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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Deadra L. Jefferson., Circuit Court Judge

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2025-CP-23-1463

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Brandon T. Boozer, ..... Appellant,  
v.  
The State, ..... Respondent.

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NOTICE OF APPEAL

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Brandon T. Boozer appeals the Honorable Deadra L. Jefferson's Order of Dismissal filed July 30, 2026.

This 13th day of August, 2026

s/ Susannah Ross  
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Attorney for Respondent

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Brandon T. Boozer, #394259,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2025-CP-23-01463

) **ORDER OF DISMISSAL**

|                        |                         |
|------------------------|-------------------------|
| Presiding Judge:       | Deadra L. Jefferson     |
| Applicant's Attorney:  | Susannah C. Ross, Esq.  |
| Respondent's Attorney: | Kylee M. Kanealey, Esq. |
| Plea Counsel:          | Jacob Goldstein, Esq.   |
| Date of Hearing:       | April 20, 2026          |
| Court Reporter:        | Hollie M. Jenkins       |

This matter came before the Court on April 20, 2026, upon an application for post-conviction relief (PCR) filed by Brandon T. Boozer ("Applicant") March 7, 2025, and amended January 27, 2026. Respondent filed its Return on May 19, 2025, and requested an evidentiary hearing. Applicant was present and represented by Susannah Ross, Esq. Appearing for Respondent is Assistant Attorney General Kylee Kanealey, Esq. Applicant proceeded forward on the allegations in his amended application. Applicant testified on his own behalf. Respondent presented the testimony of Jacob Goldstein, Esq.

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to meet his burden of proof in establishing any constitutional violations or deprivations entitling him to relief. Accordingly, relief is Denied, and the application is Dismissed with Prejudice.

*[Handwritten signature]*

### PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (“SCDC”) serving a twenty-eight (28) year sentence. Applicant was charged with Murder (Warrant No. 2021A2330204920) and Possession of a Weapon during the Commission of a Violent Crime (“PWDCVC”) (Warrant No. 2021A2330204921) and waived presentment to the grand jury. (Plea Tr. 4-5). On May 30, 2024, Applicant pled before the Honorable Perry H. Gravely to the lesser included offense of Voluntary Manslaughter (Indictment No. 2022-GS-23-04127) as guilty but mentally ill.<sup>1</sup> Applicant was represented by Jacob Goldstein, Esq. (“Plea Counsel”). The State was represented by Seth Johnson, Esq. Judge Gravely sentenced Applicant to SCDC for a period of twenty-eight (28) years for Voluntary Manslaughter.<sup>2</sup> Judge Gravely gave the Applicant credit for time served pursuant to S.C. Code Ann. § 24-13-40 to be calculated and applied by SCDC. Applicant did not file a direct appeal.

### FACTS

The underlying facts of the crime for which Applicant is incarcerated were articulated by the State during the plea proceedings as follows:

[O]n May 30th, 2021, three years ago today, here in Greenville County, the defendant and the victim were at the QT Gas Station on Grove Road in South Carolina. The Defendant was in the driver seat of his vehicle when the victim gets in the front passenger side. An altercation appears to take place inside the vehicle. The victim exits the vehicle and begins to walk away. The Defendant retrieves a firearm out the backseat of his car. Followed the victim and shot him twice. Once in the chest and once in the shoulder.

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<sup>1</sup> On Applicant’s sentence sheet, Judge Gravely wrote “Court finds after review of reports Court Ex #1, that Defendant is guilty, but mentally ill with consent of State and Defendant[.]” Sentence Sheet, 2. The exhibit references the Mental Health Reports of Brandon Tyquawn Boozer.

<sup>2</sup> The offense of Voluntary Manslaughter, a violent and most serious offense, is punishable by a term of imprisonment not more than thirty (30) years or less than two (2) years. SC Code Ann. § 16-3-50.

