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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
HONORABLE GRACE GILCHRIST KNIE
2025-CP-23-6066

Fredrick M. Lewis, SCDC# 370035

APPELLANT,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Fredrick M. Lewis appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable Grace Gilchrist Knie, Circuit Judge on June 23, 2026 an Order issued on July 22, 2026 and filed on July 26, 2026. The Appellant received notice of the judgment on July 30, 2026.

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
Fredrick M. Lewis, SCDC #370035,	)	CASE NO. 2025-CP-23-6066
	)	
Applicant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	WITH PREJUDICE
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Presiding Judge:	Honorable Grace Gilchrist Knie
Applicant's Attorney:	Rodney W. Richey, Esq.
Respondent's Attorney:	Sydney N. Willingham, Esq.
Plea Counsel:	Frank L. Eppes, Esq.
Date of Hearing:	June 23, 2026
Court Reporter:	Cheryl Smith

This matter comes before the Court pursuant to an application for post-conviction relief (“PCR”) filed by Fredrick M. Lewis (“Applicant”) on September 19, 2025. Respondent filed its Return, requesting that an evidentiary hearing be held on the allegations. On June 23, 2026, an evidentiary hearing was held at the Greenville County Courthouse before the Honorable Grace Gilchrist Knie. Applicant was present and represented by Rodney W. Richey, Esquire. Assistant Attorney General Sydney N. Willingham represented Respondent. Applicant proceeded on the allegation in his application. This Court received testimony from Applicant and his 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 him to relief and, accordingly, **DENIES** and **DISMISSES** this action with prejudice.

PROCEDURAL HISTORY

Applicant is currently confined in the South Carolina Department of Corrections, Allendale Correctional Institution, pursuant to orders of commitment from the Greenville County Clerk of Court. During the July 2024 term, the Greenville County Grand Jury indicted Applicant for Use of Vehicle Without Permission (2023-GS-23-5325) two (2) counts of Possession of Cocaine with Intent to Distribute (PWID), 3rd offense (2023-GS-23-5324; -5326) Trafficking Cocaine, 2nd offense (2024-GS-23-3995).

Applicant entered a guilty plea before the Honorable William C. McMaster, III, on March 3, 2025. Applicant was represented by Frank Eppes, Esq., and Solicitor Seth Johnson, Esq. of the Thirteenth Circuit Solicitor's Office prosecuted the case. The solicitor presented the following recitation of facts:

[O]n or about September 4th, 2022, in Greenville County, after a lawful search, this Defendant was found in possession of 3.6 grams of cocaine and 27.98 grams of Alprazolam. Then on February 6th, 2023, again, in Greenville County, officers located this Defendant passed out behind the wheel of the vehicle. During the investigation officers were able to determine that this Defendant was using the vehicle without the owner's consent. After a lawful search they found him in possession of 11 Alprazolam pills, 2.14 grams of cocaine packed in five separate bags.

On February 12th of 2023, law enforcement reviewed The Defendant's jail calls. The Defendant said the owner of the vehicle was now trying to say that the vehicle was stolen, that The Defendant stated that he gave the owner drugs to borrow the vehicle. On or about February 17th, 2023, in Greenville County, law enforcement came into contact with this Defendant. They noticed he slurred his words, he had constricted pupils and he had blue substance on his lips. The Defendant admitted to taking Klonopin and consented to a search. Officers located scales with white residue, THC gummies and 5.92 grams of psychoactive mushrooms.

Then, again, Your Honor, on October 6th, 2023 in Greenville County, law enforcement was conducting surveillance and observed this Defendant, who had a active arrest warrant. They conducted a search of The Defendant's person and he was found to be in possession of 14.38 grams of cocaine, Your Honor.

(Plea Tr. pp. 13-14).

Judge McMaster sentenced Applicant to fifteen (15) years imprisonment for Trafficking Cocaine, 2nd offense (2024-GS-23-3995), and 531 days time served for each of the remaining charges, all to run concurrent with the trafficking charge. (Plea Tr. pp. 22-23).¹ Applicant did not appeal his convictions or sentences.

CURRENT ALLEGATIONS AND RELIEF SOUGHT

Applicant filed his application for post-conviction relief on September 19, 2025, raising the following allegations interpreted by Respondent as follows:

1. Ineffective Assistance of Counsel
 - a. Failure to investigate the circumstances of the case.

(App. at 3).

Applicant prays the Court for “a relief in sentencing due to circumstances of the case. Sentence and conviction vacate.” (App. at 6).

Applicant raised the following additional allegations at the evidentiary hearing:

1. Ineffective Assistance of Counsel
 - a. “Failure to review discovery.”
 - b. “Counsel made promises to Applicant and they weren’t fulfilled.”
 - c. “Counsel did not negotiate in Applicant’s best interest.”
2. Involuntary Guilty Plea
 - a. “Plea was coerced.”

