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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

HONORABLE MARTHA M. RIVERS

2025-CP-42-06323

RICKY RECTOR, SCDC# 395677

APPELLANT,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Ricky Rector appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable Martha M. Rivers, Circuit Judge on June 2, 2026 an Order issued on June 29, 2026 and filed on July 13, 2026. The Appellant received notice of the judgment on August 3, 2026.

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THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Ricky Rector, #395667,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. ~~2025-CP-42-00855~~

2025 CP 42 06323 *

**ORDER OF DISMISSAL
WITH PREJUDICE**

Presiding Judge:
Applicant's Attorney:
Respondent's Attorney:
Plea Counsel:
Date of Hearing:

Hon. Martha M. Rivers
Rodney W. Richey, Esq.
O. McConnell Harison, Esq.
Beverly D. Jones, Esq.
June 2, 2026

This matter comes before this Court by way of Ricky Rector's (Applicant) application for post-conviction relief (PCR) filed on December 15, 2025. Respondent filed its Return on May 12, 2026, requesting an evidentiary hearing.

On June 2, 2026, an evidentiary hearing occurred at the Spartanburg County Courthouse before the Honorable Martha M. Rivers. Applicant was present and represented by Rodney W. Richey, Esq. Assistant Attorney General O. McConnell Harison represented Respondent. Applicant was present at the hearing and testified on his own behalf. Respondent presented testimony from Beverly D. Jones, Esq. (Plea Counsel).

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.

SPARTANBURG COUNTY
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PROCEDURAL HISTORY

Applicant is presently confined within the South Carolina Department of Corrections. During its February 2023 term, the Spartanburg County Grand Jury indicted Applicant for attempted murder (2023-GS-42-0855).

On November 4, 2024, Applicant appeared before the Honorable R. Keith Kelly. Applicant was represented by Plea Counsel. Assistant Solicitor Spenser H. Smith of the Seventh Circuit Solicitor's Office prosecuted the case. Applicant pled guilty to the lesser-included offense of aggravated battery of a high and aggravated nature (ABHAN) pursuant to Alford¹. Judge Kelly sentenced the Applicant to 12 years' incarceration with credit given for time served.

On November 13, 2024, Plea Counsel filed a notice of direct appeal on Applicant's behalf². On December 23, 2024, the South Carolina Court of Appeals dismissed Applicant's direct appeal for failing to provide a sufficient guilty plea explanation as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR). The remittitur was returned to the lower court on January 8, 2025.

FACTUAL BASIS FOR GUILTY PLEA

The following facts were stated by the solicitor at Applicant's guilty plea hearing:

Your Honor, this incident happened on July 13th of 2022. City officers responded to North Pine Street for a shooting call in the city and county of Spartanburg. The victim, Ms. Sandra Brooks, was upset sitting on a bench with her left leg propped up speaking with E.M.S. She told officers that her boyfriend, the defendant, had shot her about an hour ago at Clinchfield Street, which is also in the city and county of Spartanburg. The officer was able to observe a small circular wound on her left hamstring area. An officer followed her to the hospital where she explained that she had been at her brother's house and when she came home she brought the defendant some beer and crack cocaine. She told him he was on his own and left the house. She stated when she returned the defendant started asking her about her food stamps and if she had any presumably to sell for drugs. She did not indicate to him whether she had any. At that point she went outside on the porch and the defendant followed her.

¹ North Carolina vs. Alford, 400 U.S. 25, 91 S.Ct. 160 (1970).

² State v. Ricky Rector, Appellate Case No. 2024-001962.

her and shot her. She stated that the first time he pulled the trigger the gun just clicked but he pulled it again and it shot her in the back of her left leg. She said you shot me and he just walked back inside without saying anything. She went back inside the house and found him laying on the bed. She asked him if he knew what he had just done and he did not reply. She indicated that she and the defendant are not married. They did not have – they don't have children in common but they'd been living together off and on for about three months when this incident occurred. She advised that when the defendant's girlfriend had passed away that she was the only friend who checked in on Mr. Rector and their relationship had kinda started from that point forward. She stated that he referred to her as his girlfriend but she did not refer to him as her boyfriend. Officers responded to the house where she told them she had been shot. They did find fresh blood on the porch. They knocked on the door and observed a black male sit up from the bed and come to the door. They informed him that someone had been shot here and showed him the blood on the porch. He indicated that he had been asleep all night until they woke him up. They were able to identify him as Ricky Rector. He did agree to let them search the house and officers located a .22 caliber revolver under the T.V. stand.

