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

THE STATE OF SOUTH CAROLINA
In Supreme Court of SC

RECEIVED
JUL 27 2026
S.C. SUPREME COURT

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas

Heath P. Taylor, Circuit Court Judge

Case #2024-CP-14-00145

The State, Respondent,

v.

Jevon L. Swanigan Appellant.

NOTICE OF APPEAL

Jevon L. Swanigan, appeals the decision of the Court, in the order dated May 19, 2026, received by counsel on July 17, 2026, where Mr. Swanigan was denied his request for Post-Conviction Relief. Mr. Swanigan 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.
Sumter, SC 29154
Telephone: (803) 499-2012
Attorney for Appellant (relieved)
Will not be representing on appeal

Other Counsel of Record:
Jordan B. Killough, Esquire
Assistant Attorney General
South Carolina Attorney General's Office
P.O. Box 11549, Columbia, S.C. 29211

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CLARENDON) FOR THE THIRD JUDICIAL CIRCUIT

Jevon I. Swanigan, #391571,) CASE NO. 2024-CP-14-00145

Applicant,

v.

State of South Carolina,

Respondent.

RECEIVED

JUL 27 2026

SC SUPREME COURT

ORDER OF DISMISSAL WITH PREJUDICE

Presiding Judge:	Hon. Heath P. Taylor
Applicant's Attorney:	Timothy L. Griffith, Esq.
Respondent's Attorney:	Jordan B. Killough, Esq.
Plea Counsel:	Charles David Barr, Esq.
Date of Hearing:	January 29, 2026

This matter comes before the Court by way of Jevon I. Swanigan's (Applicant) application for post-conviction relief (PCR) filed on April 9, 2024. Respondent, the State of South Carolina, filed its Return on January 2, 2026.

On January 29, 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 and presented testimony from his mother, Deborah Swanigan. Respondent presented testimony from Charles David Barr, Esquire.

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.

2026 MAY 19 PM 1:32
Jhanita Brangman, CLK-Clarendon SC

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (SCDC). During its October 2020 term, the Clarendon County Grand Jury indicted Applicant for Murder and Possession of a Weapon During the Commission of a Violent Crime (2020-GS-14-00364, counts 1&2). Applicant was represented by Charles David Barr, Esquire (Plea Counsel). Assistant Solicitor Phillip Little (Assistant Solicitor) of the Third Circuit Solicitor's Office prosecuted the case.

On July 24, 2023, Applicant appeared before the Honorable R. Ferrell Cothran, Jr., and pleaded guilty to the lesser included offense of Voluntary Manslaughter with a negotiated sentence of twenty (20) years. The weapons charge was dismissed as part of the plea agreement. Pursuant to negotiations, Judge Cothran sentenced Applicant to twenty (20) years' imprisonment, with credit for time served.

Applicant did not appeal his conviction or sentence.

FACTS GIVING RISE TO THE CONVICTION

The facts are taken from the guilty plea transcript as articulated by the State:

> Your Honor, this happened on December 26, 2019, approximately 10:00 at night. The victim in this case is [Victim]. He was friends with Mr. Swanigan and with the co-defendant Mr. York, had actually lived with Mr. Swanigan about a month prior to this before he was put out of the house. That night Mr. Swanigan picked up [Victim], along with the co-defendant who was driving. They drove out into a rural area headed towards Kingstree. There's a dirt road off of Kingstree Highway near a church, and this was in Clarendon County, Your Honor. While they were out there, they were out smoking marijuana. At some point Mr. Swanigan pulled out a gun, shot [Victim]. [Victim] turned to run and Mr. Swanigan emptied his clip to make sure that [Victim] was deceased. Mr. Swanigan eventually did confess to this under Miranda and that confession was captured on video.

(Plea Tr. p. 7).

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. Ineffective Assistance of Counsel
   a. Failure to communicate
      i. "...failed to adequately consult with [Applicant] and prepare his case."
   b. Failure to interview or call character witnesses
   c. "[Applicant] was coerced by his counsel who seemingly was unprepared."
   d. "Applicant further testify that his counsel never met with him to discuss his case, never discussed the pending charges, and never discussed possible defenses."
   e. Failed to review discovery

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

Standard of Review

The Uniform Post-Conviction Procedure Act[1] (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[.]

[1] S.C. Code Ann. §§ 17-27-10 to -160.

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)).

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 her 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

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel and a claim of involuntary guilty plea 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 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:

Initial Findings

This Court further 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); See, e.g., State v. Mercer, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009) ("In this post-trial setting, our jurisprudence recognizes the gatekeeping role of the trial court in making a credibility assessment."); Clemons v. Mississippi, 494 U.S. 738, 766 (1990) (Blackmun, J., concurring in part and dissenting in part) ("The trial judge who hears the witnesses live, observes their demeanor and in general smells the smoke of the battle is by his very position far better equipped to make findings of fact which will have the reliability that we need and desire.").