¹ Applicant was on probation for charges he pled guilty to before the Honorable Letitia Verdin on September 3, 2019. Applicant’s sentence for trafficking cocaine, 2nd offense (2024-GS-23-3995) is to run concurrent with his probation violation.

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. 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).

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

²S.C. Code Ann. §§ 17-27-10 to -160.

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 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 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 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(a): Failure to investigate and review discovery.³

Applicant alleges Counsel's representation was constitutionally ineffective for failing to investigate the circumstances of his case and for failing to go over his discovery. This Court finds these allegations are without merit.

³ This section addresses the allegation regarding failure to investigate in Applicant's original application; and the allegation of failure to review discovery raised at the evidentiary hearing.

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 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

Applicant testified on cross examination he wanted Plea Counsel to investigate details of the case and the search warrants. Plea Counsel testified his notes indicated that Applicant reviewed the discovery with his legal assistant. Further, Plea Counsel testified Applicant had no defense to the personal search because he was on probation at the time. Moreover, the entire event [which led to Applicant’s underlying convictions] was captured on video.

Findings

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. Further, Applicant failed to present any evidence or witnesses at the evidentiary hearing to substantiate his claims. Plea Counsel *credibly* testified Applicant reviewed his discovery, as indicated by his notes. Moreover, Plea Counsel *credibly* testified Applicant did not have a defense to the personal search which resulted in his underlying convictions as Applicant was on probation at the time. Further, to

whatever extent Applicant was not entirely satisfied with the amount of time to prepare and investigate the charges, he was presented an opportunity to express his dissatisfaction to the plea court and chose to proceed with his guilty plea. Applicant has failed to prove deficiency or prejudice, and thus this claim is **DENIED** and **DISMISSED**.

Allegation 2: Failure to negotiate or relay plea offers.⁴

Applicant alleged Plea Counsel was constitutionally ineffective for failing to relay and preserve plea offers to Applicant. Specifically, Applicant alleges that Plea Counsel made promises to him and they were not fulfilled, and that Plea Counsel did not negotiate in his best interest. 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

⁴ This section addresses allegations 1(b) and 1(c) that were raised at the evidentiary hearing.

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

Applicant testified on direct examination that Plea Counsel told him he could get rehab, then 3-10 years, then 15 years. Applicant testified that Plea Counsel told him it was in his best interest to plead guilty because he would have been found guilty at trial.

Plea Counsel testified on direct examination he informed Applicant it was in his best interest to plead guilty, but it was ultimately Applicant’s decision. Plea Counsel testified the plea offer was for 15 years. Plea Counsel testified Applicant’s case would have possibly gone to the LWOP (life without parole) committee and that in his experience everyone who went through that committee would receive at least 18-20 years. Further, Plea Counsel testified that the Solicitor originally did not want to give Applicant less than an 18-year sentence, until they finally reached the negotiated 15-year sentence which Applicant ultimately pled to.

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 his 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 that the offer was for 15 years. Applicant did not provide any evidence to demonstrate the State offered a lower sentence than 15 years. This Court finds Applicant has not met his burden to show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial. Applicant received the benefit of no longer facing an LWOP notice when he decided to plead. Thus, Applicant failed in his 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 he 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**.

INVOLUNTARY GUILTY PLEA

Applicant alleges Counsel’s representation was constitutionally ineffective, specifically, Applicant alleges that his plea was coerced. This Court finds this allegation is without merit.

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. 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). 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.”).

To find a guilty plea has been voluntarily and knowingly entered, 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). Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he is waiving, the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin v. Alabama, 395 U.S. 238, 244 (1969). Additionally, the defendant “must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). The defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both.” State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993).

PCR Evidentiary Hearing

Applicant testified on direct examination that Plea Counsel told him it was in his best interest to plead guilty because he would have been found guilty at trial.

Plea Counsel testified on direct examination he informed Applicant it was in his best interest to plead guilty, but it was ultimately Applicant's decision. Further, Plea Counsel testified Applicant had no defense to the search because he was on probation at the time. Moreover, the entire event [which led to Applicant's underlying convictions] was captured on video. Plea Counsel testified Applicant's case would have possibly gone to the LWOP (life without parole) committee if he did not enter a plea.

