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Aug 14 2026

THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

J. Derham Cole, Jr., Circuit Court Judge

2022-CP-23-4649

Kent Eric Washington, Appellant,

v.

The State, Respondent.

NOTICE OF APPEAL

Kent Eric Washington appeals the Honorable J. Derham Cole, Jr.'s Order Partially Granting Applicant's Amended Application for Post-Conviction Relief filed August 7, 2026 granting belated review pursuant to *White v. State* and vacating one of two twenty-two-year sentences rather than remanding both charges.

This 14th day of August, 2026.

s/ Susannah Ross
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Attorney for Respondent

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Kent Eric Washington SCDC#333261,

Applicant,

v.

The State of South Carolina,

Respondent.

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

) CASE NO.: 2022-CP-23-4649
)

) **ENTERED COMPUTER**
)

) **ORDER PARTIALLY GRANTING**
) **APPLICANT'S AMENDED**
) **APPLICATION FOR POST-**
) **CONVICTION RELIEF**
)

FILED: 26AUG7AM10:53
COC JAY GREENHAM GVL SC

This matter comes before this Court by way of application for post-conviction relief filed on September 14, 2022, by Kent Eric Washington ("Applicant"). Respondent made its Return on May 29, 2025, requesting an evidentiary hearing. Applicant subsequently filed his Amended Application on August 8, 2025. For the reasons explained below, this Court partially grants Applicant's Amended Application for post-conviction relief.

PROCEDURAL HISTORY

During the 2021 term, the Greenville County Grand Jury indicted Applicant for Felony DUI, resulting in death, (2021-GS-23-03612) and Failure to Stop for a Blue Light, resulting in death, (2020-GS-23-04348). A trial was conducted on June 9-10, 2021, with the Honorable Letitia H. Verdin presiding. Randall L. Chambers, Esq., represented Applicant and Assistant Solicitor Brian J. Moroney, Jr., of the Thirteenth Circuit Solicitor's Office prosecuted the case. The jury found Applicant guilty as indicted and Judge Verdin sentenced Applicant to 22 years imprisonment for each conviction, to be served concurrently, with credit for 230 days. Applicant filed a notice of appeal which was dismissed on July 14, 2021, by Order filed by the South Carolina Court of Appeals on the basis that the appeal was not timely served in accordance with Rule 203(b)(2). On July 23, 2021, Applicant filed a "Motion to Reinstate Appeal," which the court interpreted as a

petition for rehearing. On September 10, 2021, the Court denied the petition. The Remittitur was issued on November 9, 2021, and filed with the Greenville County Clerk on November 22, 2021.

PCR APPLICATION BEFORE THIS COURT

Applicant filed his PCR application on September 14, 2022, in which he alleged ineffective assistance of counsel and stated his requested relief as being “sentence overturned, conviction vacated, remit to General Sessions for new trial.” Applicant filed his Amended Application on August 12, 2025. A hearing was held on August 14, 2025, at the Greenville County Courthouse before Judge J. Derham Cole, Jr. Applicant, in his Amended Application, alleges his trial counsel was ineffective in the following particulars:

- I. Failing to perfect Applicant’s direct appeal;
- II. Failing to object to the State proceeding on charges of failure to stop for a blue light resulting in death and felony driving under the influence resulting in when convictions for both would result in multiple punishments for the same death. Applicant alleges these procedures are improper under *State v. Greene*, 423 S.C. 263, 814 S.E.2d. 496 (2018);
- III. Failing to object to sentencing Applicant on charges of failure to stop for blue light resulting in death and felony driving under the influence resulting in death, leading to multiple punishments for the same death under *State v. Greene*, 423 S.C. 263, 814 S.E.2d. 496 (2018);
- IV. Failing to make contemporaneous objection to introduction of blood evidence;
- V. Failing to relay a plea offer of ten years to the Applicant; and
- VI. Failing to object to State’s Exhibit 3, the body-worn camera footage of Trooper Cameron Woody pursuant to Rule 403, SCRE.