(GP Tr. pp. 5 – 7).

CURRENT APPLICATION

In his PCR application, Applicant alleged that he is being held in custody unlawfully on the following grounds (excerpts verbatim):

I. Ineffective Assistance of Counsel

a. Failure to Investigate

- i. "Counsel did not investigate some critical evidence and defense when she was preparing for trial."
- ii. "Made no kind of independent investigation of the crime or the victim's background and prior criminal history;"
- iii. "Prior to the plea proceeding, applicant contend that his trial counsel did nothing except the version of the solicitor's file and reports. There was no investigation, no interviewing of witnesses, no preparation of defense, no full discovery and no trial preparation."
 1. "Trial counsel failed to fully investigate and interview the state's witnesses prior to trial".
 2. "Even less excusable is trial counsel's failure to interview the state's witnesses when she knew would testify against the applicant. Although the name of the state witness had been provided, trial counsel did not attempt to contact them; House v. Balkcom, 725 F2d 608".

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- iv. "Trial counsel made little use if any of the evidence garnered from the State's (SLED) reports and doctor reports which tended to substantiate his innocence."

b. Failure to Advise

- i. "Only met with applicant twice before entering guilty plea;"
- ii. "Failed to explain to him the elements of the crime of Attempted Murder or the crime of ABHAN;"
- iii. "Trial Counsel failed to advocate with the Applicant's cause and the more particular duties and to keep the applicant informed of important developments in the course of prosecution, which did not happen."

c. Involuntary Guilty Plea

- i. "Applicant trial counsel advised him to enter a Alford guilty plea without a clear comprehension as to what he was pleading to, and with no clear comprehension as to what an Alford plea is."
- ii. "The trial judge failed to explain to applicant the crucial elements of the crime for which he was charged or for which he was pleading guilty to, and which he state is required to prove beyond a reasonable doubt. None of this was explained to applicant by his trial counsel or by the judge before he entered his guilty plea."
- iii. "Applicant's counsel advised him to plead guilty to the lesser-included offense of Attempted Murder, without explaining to him the evidence which the state had against him and intended to use against him;"
- iv. "Knowing that applicant only had a 7th grade reading level, trial counsel failed to ensure that applicant fully understood why he was pleading guilty and what he was pleading guilty to, and what the judge was saying or asking him."
- v. "Trial Counsel coerced Applicant to plead Alford when S.C. Code Ann. 17-32-80 bar courts from accepting an Alford Plea coupled with innocent claims."

II. Due Process Violations

- a. "Applicant entered his plea to ABHAN pursuant to Alford which was accepted by the court as a guilty plea. The court was given notice that applicant was claiming innocence to attempt murder and ABHAN. Both counsel and applicant entered the facts of his innocence into the record. Under statutory law a guilty plea cannot be accepted by the court unless a defendant expressly admit guilt. S.C. Ann. 17-23-80 (1976). [...] Therefore, 17-23-80 bars defendant's guilty plea under Alford where it was entered coupled with claims of innocence."

- b. "S.C. Ann. 17-23-80 (1976) established procedural safeguards outlining the manner by which defendants could be convicted under guilty pleas. Applicant did not waive his right to those statutory safeguards, and the S.C. Supreme Court in *State v. Orr*, 304 S.C. 185, 403 S.E.2d 623 held that a waiver of a constitutional or statutory right be clearly shown on the record [...]."
- c. "Applicant was and is innocent of ABHAN but pled guilty via the Alford plea because counsel was not adequately prepared to support with documentation".
- d. "Clearly applicant's guilty plea entered under Alford with claims of innocence attached violated section 17-23-80 and cannot be accepted unless the record shows a knowing and voluntary waiver of rights."