Findings

This Court finds from the record that Applicant understood the charges, the weight of the evidence, and the proceedings against him. Applicant testified at the evidentiary hearing that he entered the plea because Plea Counsel told him it was in his best interest and that he would be found guilty at trial. This Court finds Plea Counsel *credibly* testified that it was Applicant's decision to enter the plea instead of proceeding to trial. Further, Judge McMaster advised Applicant of his constitutional right to a jury trial where the State must prove its case beyond a reasonable doubt, the right to confront all witnesses, examine all the evidence presented against him and the right to remain silent. (Plea Tr. pp. 10-12). Applicant confirmed that he understood that he was waiving these rights by entering a guilty plea. (Plea Tr. p. 12). *Applicant confirmed that it was his free and voluntary decision to plead.* (Plea Tr. p. 13) (emphasis added). Applicant should be held to the assertions he made to the court. See generally Wolfe, 485 S.E.2d at 367 (“[Applicant’s] claim he understood from counsel that the trial judge’s questions at the guilty plea were only a ‘polite fiction’ was ‘not an invitation to answer untruthfully’”).

Moreover, to whatever extent Applicant was not entirely satisfied with the plea, he was presented an opportunity to express his dissatisfaction with the plea court, knowingly opted not to do so, and instead chose to proceed with his guilty plea so that he would not have to proceed to trial.

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 he 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 PAGE TO FOLLOW]

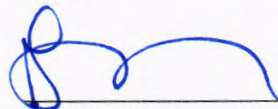
CONCLUSION

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), SCRPC, 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 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.



GRACE GILCHRIST KNIE
Presiding Judge - Thirteenth Judicial Circuit

7/22/26 Spartanburg, South Carolina

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**END
OF
FILING**

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Karemy Y. Mejia Bedolla, #393922,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO. ~~2024-CP-23-1053~~

2025-CP-23-01625

**ORDER OF DISMISSAL
WITH PREJUDICE**

FILED: 26 JUL 30 AM 10:38
COC JAY GRESHAM GVL SC

Presiding Judge:	Honorable Grace Gilchrist Knie
Applicant's Attorney:	Rodney W. Richey, Esq.
Respondent's Attorney:	Sydney N. Willingham, Esq.
Plea Counsel:	Joseph Baldwin, Esq.
Date of Hearing:	June 23, 2026
Court Reporter:	Cheryl Smith

This matter comes before the Court pursuant to an application for post-conviction relief (“PCR”) filed by Karemy Y. Mejia Bedolla (“Applicant”) on March 13, 2025. Respondent filed its Return, requesting that an evidentiary hearing be held on the allegations. On June 23, 2026, an evidentiary hearing was held at the Greenville County Courthouse before the Honorable Grace Gilchrist Knie. Applicant was present and represented by Rodney W. Richey, Esquire. Assistant Attorney General Sydney N. Willingham represented Respondent. Applicant proceeded on the allegations in her application. This Court received testimony from Applicant and her plea counsel, Joseph Baldwin, 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, Leath Correctional Institution, pursuant to orders of commitment from the Greenville County Clerk of Court. In 2024, the Greenville County Grand Jury indicted Applicant for trafficking methamphetamine, 10-28 grams, 1st offense (2024-GS-23-00531A) and trafficking methamphetamine, 28 g or more but less than 100 grams, 1st offense (2024-GS-23-0532).

On April 17, 2024, Applicant pled guilty to a deferred sentence before the Honorable Patrick C. Fant, III. The transcript of record from Applicant's guilty plea was sealed. A Consent Order (Unsealing of Plea Transcript) was filed on June 13, 2025, upon the consent of the parties, the Court granted the request to unseal the transcript of record in Case No: 2024-GS-23-0531A; - 0532. Applicant was represented by Joseph R. Baldwin, Esq. Assistant Solicitor W. Ryan Holloway prosecuted the case. The solicitor presented the following recitation of facts:

[O]n July the 12th, 2023, a -- sheriff's deputies executed a search warrant at the Defendant's house at 226 Clemson Avenue, Lot 20. And it was in our county. And the Defendant -- her vehicle, a black Camaro, had been pulled over several times resulting in cases involving the intent to traffic in narcotics. The vehicle had been sitting outside the residence. The Defendant was listed -- has listed this address on -- in previous cases as her address.

Upon arrival, deputies saw a male -- a gentleman standing outside working on a dirt bike. The male confirmed the Defendant was inside. After callouts were made, the Defendant came to the door and was taken out of the -- the residence.

She had on her person what was later -- that field-tested positive as meth -- methamphetamine on her -- on her person. In her -- her room, the deputies found hundreds of small colored baggies that matched the baggies in the traffic stops of other customers that had been conducted. The -- a small bag of marijuana was found on the kitchen counter.

Ultimately, several baggies that were found throughout the residence -- the total methamphetamine found in those baggies was 21.12 grams. She served 201 days in jail as of the date of her deferred sentence, which was January the 29th of this year.

(Plea Tr. pp. 18-19).

