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S.C. SUPREME COURT

**NOTICE OF APPEAL FROM A PCR DENIAL BY THE COURT OF
COMMON PLEAS**

THE STATE OF SOUTH CAROLINA
In Supreme Court of SC

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Heath P. Taylor, Circuit Court Judge

Case #2025-CP-43-00270

The State,

Respondent,

v.

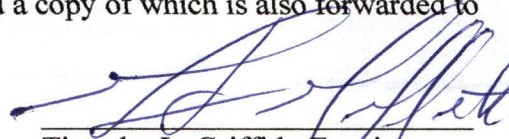
Shantel Harris

Appellant.

NOTICE OF APPEAL

Shantel Harris, appeals the decision of the Court, in the order dated April 27, 2026, received by counsel on July 17, 2026, where Mr. Harris was denied his request for Post-Conviction Relief. Mr. Harris was represented at the hearing by Timothy L. Griffith, Attorney at Law who files this notice on behalf of the Appellant. The order herein attached and a copy of which is also forwarded to the SCCID Appellate Division.

Dated 7/21/26



Timothy L. Griffith, Esquire
2338 Mount Vernon Dr.
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Telephone: (803) 499-2012
Attorney for Appellant (relieved)
Will not be representing on appeal

Other Counsel of Record:
Jordan B. Killough, Esquire
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STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

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2026 APR 27 PM 1:00

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Shantel Harris,

JAMES J. C.

CLERK OF COURT

CASE NO. 2025-CP-43-00270

Applicant,

v.

**ORDER OF DISMISSAL
WITH PREJUDICE**

State of South Carolina,

Respondent.

Presiding Judge:

Hon. Heath P. Taylor

Applicant's Attorney:

Timothy L. Griffith, Esq.

Respondent's Attorney:

Jordan B. Killough, Esq.

Date of Hearing:

January 28, 2026

This matter comes before the Court by way of Shantel Harris's (Applicant) application for post-conviction relief (PCR) filed on February 14, 2025. Respondent, the State of South Carolina, filed its Return on January 9, 2026.

On January 28, 2026, an evidentiary hearing was held at the Sumter County Courthouse before the Honorable Heath P. Taylor. Assistant Attorney General Jordan B. Killough represented Respondent. Applicant was present and represented by Timothy L. Griffith, Esquire. At the hearing, Applicant proceeded on the claims in his PCR application. In support of these claims, Applicant testified on his own behalf.

Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary 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 (SCDC). During its June 2012 term, the Sumter County Grand Jury indicted Applicant for Assault / Assault & Battery 1st degree (2012-GS-43-00689). During its August 2012 term, the Sumter County Grand Jury indicted Applicant for Assault and Battery by Mob, 2nd Degree; Assault and Battery by Mob, 3rd Degree; two counts of Strong Arm Robbery; and two counts of Criminal Conspiracy (2012-GS-43-01083, Counts 1–6). During its January 2015 term, the Sumter County Grand Jury indicted Applicant for Possession of a Weapon During the Commission of a Violent Crime, Armed Robbery, Burglary 1st Degree, two counts of Attempted Murder, three counts of Kidnapping, Criminal Conspiracy, and Possession of a Weapon by a Convicted Felon (2015-GS-43-00054, Counts 1–10). Applicant was represented by Kasha Timmons, Esquire. Then Assistant Solicitors Ryan Kirk Griffin and Jonathan Scott Matthews of the Third Circuit Solicitor's Office prosecuted the case.

On July 14, 2015, Applicant appeared before the Honorable R. Ferrell Cothran, Jr., and pleaded guilty to Assault / Assault & Battery 1st degree (2012-GS-43-00689); the lesser-included offense of Assault and Battery 1st Degree (2012-GS-43-01083, Count One); the lesser-included offense of Assault and Battery, 3rd Degree (2012-GS-43-01083, Count Two); with a recommended sentence cap of eight years for both Assault & Battery 1st degree charges and a recommendation of thirty days for Assault and Battery, 3rd Degree. The remaining charges in the indictments were dismissed as part of the plea agreement. Applicant also pleaded guilty to the lesser-included offense of Burglary, 2nd Degree, non-violent (2015-GS-43-00054, Count Three); Kidnapping

(2015-GS-43-00054)¹; and the lesser-included offense of Strong Arm Robbery ((2015-GS-43-00054, Count Two); with a recommendation for a sentence cap of thirteen years.

Pursuant to negotiations, Judge Cothran sentenced Applicant to eight (8) years' imprisonment for Assault / Assault & Battery 1st degree (2012-GS-43-00689); eight (8) years' imprisonment for Assault and Battery 1st Degree (2012-GS-43-01083, Count One); and thirty (30) days' imprisonment for Assault and Battery, 3rd Degree (2012-GS-43-01083, Count Two); to run concurrently and with credit for time served.

Pursuant to negotiations, Judge Cothran sentenced Applicant to nine (9) years' imprisonment for Burglary, 2nd Degree, non-violent (2015-GS-43-00054, Count Three); thirteen (13) years' imprisonment for Kidnapping (2015-GS-43-00054); and thirteen (13) years' imprisonment for Strong Arm Robbery ((2015-GS-43-00054, Count Two); to run concurrently and with credit for time served. Judge Cothran noted that there were no sexual elements to the Kidnapping charge and that Applicant did not have to register as a sexual predator.

Applicant did not appeal his convictions or sentences.

FIRST PCR APPLICATION: 2016-CP-43-01447

Applicant filed his first application for post-conviction relief on August 1, 2016. He alleged the following grounds for relief in his application (excerpts verbatim):

1. Ineffective Assistance of Counsel.
 - a. "Violation of 6th Amendment."
2. Involuntary Guilty Plea
 - a. "Violation of 14th Amendment."