This Court makes the following findings from the record: 1. Applicant indicated that he wanted to plead guilty (Plea Tr. p. 3); 2. Applicant indicated that he had enough time to talk with Plea Counsel (Plea Tr. pp. 3–4); 3. Applicant indicated that Plea Counsel had explained the nature of the charges against him, the possible punishment he could receive, and his constitutional rights (Plea Tr. p. 4); 4. Applicant indicated that, outside of plea negotiations, nobody had promised him anything or threatened him in any way (Plea Tr. p. 4); 5. Applicant understood that the plea court could allow him to withdraw his plea if it did not accept the negotiated sentence (Plea Tr. p. 4); 6. Applicant understood that Voluntary Manslaughter carried up to thirty years in prison; was a no-parole offense and that he would have to serve at least eighty-five percent of whatever sentence he received; was a violent offense and a most serious offense; and if he received another most serious offense, then he could receive life without parole (Plea Tr. pp. 4–5); 9. Applicant indicated that he was not under the influence of alcohol or drugs (Plea Tr. p. 5); 10. Applicant indicated that he did not have any mental disease that would prevent him from understanding the proceedings (Plea Tr. p. 5); 11. Applicant understood that he was giving up certain constitutional rights by pleading guilty, including the right to remain silent, the right to a jury trial, to right to confront witnesses, the right to raise defenses, and the right to appeal from a jury trial (Plea Tr. pp. 5–6); 12. Applicant understood that he could appeal his guilty plea within ten days from the hearing (Plea Tr. p. 6); 13. Applicant indicated that he had no complaints against Plea Counsel (Plea Tr. p. 6); 14. Applicant indicated that the facts as articulated by the State were correct and that he was pleading guilty because he was guilty (Plea Tr. p. 8); 16. The plea court found that there was a factual basis for the plea (Plea Tr. p. 8); 17. The plea court qualified the plea as freely and voluntarily entered into and accepted the plea (Plea Tr. p. 8); 18. The plea court found that Applicant was competent to stand trial, with which Applicant agreed (Plea Tr. pp. 14–15).

Ineffective Assistance of Plea Counsel Allegations

Allegation:	**Failure to Communicate.**
Allegation:	**Failure to adequately consult with Applicant and prepare his case.**
Allegation:	**Failure to meet with Applicant to discuss his case, never discussed the pending charges, and never discussed possible defenses.**
Allegation:	**Failed to review discovery**

Applicant alleges Plea Counsel was constitutionally ineffective for failing to communicate with him. Specifically, Applicant avers that Plea Counsel failed to adequately consult with him and prepare his case. 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).

South Carolina case law has established that even if Trial 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) ("First, there is no question that counsel met with [Applicant] on several occasions prior to the first trial. Even if the meetings were brief, this fact alone is not indicative of inadequate trial preparation."). An applicant must present evidence to show how additional time spent in consultation would have resulted in a different outcome; mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Smith v. State, 404 S.C. 493, 500–01, 745 S.E.2d 378, 382 (Ct. App. 2012) (citing Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998); Skeen v. State, 325 S.C. 210, 214–15, 481 S.E.2d 129, 132 (1997)).

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)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. 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 Plea Counsel never really communicated with him. Applicant testified that Plea Counsel met with him two times. Applicant testified that Plea Counsel never communicated the evidence to him, Applicant never saw the evidence, and that Applicant still did not know what evidence there was against him. Applicant testified that Plea Counsel never discussed trial strategy with him. Applicant testified that Plea Counsel only told him that he was facing murder.

On direct examination, Plea Counsel testified that he requested discovery and that he reviewed it with Applicant. Plea Counsel testified that the most powerful evidence was Applicant's confession, which he believed was a voluntary statement under the circumstances. Plea Counsel testified that he met with Applicant four or five times and that he met with Applicant's mother a number of times as well. Plea Counsel testified that he discussed Applicant's case with him in detail. Plea Counsel testified that he and Applicant reviewed the evidence, including what Applicant was charged with, and that Applicant knew exactly what he was charged with.

Findings

This Court finds Applicant 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, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland). As an initial matter on these issues, this Court finds Plea Counsel's testimony **credible** and Applicant's testimony **not credible**. Contrary to Applicant's testimony that Plea Counsel never showed him the evidence in his case, Plea Counsel **credibly** testified that he requested discovery and reviewed it with Applicant. Contrary to Applicant's testimony that Plea Counsel did not communicate with him and only met with him two times, Counsel **credibly** testified that he met with Applicant four or five times, as well as meeting with his mother, and that he discussed the case with Applicant in detail. Plea Counsel **credibly** testified that he discussed with Applicant what he was charged with.

This Court finds that Plea Counsel did review the discovery, the evidence, and the charges with Applicant and met with Applicant a sufficient number of times. Moreover, Applicant indicated to the plea court that he had no complaints against Plea Counsel and that Plea Counsel had done everything he should have done. Therefore, this Court finds that Plea Counsel was not deficient for the time spent in consultation or for his communications with Applicant.

Furthermore, Applicant failed to present any credible evidence that the outcome of his case would have been different but for Plea Counsel's alleged deficiency. *See Smith v. State*, 404 S.C. 493, 500–01, 745 S.E.2d 378, 382 (Ct. App. 2012) (noting that an applicant must present evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome; mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief)This Court finds no prejudice resulted from any alleged deficiency in Counsel's consultations with Applicant.

