation fell below an objective standard of reasonableness and, but for counsel's errors, there is a reasonable probability the result at trial would have been different."). Importantly, "[t]he likelihood of a different result must be *substantial*, not just conceivable." Richter, 562 U.S. at 112.

Finally, the Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689–90. Courts must be wary of second-guessing counsel's trial tactics, and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992). The applicant's burden of proving both Strickland components is heavy in light of the strong presumption that counsel's conduct fell within the range of reasonable professional legal assistance. 466 U.S. at 690. Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was

denied a fair proceeding. Id. at 686; see Nix v. Whiteside, 475 U.S. 157, 175 (1986) (noting that under Strickland, the "benchmark" of the right to counsel is the "fairness of the adversary proceeding"); cf. United States v. Morrow, 977 F.2d 222, 229 (6th Cir. 1992) ("[T]he threshold issue is not whether [the applicant's] attorney was inadequate; rather, it is whether he was so *manifestly* ineffective that defeat was snatched from the hands of probable victory.").

FINDINGS OF FACT 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 also heard the testimony presented at the evidentiary hearing and observed the witnesses, allowing 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 his application for post-conviction relief. See Rule 71.1(e), SCRPC (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

As a matter of general impression, this Court further finds applicable the strong presumption that at all stages of Trial Counsel's representation of Applicant, he rendered adequate assistance and exercised reasonable professional judgment in their 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 TRIAL COUNSEL

Allegation: Counsel did not meet enough

Applicant alleges Trial Counsel's representation was constitutionally ineffective for failing to meet with him enough. This Court finds this allegation is 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 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.).

PCR Evidentiary Hearing

On direct examination, Applicant testified that he met with Trial Counsel once. (PCR Tr. p. 6). Applicant testified that he talked about his innocence, about them not having any evidence to convict him, and that he asked counsel to get the judge to recuse herself and to move for a change of venue. Applicant testified, "I don't really think more meetings would have been a benefit." (PCR Tr. p. 7).

On direct examination, Trial Counsel testified that he and Applicant met a few times, but he could not recall the exact number. (PCR Tr. p. 10). Trial Counsel testified he gave Applicant the only copy of the video discovery that he had, which Applicant returned to him, and they also spoke on the phone numerous times. (PCR Tr. p. 10).

Findings

This Court finds from the combination of the record and Trial Counsel's testimony 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 his burden in proving Trial Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. Trial Counsel **credibly** testified that he and Applicant met a few times, in addition to speaking on the phone. Applicant did not show how more meetings would have helped with his case, and in fact testified that he did not think more meetings would have been a benefit.

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

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

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

Allegation:	Counsel failed to prepare for trial
Allegation:	Counsel failed to prepare a defense

Applicant alleges Trial Counsel's representation was constitutionally ineffective for failing to prepare for trial and put up a defense. This Court finds these allegations to be without merit.

In order to prevail upon a claim that counsel did not adequately prepare, investigate, or review discovery in a case, an applicant must present evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome 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)). The applicant must further present evidence demonstrating how the discoverable matters or defenses would have resulted in a different outcome. Id. Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

PCR Evidentiary Hearing

On direct examination, Applicant testified that Trial Counsel did not put up any defense. (PCR Tr. p. 6). Applicant testified that Trial Counsel didn't do anything he asked him to do. (PCR

Tr. pp. 6-7). Applicant testified that he did not feel like Trial Counsel was prepared because "he didn't really want to represent me." (PCR Tr. p. 7). Applicant testified that on a phone call, Trial Counsel told him, "You need to stop shoplifting." (PCR Tr. p. 7). Applicant testified that his attorney was against him, but he was stuck with him. (PCR Tr. p. 7). Applicant testified that Trial Counsel wouldn't say or ask any of the questions he asked him to in court. (PCR Tr. p. 7). Applicant testified that if it was up to him, his defense would have been to ask for a motion to dismiss "based on this." (PCR Tr. pp. 7-8).

On direct examination, Trial Counsel testified that the defense was that someone had sent Applicant into the store to retrieve items they had already purchased. (PCR Tr. p. 10). Trial Counsel testified that he discussed this defense with Applicant. (PCR Tr. p. 10). Trial Counsel testified that to prepare for trial, he reviewed discovery, spoke with Applicant numerous times, spoke with the arresting officer, and spoke with the prosecutor. (PCR Tr. p. 10).