Respondent filed its Return and Motion for More Definite Statement on February 15, 2017. On March 28, 2017, an evidentiary hearing was convened at the Sumter County Courthouse before

¹ It is unclear as to which count of Kidnapping Applicant pleaded guilty.

the Honorable D. Craig Brown. Applicant was present and was represented by Lance S. Boozer, Esquire. By an Order of Dismissal filed May 18, 2017, Judge Brown denied and dismissed Applicant's application.

Applicant filed a timely notice of appeal. Appellate Defender Robert M. Pachak of the South Carolina Commission on Indigent Defense filed a Johnson² Petition for Writ of Certiorari on September 15, 2017, raising the following sole issue:

Whether defense counsel was ineffective in giving incorrect sentencing advice?

On May 3, 2018, the Supreme Court of South Carolina denied Applicant's petition. On May 21, 2018, the Remittitur was returned to the circuit court.

CURRENT ACTION BEFORE THIS COURT

In his application for post-conviction relief, Applicant alleged he was being held in custody unlawfully for the following reasons (excerpts verbatim):

1. Sentence has expired.
 - a. "Judge breached terms of plea agreement"
 - b. "I was entitled to 3 years worth of time served credit for house arrest and jail credit altogether to go towards my 13 year 85% sentence. . . . My time in confinement here in the Department of Corrections has [expired]."

Applicant requests relief in the form of the following: "To be given the full credit of 3 years that I'm entitled to toward my 13 year 85% sentence and to vacate the sentence[.]"

Before this Court is the Sumter County Clerk of Court records regarding the subject convictions and sentences, Applicant's SCDC records, Applicant's guilty plea transcript, the records of Applicant's direct appeal, the records of Applicant's previous PRC action, and the records of the current PCR action.

² Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act³ (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;
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 Post-Conviction Relief Act specifically enumerates two non-collateral matters in which an Applicant may raise on post-conviction relief: 1) the claim that an applicant's sentence has expired and 2) the claim that an applicant's probation, parole, or conditional release has been unlawfully revoked. See S.C. Code § 17-27-20(a)(5). "We hold that these two claims, because they are specifically listed in the PCR Act, may be raised in PCR...". Al-Shabazz v. State, 338 S.C. 354, 368, 527 S.E.2d 742, 749 (2000).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence. Rule 71.1(e), SCRPC.

³ S.C. Code Ann. §§ 17-27-10 to -160.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue a claim that his sentence has expired through the post-conviction relief action presently before this Court. In analyzing this claim, 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 witness, which allowed the Court to evaluate and scrutinize his 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), 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 facts and conclusions of law as required by § 17-27-80 of the South Carolina Code:

ALLEGATION OF EXPIRED SENTENCE

Applicant alleges his sentence has expired due to miscalculation of his time served credit. This Court finds this allegation to be without merit. The record from Applicant's guilty plea and the SCDC records refute this allegation.

Applicant contends it was agreed upon that he be given credit for time served from July 6th, 2012, to September 9th, 2014, on his 13-year sentences for Kidnapping and Strong Arm Robbery. At the evidentiary hearing, Applicant testified that he was sentenced to time served but

did not receive credit for the time spent on house arrest. The record from Applicant's guilty plea refutes this. Applicant pleaded guilty to charges on three separate indictments (2012-GS-43-00689, 2012-GS-43-01083 and 2015-GS-43-00054). Applicant was pleading guilty to two separate sets of indictments that were from two separate sets of facts. At the guilty plea, each solicitor handled each separate case against Applicant. Each solicitor gave the facts for each case, and each offered his own recommendation for his case.

At Applicant's guilty plea, then Assistant Solicitor R. Kirk Griffin informed the Court of the following:

We are recommending on both the assault and battery first degree charges, a cap of 8 years. And also we're recommending 30 days. He's done well over 30 days on these -- on this assault and battery third degree. Judge, we -- the sentence start date *on these charges that I'm handling*, should be July 6th of 2012.

(GP Tr. pp. 13-14) (emphasis added).

Subsequently, the following exchange occurred:

Ms. Timmons: . . . We ask for a lenient sentence and credit for time served since July 6th, 2012. And I believe he started serving time on the charges that Mr. Matthews is handling since September 9th, 2014.

The Court: September 9th 2014?

Mr. Matthews: That's correct, Judge. He's been in jail since September 9th.

(GP Tr. pp. 16-17).

Clearly, the recommendation of time served credit for house arrest only applied to his sentences for the Assault and Battery charges on his 2012 indictments, and not the Kidnapping and Strong Arm Robbery charges on his 2015 indictment. The SCDC records reflect he began serving time on the kidnapping and strong arm robbery convictions on September 8, 2014. Therefore, his time served credit has been properly applied by SCDC. Accordingly, this Court finds that Applicant's sentence has not expired. Thus, this allegation must be **DENIED** and **DISMISSED**.

CONCLUSION

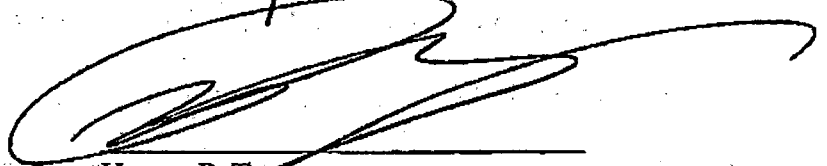
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be **DENIED and DISMISSED WITH PREJUDICE.**

This Court notifies 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 Applicant's behalf if Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for 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. Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 20th day of April, 2026.



HEATH P. TAYLOR
Presiding Judge
Third Judicial Circuit

Columbia, South Carolina