FINDINGS OF FACT AND CONCLUSION OF LAW

The scope of this Court’s jurisdiction for post-conviction relief matters is set forth in S.C. Code Ann. § 17-27-20(a), which lists the types of claims that may be considered cognizable for review. Ineffective assistance of counsel claims are generally appropriate for post-conviction



relief actions. *See, e.g., Al-Shabazz v. State*, 338 S.C. 354, 367, 527 S.E.2d 742, 749 (2000). To adjudicate an ineffective assistance of counsel claim, the court uses the following analysis: “To establish ineffective assistance of counsel, the 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.” *Thompson v. State*, 423 S.C. 235, 239, 814 S.E.2d 487, 489 (2018) (citing *Strickland v. Washington*, 466 U.S. 668, 687-88, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *Cherry v. State*, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989)). “To establish prejudice, the applicant must prove ‘there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.’” *Thompson*, 423 S.C. at 239, 814 S.E.2d at 489 (quoting *Cherry*, 300 S.C. at 117-118, 386 S.E.2d at 625). This Court will address each of Applicant’s asserted grounds for relief below:

I. *Allegations Pertaining to the Failure of Trial Counsel to Perfect Applicant’s Appeal*

Trial counsel conceded that due to administrative oversights within his office, he failed to perfect Applicant direct appeal as agreed. The Court finds Applicant did not knowingly and voluntarily waive his right to appeal. Therefore, Applicant is **GRANTED** leave to seek a belated appeal pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974).

II. *Allegations Pertaining to the Failure of Trial Counsel to Object to the State Proceeding on Two Charges that pertained to the Same Death*

The Court finds no error on the part of trial counsel on this ground. Proceeding on multiple charges pertaining to the death of the victim in this case is not improper under the S.C. Supreme Court’s reasoning in *State v. Greene*, 423 S.C. 263, 814 S.E.2d 496 (2018)(noting legislature has authorized multiple homicide charges for a single homicide, but not multiple punishments). The Court further notes that both of the charges as to Applicant were not homicide charges. The failure



to stop for a blue light charge does not include death as an element of the offense. Rather, a resulting death triggers a potentially more severe sentence under the statutory framework.

III. *Allegations Pertaining to the Failure of Trial Counsel to Object to the Sentencing of Applicant on Two Charges that Resulted in Multiple Punishments for the Same Death*

Applicant alleges trial counsel was deficient in failing to object to the trial court sentencing Applicant on charges of failure to stop for a blue light resulting in death and felony driving under the influence resulting in death. This Court agrees and grants relief to Applicant as set forth herein.

The failure to stop statutory offense is based exclusively on the failure to stop for law enforcement when signaled to do so. S.C. Code Ann. § 56-5-750. The elements are found in Section (A) of the statute and make no reference whatsoever to injury or death. The sentencing portion of the statute is found in Sections (B) and (C). Those sections prescribe the range of sentencing for the offense and include reference to “great bodily harm or death” that “results *from the violation*[.]” (emphasis added). The offense is necessarily complete when the elements of Section (A) are met. In contrast, felony driving under the influence statutory offense requires a violation which is the “proximate cause [of] great bodily injury or death [.]” S.C. Code Ann. § 56-5-2945 (A).

The offenses do not have identical statutory elements, and one is not a lesser included offense of the other. Applicant was convicted of felony driving under the influence (resulting in death) which requires proof that: 1) the actor drives a vehicle while under the influence of alcohol and/or drugs; 2) the actor does an act forbidden by law or neglects a duty imposed by law; and 3) the act or neglect proximately causes great bodily injury or death to another person.