At the evidentiary hearing, PCR Counsel indicated that they would be proceeding on the claims of ineffective assistance of counsel concerning the failure to investigate critical evidence and interview the State's witnesses, failure to meet an adequate number of times and advise Applicant as to the elements of the crimes charged, an involuntary guilty plea due to ineffective assistance of counsel on the grounds of misadvising and coercing Applicant to plead under Alford without explaining the procedure or consequences, and due process violations concerning the plea court accepting Applicant's Alford plea while coupled with claims of innocence.

Before this Court are the Spartanburg County Clerk of Court records of the subject conviction, Applicant's SCDC records, the guilty plea transcript, the records of Applicant's direct appeal, and the records of this current PCR action.

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;

³ S.C. Code Ann. §§ 17-27-10 to -160.

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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), SCRPC; 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), 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 facts and conclusions of law as required by § 17-27-80 of the South Carolina Code:

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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 understood the charge of attempted murder against him; (2) Applicant indicated that he understood the conditions of his plea offer, the sentence cap that it carried, and the classifications of the lesser-included charge of ABHAN that he was pleading to; (3) Applicant indicated that he understood his right to trial by jury, right to call and confront witnesses, and right to remain silent; (4) Applicant indicated that he waived those rights; (5) Applicant indicated that he was receiving a benefit by being allowed to plead pursuant to Alford; (6) Applicant indicated that there was a substantial likelihood that he would be convicted at trial; (7) Applicant indicated that Plea Counsel had explained the elements of the offense charged; (8) Applicant indicated that Plea Counsel explained the State has the burden of proof beyond a reasonable doubt; (9) Applicant indicated that Plea



Counsel shared discovery materials with him; (10) Applicant indicated he was satisfied with Plea Counsel's representation (Plea Tr. pp. 3 – 5); (11) Following the solicitor's recitation of the facts supporting the plea, Applicant indicated that what the solicitor stated for the court was true. (Plea Tr. p. 8).

INEFFECTIVE ASSISTANCE OF PLEA COUNSEL ALLEGATIONS

Allegation: **Failure to Investigate**
Allegation: **Failure to Advise**

Applicant alleges that Plea Counsel was constitutionally ineffective for failing to investigate his case and properly advise him. Specifically, Applicant alleges that Plea Counsel failed to meet with him a sufficient number of times, failed to explain the elements of both attempted murder and ABHAN to Applicant, failed to investigate critical evidence and defenses when she was preparing for trial, and failed to fully interview the State's witnesses prior to trial. This Court finds these allegations to be without merit.

"[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." Strickland, 466 U.S. at 690–91. "In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." Id. at 691. "In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments." Id. "The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements/or actions." Id. "Counsel's actions are usually based, quite properly, on informed strategic choices made by the

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defendant and on information supplied by the defendant." Id. "In particular, what investigation decisions are reasonable depends critically on such information." Id.

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)).

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)).

Guilty Plea Hearing

At his plea hearing, Applicant affirmed that Plea Counsel had explained the elements of ABHAN and the State's burden of proof in proving guilt beyond a reasonable doubt. Applicant also affirmed that Plea Counsel had done everything she could to help him with his case, and that he was satisfied with her legal services. (Plea Tr. pp. 4 – 5).

PCR Evidentiary Hearing

On direct examination, Applicant testified that Plea Counsel did not investigate the victim in the case. When asked to elaborate, Applicant testified that he wanted Plea Counsel to simply check everything out. Applicant testified that it was his position that he did not shoot the victim. Applicant testified that he was at home, and the victim arrived at the house following being shot in the leg by an unknown third party. Applicant testified that he and Plea Counsel never discussed investigating gunshot residue. Applicant testified that Plea Counsel should have spoken to

witnesses, but that he did not provide her with anyone to interview. Applicant further testified that he didn't have any witnesses to inform Plea Counsel of. Applicant testified that Plea Counsel should have investigated the gun, and additionally, whether Applicant had any drugs.

Applicant testified that he was appointed Plea Counsel about a week after being arrested. Applicant testified that he did not understand any of his discussions with Plea Counsel and never told Plea Counsel about any of his confusion. Applicant testified that Plea Counsel was not aware that he didn't understand their discussions. When asked whether he had sufficient time to speak with Plea Counsel, Applicant testified that he was working most of the time at Krispy Kreme and that Plea Counsel was calling him while on the job. Applicant testified that he informed Plea Counsel that he was innocent and wanted to fight the case, but Plea Counsel said they were proceeding with the plea.