When the victim falls to the ground, the Defendant walks over to the victim and shoots him one last time in the back of the head. And this is all captured on surveillance video footage and confirmed by eye witnesses. Officers located the Defendant and attempted to conduct a traffic stop on Parkins Mills Road. There the Defendant threw the murder weapon out of the window and fled at speeds reaching 80 miles an hour. Deputies had to forcefully crash into the Defendant to get the car to stop. And finally apprehended him after a foot pursuit. Post-Miranda, the Defendant admitted to shooting the victim.

(Plea Tr. 8, 9).

#### CURRENT ACTION

Applicant timely commenced this post-conviction relief action on March 7, 2025, raising the following allegations:

1. Ineffective assistance of counsel:
  - a. "Trial counsel failure to do a pretrial investigation of the pending [charge] was ineffective that was prejudicial";
  - b. "Trial counsel's failure to challenge the sufficiency of the indictment to determine if the court has subject matter jurisdiction denied the applicant right to due process";
  - c. "Trial counsel assistance was ineffective when he advised the applicant to enter a plea of guilty without informing the applicant that he had a right to not wave the presentation of the indictment to the grand jury";
  - d. "Trial counsel ineffective assistance resulted in the applicant rendering a guilty plea through ignorance that was prejudicial because counsel failed to inform applicant that no presentation of the indictment had made it to the state grand jury."

As relief applicant requested this Court to "vacate the judgment and remand with instructions that the applicant be allowed to [e]nter the plea of guilty to a less harsher sentence[,] 12 years."

On January 23, 2026, Applicant, through counsel, filed an amended application alleging:

1. Ineffective assistance of counsel;
  - a. Failure to advise applicant of the plea process;
  - b. Failing to assure the applicant understood what was happening due to the medications he was taking;
  - c. Advising applicant to plea to voluntary manslaughter when he was standing his ground after being attacked;

- d. Failing to explain to the applicant that he was waiving his right to have his charges indicted; and
  - e. Allowing the applicant to plead guilty when he was found to be not guilty by reason of insanity by Dr. Maddox.
2. Involuntary Guilty Plea due to mental health issues.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the records before it, including the Greenville County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

#### ***Ineffective Assistance of Counsel***

The Uniform Post-Conviction Procedure Act (the Act)<sup>3</sup> 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[.]

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<sup>3</sup> S.C. Code Ann. §§ 17-27-10 to -160.

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[Signature]

S.C. Code Ann. § 17-27-20(A).

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).

#### ***Failure to Advise Applicant of Plea Process***

Applicant alleged Plea Counsel was ineffective for failing to advise Applicant of the plea process. This Court finds this allegation is without merit. Plea Counsel *credibly* testified that he met with Applicant many times and methodically discussed the plea process and sentencing range with Applicant. Moreover, Counsel testified that based on the video of the incident and other

evidence that the Applicant's behavior met the elements of Guilty but Mentally Ill on the offense of Murder versus Voluntary Manslaughter. Counsel denies and is credible that he never promised the Applicant a specific outcome of the plea process. Applicant has not provided any evidence to prove Plea Counsel's representation fell below an objective standard of reasonableness. Further, Applicant told the plea court that he had sufficient time to talk with Plea Counsel, that Plea Counsel had answered all of his questions and done all of the investigation which Applicant felt was appropriate, and that he was completely satisfied with his representation. (Plea Tr. 6). At the plea hearing, Applicant relayed that he understood the sentence he faced and the constitutional rights he was waiving. (Plea Tr. 5-7). Applicant has failed to prove deficiency and prejudice and thus, this claim is Denied.

***Advising Applicant to Plea When he was Standing His Ground***

Applicant alleges Plea Counsel was ineffective for advising Applicant to plea to Voluntary Manslaughter when he was standing his ground after being attacked. This Court finds this allegation is without merit.

Plea Counsel *credibly* testified that this was not a self-defense case and that he did not see any reason to proceed to trial or have a stand your ground hearing. The facts at the plea hearing confirm this assessment by Plea Counsel.<sup>4</sup> Applicant has not provided any evidence to prove Plea Counsel's representation fell below an objective standard of reasonableness. Further, Applicant heard these facts at the guilty plea and agreed that the facts were true. (Plea Tr. 9). Applicant has failed to prove deficiency and prejudice and thus, this claim is Denied.