Judge Fant sentenced Applicant to 12 years and a mandatory fine of \$50,000 for trafficking methamphetamine, 28 g or more but less than 100 grams, 1st offense, and 10 years for trafficking methamphetamine, 10-28 grams, 1st offense, to run concurrently, with credit for time served. (Plea Tr. p. 34). Applicant did not appeal her convictions or sentences.

CURRENT ALLEGATIONS AND RELIEF SOUGHT

Applicant raises the following allegations in her application filed on March 13, 2025, interpreted by Respondent as follows:

- I. Prosecutorial Misconduct
 - a. “The solicitor talk to me before being sentenced and told me the weight had come back being a different amount.”

(PCR App. 3).

Applicant asks this Court for “my sentence to lower due to my daughter health condition.”

(PCR App. 6).

Applicant raised the following additional allegations at the evidentiary hearing:

1. Counsel told Applicant she wouldn’t get more than 7 years.
2. 28-100 grams charge should have been dropped.
3. Applicant did not see her discovery or the lab reports.
4. Failure to investigate.

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;

¹ 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).

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 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), 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

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: **Plea Counsel was ineffective for advising Applicant she would not receive more than a 7-year sentence; and that the trafficking methamphetamine, 28-100 grams charge would be dismissed.**

Applicant alleges Plea Counsel's representation was constitutionally ineffective for advising Applicant that she would not receive more than a 7-year sentence; and that the trafficking methamphetamine, 28-100 grams charge would be dismissed. This Court finds this allegation is without merit.

An applicant who enters a guilty 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). Applicant has presented no valid reason why he should be able to depart from the statements made during her guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v.

Whiteley, 759 F.2d 317 (4th Circ. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so). "When considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing." Moorehead v. State, 329 S.C. 329,333,496 S.E.2d 415,416 (1998) (citing Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997)).

PCR Evidentiary Hearing

Plea Counsel testified on direct examination he did not tell Applicant she would receive a 7-year sentence. Plea Counsel testified he discussed the sentencing ranges with Applicant, and he believed it was in her best interest to plead guilty. Plea Counsel testified he did not recall Applicant ever wanting to go to trial.

Findings

This Court finds the colloquy at the plea hearing shows that Applicant's plea was knowingly and voluntarily entered. See Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994) ("finding a guilty plea voluntary where [Applicant] admitted committing the crimes, acknowledged the potential sentences, and stated that his plea had not been induced by promises"). This Court finds the colloquy shows that Applicant did not have any misconceptions regarding sentencing. Judge Fant informed Applicant that she still has a sentence for the trafficking methamphetamine, 28-100 grams, which she previously pled guilty to. (Plea Tr. p. 14). Applicant confirmed that she understood this information. (Plea Tr. p. 14). Further, Judge Fant inquired whether Applicant understood that she was also appearing to plead guilty to the offense of trafficking methamphetamine, 10-28 g, 1st offense, carries 3 to 10 years. (Plea Tr. p. 14; 16).

Applicant confirmed that she understood this information. (Plea Tr. p. 14). Judge Fant inquired whether Applicant understood that trafficking methamphetamine, 28-100 grams, carries 7 to 25 years with a \$50,000 fine. (Sentencing Tr. p. 16). Applicant confirmed that she understood this information. (Sentencing Tr. p. 16). Applicant should be held to the assertions [s]he made to the court. See generally Wolfe, 485 S.E.2d at 367 (“[Applicant’s] claim he understood from counsel that the trial judge’s questions at the guilty plea were only a ‘polite fiction’ was ‘not an invitation to answer untruthfully’”). 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 his 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 2: Failure to investigate and review discovery.

Applicant alleges Counsel’s representation was constitutionally ineffective for failing to investigate and review discovery. 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 applicant, the applicant must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. Id.

Findings

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. Further, Applicant failed to present any evidence or witnesses at the evidentiary hearing to substantiate her claims. Plea Counsel *credibly* testified he reviewed the discovery with Applicant. Further, to whatever extent Applicant was not entirely satisfied with the amount of time to prepare and investigate the charges, she was presented an opportunity to express her dissatisfaction to the plea court and chose to proceed with her guilty plea. Applicant has failed to prove deficiency or prejudice, and thus this claim is **DENIED** and **DISMISSED**.

[CONCLUSION PAGE TO FOLLOW]

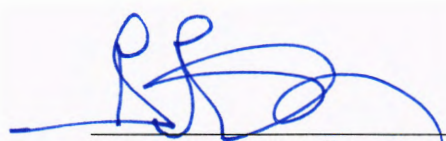
CONCLUSION

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 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 the 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 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.



THE HONORABLE GRACE GILCHRIST KNIE
Presiding Judge
Thirteenth Judicial Circuit

7/22/26 Spartanburg South Carolina