On direct examination, Plea Counsel testified that Applicant was adamant that he did not shoot the victim. Plea Counsel testified that both Applicant and the victim said that Applicant was at home during the shooting. Plea Counsel testified that she recalls the victim's story being consistent and coherent. Plea Counsel testified that Applicant told her he was asleep during the shooting, and that the victim came and woke him up, already having been shot. Plea Counsel testified that they reviewed the discovery and discussed what they could present in response to the State's evidence against Applicant. Plea Counsel testified that Applicant still wanted to proceed with trial following these discussions, maintaining the position that he did not shoot the victim. Plea Counsel testified that she explained to Applicant that there was evidence against him, including the fact that he denied having a gun while one was found pursuant to searching his home, and that the gun matched the victim's description of the one used to shoot her. Plea Counsel testified that there were photographs of the Applicant's porch that showed a large area of blood

outside of his door. Plea Counsel testified that the victim went down the road to an ambulatory location to receive medical attention.

Plea Counsel testified that Applicant gave her the information of an individual with the last name Miller. Plea Counsel testified that she cannot recall if this was Applicant's friend, with whom he was living, but does recall that her efforts to contact the individual were unsuccessful. Plea Counsel testified that she informed Applicant that she was consistently attempting to contact the individual, but it never worked. Plea Counsel testified that she did interview the victim, who was in jail on a probation violation. Plea Counsel testified that she interviewed the victim once in prison, and then again prior to Applicant's plea hearing, in an attempt to determine what she was planning to relay to the plea court in regard to sentencing.

Plea Counsel testified that Applicant's testimony regarding their discussions occurring at his workplace is inaccurate. Plea Counsel testified that she would contact Applicant at work to schedule a meeting at Plea Counsel's office at a later time, and that the discussions would be held there. Plea Counsel testified that they could not have discussed anything at his workplace with so many people around. Plea Counsel testified that she would call Applicant's workplace, and they would always give him the phone, and they would plan a visit to her office.

On cross-examination, Plea Counsel testified that she received discovery in Applicant's case, and that it was not a big discovery file, considering it was for a charge of attempted murder. Plea Counsel testified that the discovery file included incident reports and supplemental reports, the victim's statements, multiple police body cam videos, and numerous photographs. Plea Counsel testified that she does not recall ever receiving the victim's medical records. Plea Counsel testified that she reviewed this discovery with Applicant and especially made sure to thoroughly

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review the victim's statements and the photographs. Plea Counsel does not recall whether she provided Applicant with a copy, but said it was likely, given that they met in person.

When asked for an overview of the State's evidence against Applicant, Plea Counsel testified that police were contacted from an ambulatory surgery center where the victim was sitting on the curb, with a gunshot wound in her lower leg. Once the police encountered the victim, she gave them her recollection of what happened. Plea Counsel testified that the victim told police she went to Applicant's home and indicated that she brought him drugs and alcohol. Plea Counsel testified that Applicant began arguing with the victim about wanting her food stamps and then proceeded to retrieve a handgun. Applicant attempted to shoot the victim, but the gun did not discharge. Applicant then pulled the trigger again and shot the victim in the leg. Plea Counsel testified that the victim stated, "You shot me!", and that Applicant went into the house and laid down on the bed. Plea Counsel testified that the victim followed him in the house, questioning him about what just happened, but that he was not responsive to her. Plea Counsel testified that the victim then went to get help. Plea Counsel testified that Applicant maintained that he got home from work at around four o'clock, immediately went to sleep, and slept through the entire night, and had no involvement in or knowledge of the shooting. Plea Counsel testified that Applicant's bed was right inside the door from the area where the shooting occurred.