***Waiving Right to Have Charges Indicted***

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<sup>4</sup> "The victim exits the vehicle and begins to walk away. The Defendant retrieves a firearm out the backseat of his car. Followed the victim and shot him twice. Once in the chest and once in the shoulder. When the victim falls to the ground, the Defendant walks over to the victim and shoots him one last time in the back of the head. And this is all captured on surveillance video footage and confirmed by eyewitnesses." (Plea Tr. 8-9).

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JAG

Applicant alleged Plea Counsel was ineffective for failing to explain to the Applicant that he was waiving his right to have his charges indicted. This Court finds this allegation is without merit.

Plea Counsel *credibly* testified that he discussed waiving presentment of the indictments with Applicant. Further, at the plea hearing, Applicant told the court that he understood that by pleading guilty he was waiving his right to have his case sent to the grand jury. (Plea Tr. 5-6). Applicant has failed to prove deficiency and prejudice and thus, this claim is Denied.

***Involuntary Guilty Plea Due to Mental Health Issues<sup>5</sup>***

Applicant alleged his plea was involuntary due to his mental health issues, that Plea Counsel failed to assure the applicant understood what was happening due to the medications he was taking, and that Plea Counsel was ineffective for allowing Applicant to plead when he was found to be not guilty by reason of insanity by Dr. Donna S. Maddox. This Court finds these allegations are without merit.

Plea Counsel testified that the State's doctor found that Applicant was competent and criminally responsible. Counsel testified that at his first meeting with Applicant he clearly was not competent, manic, fixated and hearing voices. Plea Counsel further testified that he had concerns about Applicant's competency at the outset of the representation, but not after Applicant was medicated and restored. Plea Counsel testified that the State was not going to agree with Dr. Maddox's report finding Applicant not guilty by reason of insanity because their expert found him criminally responsible. Plea Counsel testified that the likely outcome at trial was not favorable to prevail on a not guilty by reason of insanity defense. Counsel testified that it would amount to dueling experts and his opinion the video evidence would outweigh Dr. Maddox's opinion. Plea

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<sup>5</sup> This section addresses allegations 1(b), 1(e) and 2.

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Counsel's assessment reflects a strategic decision based on his evaluation of the evidence and the likelihood of success at trial, rather than neglect or oversight. See Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing Strickland, 466 U.S. at 690) ("When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect."). This Court finds Plea Counsel's testimony *credible*. Applicant has not provided any evidence to prove Plea Counsel's representation fell below an objective standard of reasonableness.

Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Tollett v. Henderson, 411 U.S. 258, 267 (1973) ("When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea."); Garren v. State, 423 S.C. 1, 12, 813 S.E.2d 704, 710 (2018) ("A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed."); Jamison v. State, 410 S.C. 456, 468, 765 S.E.2d 123, 129 (2014) ("[I]n South Carolina, a guilty plea constitutes a waiver of non-jurisdictional defects and claims of violations of constitutional rights.").

Applicant advised the plea court that he was taking the following prescription medications: Seroquel, 50-milligrams and Abilify, 30 milligrams (Plea Tr. 3-4). Applicant told the plea court his medications did not impair his ability to understand the proceedings, that he did not have any problems understanding the questions being asked, and that he did not have any problems making a decision that day. (Plea Tr. 3-4). Applicant told the plea court he did not have any health or mental issues that would keep him from understanding what was going on the day of the plea.

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(Plea Tr. 4). The Court further questioned plea counsel, and he advised the Court that he had no issues with Applicant's competency of proceeding with the plea. (Plea Tr. 4).

Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty. Applicant has failed to prove deficiency and prejudice and thus, this claim is Denied.

### 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 is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. 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), SCRCRCP, 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. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Application for Post-Conviction Relief is Denied and Dismissed with Prejudice; and Applicant shall remain in the custody of the South Carolina Department of Corrections.

**AND IT IS SO ORDERED.**

  
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Hon. Deadra L. Jefferson 2128  
Presiding Judge  
Thirteenth Judicial Circuit

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July 21, 2026  
Charleston, South Carolina  
At Chambers

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