Findings

This Court finds from the combination of the record and Trial Counsel's testimony 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 his burden in proving Trial Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. Trial Counsel **credibly** testified about what he did to prepare for trial, that he had a defense going into trial, and that he discussed Applicant's defense with him. Applicant provided no evidence of what other defenses could have been utilized with more preparation, nor did he provide evidence of how more preparation would

have resulted in a different outcome in his case. Applicant merely asserted that he would have asked for a motion to dismiss, but did not clarify what the basis for that motion would have been.

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

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsels or any prejudice flowing therefrom. Thus, these allegations must be **DENIED and DISMISSED with PREJUDICE**.

Allegation: Counsel failed to move to recuse the judge

Applicant alleges Trial Counsel's representation was constitutionally ineffective for failing to move to recuse the judge in his case. This Court finds this allegation is without merit.

PCR Evidentiary Hearing

On direct examination, Applicant testified that he filed a civil suit against the judge in his case for violation of his Fourteenth Amendment rights in a different case before this one. (PCR Tr. p. 8). Applicant testified that he brought this to Trial Counsel's attention and asked Trial Counsel to move for the judge to recuse herself, but Trial Counsel said he wouldn't. (PCR Tr. 8).

On direct examination, Trial Counsel testified that he and Applicant discussed Applicant's concern about the judge and his civil suit, and that Trial Counsel was pretty sure they raised it with the judge and asked her to recuse herself, but she denied the motion. (PCR Tr. p. 11). Trial

Counsel testified that he did not feel like there was anything he could do once the judge denied it, because she wanted them to proceed. (PCR Tr. p. 11).

Findings

This Court finds the combination of the record and Trial Counsel's testimony 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 his burden in proving Trial Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. Applicant did not provide this Court with any evidence of his civil suit against the judge, nor did he provide evidence that any alleged conflict impacted the outcome of his case. Trial Counsel **credibly** testified that a motion to recuse was raised, but denied by the judge. Trial Counsel cannot be deficient for failing to make a motion that was, in fact, made.

Additionally, this Court has reviewed the video recording of Applicant's trial. When Applicant and Trial Counsel raised the motion for the judge to recuse herself, Judge Adams stated that she did not recall ever having Applicant appear before her in a separate case, and that she did not know what he was talking about.

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

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsels or any prejudice flowing therefrom. Thus, these allegations must be **DENIED and DISMISSED with PREJUDICE**.

Allegation: **Counsel failed to object to the judge going into the jury room**

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to the judge going into the jury room. This Court finds this allegation is without merit.

PCR Evidentiary Hearing

On direct examination, Applicant testified that when the jury went back to deliberate, the judge went back into the jury room. (PCR Tr. pp. 8-9). Applicant testified that he did not get the chance to discuss that with Trial Counsel because the jury deliberations were very quick. (PCR Tr. p. 9). Applicant testified that the judge went into the jury room, and then two or three minutes afterward, the jury came out. (PCR Tr. p. 9).

On direct examination, Trial Counsel testified that he did not recall the judge going into the jury room during deliberations. (PCR Tr. p. 11). Trial Counsel testified that if he had noticed the judge go in there, depending on why and for how long, he absolutely would have done something about it. (PCR Tr. p. 11). Trial Counsel testified that he did not do anything because he did not see it, and this PCR hearing was his first time hearing about it. (PCR Tr. p. 11).

Findings

This Court finds the combination of the record and Trial Counsel's testimony 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 his burden in proving Trial Counsel's representation was deficient and any resulting

prejudice from that alleged deficiency. See Butler, supra. Having reviewed the video recording of Applicant's trial, this Court finds no indication that the judge entered the jury room during deliberations. Trial Counsel credibly testified that he did not see this occur, and that he would have done something about it if the circumstances were inappropriate. Applicant has not provided this Court with any evidence that this occurred.

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

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsels or any prejudice flowing therefrom. Thus, these allegations must be **DENIED and DISMISSED with PREJUDICE**.

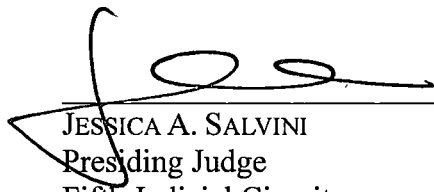
[CONCLUSION & SIGNATURE PAGE FOLLOWS]

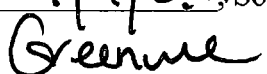
CONCLUSION

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

This Court notifies the Applicant that he 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 that the Application for Post-Conviction Relief must be denied and dismissed with prejudice.


JESSICA A. SALVINI
Presiding Judge
Fifth Judicial Circuit


7/7/2025 South Carolina