This Court finds through the combination of the record, and Plea Counsel's **credible** testimony that Applicant has failed to meet the burden of showing Plea Counsel was constitutionally ineffective. 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**.

Allegation: **Failure to interview or call character witnesses**

Applicant alleges that Plea Counsel was constitutionally ineffective for failing to interview or call character witnesses. Applicant failed to present any evidence, testimony, or legal authority regarding this allegation at the evidentiary hearing. "When a party provides no legal authority regarding a particular argument, the argument is abandoned and the court will not address the merits of the issue." Palmer v. State, 427 S.C. 36, 47, 829 S.E.2d 255, 261 (Ct. App. 2019) (citing State v. Lindsey, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011). Therefore, the Court deems this allegation abandoned. Nonetheless, Applicant failed to present the testimony of any potential character witness at the evidentiary hearing; thus, this Court finds he has failed to meet his burden demonstrating Counsel was ineffective. See Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (holding that "a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial"). Thus, this allegation must be **DENIED** and **DISMISSED.**

INVOLUNTARY GUILTY PLEA ALLEGATION

Allegation: **Involuntary Guilty Plea**
Allegation: **Applicant was coerced by his counsel who seemingly was unprepared.**

Applicant alleges Plea Counsel was constitutionally ineffective and that his guilty plea was involuntary. Specifically, Applicant avers that Plea Counsel coerced him into pleading guilty. This Court finds these allegations are without merit.

To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a complete understanding of the consequences of the plea and the charges against him or her. Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991); see also Boykin v.

Alabama, 395 U.S. 238, 244 (1969) (Courts must make sure defendants have "a full understanding of what the plea connotes and of its consequence. When the judge discharges that function, he leaves a record adequate for any review that may be later sought and forestalls the spin-off of collateral proceedings that seek to probe murky memories."). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984) (finding the voluntariness of a guilty plea "is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.").

An applicant who enters a 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). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

PCR Evidentiary Hearing

On direct examination, Applicant testified that he was told on a Friday that trial began on the following Monday. Applicant testified that on the following Monday, he was brought into a room where Plea Counsel told him to sign the plea deal. Applicant testified that he did not understand the consequences of pleading guilty and that he had no time to think about pleading guilty. Applicant testified that he did not know what Plea Counsel was talking about.

On cross-examination, Applicant testified that he told the plea court that nobody promised him or threatened him in any way. Applicant testified that he told the plea court that he understood that Voluntary Manslaughter carried up to thirty years in prison. Applicant testified that he told the plea court that he had no complaints against Plea Counsel.

On direct examination, Applicant's mother, Deborah Swanigan (Mrs. Swanigan), testified that Applicant was nineteen years old at the time and had problems understanding.

On direct examination, Plea Counsel testified that he told Applicant that he could receive a life sentence. Plea Counsel testified that he had Applicant evaluated. Plea Counsel testified that a plea was offered and that Plea Counsel recommended twenty years, which the Assistant Solicitor agreed to. Plea Counsel testified that the Assistant Solicitor was more lenient than he had ever seen. Plea Counsel testified that Applicant received an excellent plea deal and that the plea deal was in Applicant's best interest. Plea Counsel testified that when Applicant received the plea deal, Applicant's family was celebrating, including his mother who was cheering. Plea Counsel testified that Applicant understood the terms of the plea deal and that he was satisfied with the plea deal. Plea Counsel testified that defense attorneys can do a whole lot, but they cannot change the facts and that he had never had a client that said he shot a person just because someone else shot that person.

Findings

As an initial matter on this issue, this Court finds the record and the testimony at the evidentiary hearing refutes Applicant's allegations that he did not understand the consequences of pleading guilty and reflects that Applicant's guilty plea was knowingly and voluntarily entered with a complete understanding of the potential sentence he could receive by pleading guilty. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73–74 (1977). Statements made during a guilty plea should be considered conclusively unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985)).

This Court finds Applicant has failed to show that Plea Counsel's representation fell below an objective standard of reasonableness, and that but for Plea Counsel's alleged errors, Applicant would not have pled guilty and proceeded to trial. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993). This Court finds Plea Counsel's testimony **credible** and Applicant's testimony **not credible**. Plea Counsel **credibly** testified that the plea deal was excellent and that the Assistant Solicitor was more lenient than he had ever seen. Contrary to Applicant's testimony that he had no time to think about pleading guilty, Plea Counsel **credibly** testified that when Applicant received his plea deal, Applicant's family celebrated, including Mrs. Swanigan who was cheering. Furthermore, contrary to Mrs. Swanigan's testimony that Applicant had difficulty understanding, Plea Counsel **credibly** testified that he had Applicant evaluated and that Applicant understood and was satisfied with the plea deal. This Court finds that Applicant was not coerced into pleading guilty and that Plea Counsel was not deficient and that no prejudice resulted from his representation of Applicant.

Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty.

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.**

|CONCLUSION 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 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 1st **day of** May, 2026.

HEATH P. TAYLOR
Presiding Judge
Third Judicial Circuit

Columbia, South Carolina