Plea Counsel testified that she had two or three lengthy meetings with Applicant in her office, in addition to brief conversations when his case was being scheduled to be heard soon. Plea Counsel testified that she had adequate time to prepare Applicant's case. Plea Counsel testified that she did not find it necessary to investigate gunshot residue evidence, because it was clear to her what occurred between the time of the gun discharging and hours later when police found the handgun. Plea Counsel testified that she explained the strengths and weaknesses of the State's case

to Applicant. Plea Counsel testified that she told Applicant that if he were to go to trial on the attempted murder charge, there would be a limited probability he would be convicted of that for shooting the victim in the leg. She further explained that, however, the case for ABHAN was much stronger, and he would be facing a potential sentence of 20 years.

On redirect examination, Plea Counsel testified that while Applicant had a good chance to win the case for attempted murder, the solicitor would have certainly pursued a lesser-included offense considering the victim's statements.

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). 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. Based upon the record before this Court, it is undoubtedly clear that Plea Counsel was prepared and provided representation that satisfies the Strickland deferential standard.

Plea Counsel credibly testified that she had two or three lengthy meetings with Applicant in her office, in addition to phone calls, in preparation for scheduling his case. Plea Counsel testified that she had adequate time to prepare Applicant's case, and that the discovery file for the case was not very large. Plea Counsel testified that she reviewed all discovery with Applicant, with particular focus on the victim's statements and the photographs the State would admit at trial. Plea Counsel testified that while Applicant maintained his innocence throughout her representation of him, there was evidence against him, including the fact that his gun matched the victim's

description of the one she was shot with. Plea Counsel credibly testified that she did not find it necessary to investigate the gunshot powder evidence, because it was clear to her what occurred between the shooting and the police subsequently finding the gun. Plea Counsel testified that she informed Applicant that a conviction for attempted murder with his facts would be unlikely, considering the victim was shot in the leg, but the jury would likely convict him of ABHAN, which carries a potential maximum sentence of twenty years. Plea Counsel credibly testified that she consistently attempted to contact the one witness Applicant provided her, but it was unsuccessful. Plea Counsel testified that she interviewed the victim in the case to determine what she was planning to tell the plea court in regard to Applicant's sentencing.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably 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.

This Court finds through the combination of the record and Plea Counsel's testimony that Applicant has failed to meet the burden of showing Plea Counsel was constitutionally ineffective. This Court further finds that Applicant's guilty plea was knowingly, intelligently, and voluntarily entered. 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**.

SPARKMAN COURT
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25-2-11 13 17 25

DEED



Allegation: **Involuntary Guilty Plea Under Alford**
Allegation: **Due Process Violations**

Applicant alleges that Plea Counsel was constitutionally ineffective for misadvising him to enter a plea under Alford, and that his plea was therefore involuntarily entered. Specifically, Applicant alleges that Plea Counsel advised him to plead pursuant to Alford without Applicant having a clear comprehension as to what he was pleading to, and with no clear comprehension as to what an Alford plea is. Applicant further alleges that his plea was involuntary, considering Plea Counsel did not ensure he understood the court procedures with his seventh-grade education level, and that Plea Counsel coerced Applicant to plead pursuant to Alford when the court is barred from accepting such pleas. Finally, Applicant alleges that his plea was involuntary and his due process rights were violated due to the fact that, "Applicant was and is innocent of ABHAN but pled guilty via the Alford plea because counsel was not adequately prepared to support with documentation" and "clearly Applicant's guilty plea entered under Alford with claims of innocence attached violated section 17-21-80 and cannot be accepted unless the record shows a knowing and voluntary waiver of rights." This Court finds each of these allegations to be 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, 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.

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)).

S.C. Code Ann. 17-23-80 (1976) states, "No person indicted for an offense shall be convicted thereof unless by confession of his guilt in open court, by admitting the truth of the