Applicant’s additional offense, the failure to stop (resulting in death) requires that: 1) that the defendant was driving a motor vehicle; 2) that he was driving it on a road, street or highway

of this State; 3) that he was signaled to stop by a law-enforcement vehicle by means of a siren or flashing light; and 4) that he did not stop. The relevant sentencing portion of the statute in Section (C) provided for a maximum twenty-five year sentence when a person driving performs an act forbidden by law or neglected a duty imposed by law in the driving of the vehicle where death resulted. S.C. Code Ann. § 56-5-750(A) & (C)(2).

Based on the *Greene* analysis, the Court finds that the sentencing, but not the conviction, of Applicant on both charges violated the principle proscribing more than one homicide punishment for a single homicide. *See Greene, supra*. Therefore, trial counsel was deficient in failing to object to the sentencing of Applicant on both charges, and Applicant sustained prejudice as a result of the deficiency. *Strickland v. Washington*, 466 U.S. 668, 687–88, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Pursuant to the Court’s charge and authority in S.C. Code Ann. § 17-27-80 to enter “an appropriate order” with respect to Applicant’s sentence, the Court hereby **VACATES** Applicant’s sentence imposed for his conviction on Indictment 2020-GS-23-04348, “Failure to Stop for Blue Light Resulting in Death.”

IV. Allegations Pertaining to Failure of Trial Counsel to Make a Contemporaneous Objection to the Introduction of Blood Evidence

The trial record indicates that Applicant’s trial counsel did not make a contemporaneous objection at the time certain blood evidence was introduced at trial. He did, however, argue a motion in limine prior to trial attempting to exclude the blood evidence, and the trial court ruled against him. He noted his previous objection for the record at the end of the State’s case-in-chief, which the trial court noted. Therefore, to the extent trial counsel’s performance was deficient in failing to make a contemporaneous objection, Applicant was not prejudiced by this failure, as the issue is presumably preserved for appeal.

V. *Allegations Pertaining to the Failure of Trial Counsel to Relay a Plea Offer*

Trial counsel's testimony directly contradicts this allegation, and the Court finds trial counsel credible on this point. Trial counsel said all plea offers, including a ten-year offer on the failure to stop charge, were discussed with Applicant and Applicant rejected them.

VI. *Allegations Pertaining to the Failure of Trial Counsel to Object to State's Exhibit 3 Pursuant to Rule 403, SCRE*

Trial counsel testified he saw no basis to object to the body-worn and dashboard camera footage introduced in the case. He acknowledged it was prejudicial, but also noted that it was highly probative and the prejudicial effect of its admission did not contravene Rule 403, SCRE. The Court finds no deficiency in counsel's failure to object to the camera footage.

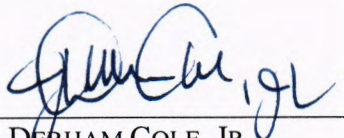
CONCLUSION

Based on all of the foregoing, this Court finds that Applicant has partially met his burden of proof and his application is **GRANTED IN PART**.

IT IS THEREFORE ORDERED:

1. Applicant is **GRANTED** leave to seek a belated appeal pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974); and
2. The Court hereby **VACATES** Applicant's sentence imposed for his conviction on Indictment 2020-GS-23-04348, "Failure to Stop for Blue Light Resulting in Death."

IT IS SO ORDERED.


J. DERHAM COLE, JR.
Presiding Judge

August 4, 2026
Greenville, South Carolina



State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

J. Derham Cole, Jr.
Judge

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August 5, 2026

FILED: 26AUG7AM10:58
COC JAY GRESHAM GVL SC

The Honorable Jay Gresham
Greenville County Clerk of Court
305 E North Street
Greenville, SC 29601-2121

RE: Kent Eric Washington SCDC#333261 v. The State of South Carolina

Dear Honorable Jay Gresham:

Please see the attached PCR Order on **Kent Eric Washington SCDC#333261 v. The State of South Carolina**. Please let us know if you need anything further.

Sincerely,

Cacie L. Poole
Administrative Assistant to
The Honorable J. Derham Cole, Jr.
S.C. Circuit Court Judge
7th Judicial Circuit