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FILED



APPLICANT: Guilty.
 THE COURT: Well, I'm sorry. Let me do it this way.
 MS. JONES: It's under Alford.
 THE COURT: Are you offering to plead under the Alford case?
 APPLICANT: Yes, sir.
 THE COURT: Are you under the Alford case?
 APPLICANT: Yes, sir.
 THE COURT: And isn't it true that you're receiving a benefit by being allowed to plead under the Alford case?
 APPLICANT: Yes, sir.
 THE COURT: Talk to your lawyer. Okay. And I don't know what the facts are, but whatever they are, isn't it true that if the solicitor were to call his witnesses there's a substantial likelihood that you would be convicted of this offense?
 APPLICANT: Yes, sir.
 THE COURT: Has your lawyer explained the elements of this offense?
 APPLICANT: Yes, sir.
 THE COURT: Has your lawyer explained to you the burden is on the state always to prove your guilt beyond a reasonable doubt?
 APPLICANT: Yes, sir.
 THE COURT: Has she done everything she can to help you?
 APPLICANT: Yes, sir.
 THE COURT: Are you satisfied with her legal services?
 APPLICANT: Yes, sir.
 THE COURT: Sir, please listen to the solicitor.
 [...]

THE COURT: Sir, did you hear what the solicitor told me?
 APPLICANT: Yes, sir.
 THE COURT: Is that true?
 APPLICANT: Yes, sir.
 THE COURT: Court accepts your plea under the Alford case.

(Plea Tr. pp. 4 – 5; pp. 7 -8).

PCR Evidentiary Hearing

On direct examination, Applicant testified that he pleaded under Alford but still does not understand what an Alford plea is, and that he never discussed any of the details with Plea Counsel. Applicant testified that he maintained his innocence throughout and wanted to proceed with a jury trial. Applicant testified that he informed Plea Counsel about his desire to proceed with trial.

Applicant testified that the reason he pleaded guilty was that Plea Counsel scared him by informing him of the potential sentences he was facing at a jury trial. Applicant testified that he told the judge that he understood everything at his guilty plea because he was scared and nervous. Applicant testified that he never expressed any displeasure to Plea Counsel with taking the plea offer with a twelve-year cap. Applicant testified that he wants to go to trial and wants the jury to hear his version of the story.

On direct examination, Plea Counsel testified that she and Applicant discussed having a jury trial. Plea Counsel testified that her job was to explain what the Applicant was charged with and present any options that the Applicant had with either a potential plea offer or going to trial for attempted murder. Plea Counsel testified that the solicitor offered them a negotiated cap of twelve years for Applicant to plead to the lesser-included offense of ABHAN. Plea Counsel testified that she informed Applicant of all the details surrounding this offer and told Applicant that he could always have a jury trial if that was his choice.

Plea Counsel testified that she explained to Applicant what an Alford plea was. Plea Counsel testified that an Alford plea can be somewhat complicated to understand for somebody who isn't a lawyer, and that she generally simplifies it by explaining the fundamental facts of the Alford case, and how Alford could not admit guilt but agreed that the facts and evidence against him were enough to convict him. Plea Counsel testified that she explained Alford is used to avoid a higher charge at a jury trial without admitting guilt. Plea Counsel testified that Applicant did receive a benefit from pleading pursuant to Alford, namely a 12-year cap. Plea Counsel testified that she presented mitigation at Applicant's hearing because the offer was a cap of twelve years, not a negotiated offer of twelve years.

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On cross-examination, Plea Counsel testified that Applicant seemed to understand all of their discussions regarding taking a plea versus going to trial. Plea Counsel testified that she believed Applicant to be of average or above-average intelligence, given that he works and manages his own affairs and home. Plea Counsel testified that she believes Applicant was capable and understood what he was doing. Plea Counsel testified that she does recognize that Applicant had limited formal education and stated that she has a way of explaining legal terms and processes so that her clients can understand. Plea Counsel testified that she believes Applicant understood all of their discussions and what he was doing by pleading guilty, given that he used a letter from his former employer at his guilty plea hearing. Plea Counsel testified that it was ultimately Applicant's decision to plead guilty, and that she thinks the transcript fully reflects that.

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). 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*. Based upon the record before this Court, it is undoubtedly clear that Plea Counsel was prepared and provided representation that satisfies the Strickland deferential standard.

As an initial matter, this Court finds, based on the record and testimony presented, that Applicant's Alford plea was knowingly, intelligently, and voluntarily entered with a complete understanding of the charges and the consequences of the plea. Plea Counsel credibly testified that she reviewed the elements of an Alford plea with Applicant, so that he could avoid a much

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higher potential sentence at trial while still maintaining his innocence. Plea Counsel testified that the choice to plead guilty was ultimately Applicant's, and that she informed him that they could proceed with trial if he wanted to. Plea Counsel credibly testified that she reviewed the plea offer with Applicant compared to the potential sentences that he would be facing at trial for attempted murder and for the lesser-included offense of ABHAN. Plea Counsel credibly testified that Applicant understood all of their discussions regarding taking a plea versus going to trial and that she carefully explained everything, as she does with all her clients who do not have a legal background.

The standard under Alford is that an accused may consent voluntarily, knowingly, and understandingly to the imposition of a prison sentence, although unwilling to admit culpability, or even if the guilty plea contains a protestation of innocence, when the accused intelligently concludes that his interests require a guilty plea and the evidence strongly supports his guilt of the offense charged. Here, Applicant agreed that he was receiving a benefit by entering his plea under Alford and acknowledged that there was a substantial likelihood that he would have been convicted of this offense had it gone to trial. Additionally, even if a guilty plea were to require a direct admission of guilt, that requirement would be satisfied by Applicant's admission of guilt at his hearing before the plea court. No portions of his plea transcript reflect Applicant asserting his innocence to the plea court. Therefore, Applicant cannot meet his burden of proof in showing that Plea Counsel was constitutionally ineffective, resulting in an involuntary guilty plea, where the record reflects that his plea was knowingly, intelligently, and voluntarily entered, while receiving a benefit under Alford.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render

reasonably 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.

This Court finds through the combination of the record and Plea Counsel's testimony that Applicant has failed to meet the burden of showing Plea Counsel was constitutionally ineffective. This Court further finds that Applicant's guilty plea was knowingly, intelligently, and voluntarily entered. 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**.

[SIGNATURE AND CONCLUSION PAGE FOLLOWS]

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CONCLUSION

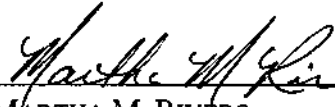
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be **DENIED and DISMISSED WITH PREJUDICE**.

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 the 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 29th day of June, 2026.



MARTHA M. RIVERS

Presiding Judge

Seventh Judicial Circuit

Aike, South Carolina.

2026 JUN 30 11:25:33



RE: Order of Dismissal for PCR for Ricky Rector

From Seventhcircuitpcr <Seventhcircuitpcr@scag.gov>

Date Tue 7/14/2026 3:57 PM

To Yates, Shay <syates@spartanburgcounty.gov>; Seventhcircuitpcr <Seventhcircuitpcr@scag.gov>;
mriverssc@sccourts.org <mriverssc@sccourts.org>

CAUTION: **THIS EMAIL ORIGINATED FROM AN EXTERNAL SOURCE**

Use caution when opening attachments, clicking links, or responding to this email. Please contact IT if you have questions.

Hey Shay,

Yes, that is definitely the wrong case number on that order, our apologies. The correct case number is as stated below 2025CP4206323. Please change as needed.

Thank you,

LEIGH ANN STONE, Administrative Support Manager
South Carolina Attorney General's Office
State Collateral and Appellate Litigation | Post-Adjudication
Office 803-734-3737 | P.O. Box 11549 | Columbia, SC 29211
scag.gov



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From: Yates, Shay <syates@spartanburgcounty.gov>

Sent: Tuesday, July 14, 2026 11:18 AM

To: Seventhcircuitpcr <Seventhcircuitpcr@scag.gov>; mriverssc@sccourts.org

Subject: Order of Dismissal for PCR for Ricky Rector

Hello. We received the signed Order of Dismissal for Ricky Rector's PCR case. We have Ricky Rector's PCR case number to be 2025CP4206323 but the Order has the case number as 2025CP4200855. I will change this case number on the Order, but I need permission from both offices to do so. Please let me know if you want me to mail back the unlocked Order or just change it on my end so we can get it filed.

Thanks and look forward to hearing from you,

Shay Yates

Deputy Court Clerk
Court of Common Pleas
180 Magnolia Street
Spartanburg SC
864-562-4345

Website | Facebook

****Coming Soon: Spartanburg County's official website will change from spartanburgcounty.org to spartanburgcounty.gov.***

