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S.C. SUPREME COURT

Ricky Rector, #395677
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

August 16, 2026

Clerk of Court
S.C. Supreme Court
P.O. Box 11330
Columbia, SC 29211-1330

ER: DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL
RECTOR V. STATE, 2025-CP-42-06323

Dear Clerk of Court:

Enclosed you will find the above-referenced document
for filing in your office.

With kind regards,

Very truly yours,

Ricky Rector
Ricky Rector

Enclosures

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI
APPEAL FROM SPARTANBURG COUNTY

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AUG 20 2026

Court of Common Pleas

S.C. SUPREME COURT

Honorable Martha M. Rivers, Circuit Court Judge

2025-CP-42-06323

RICKY RECTOR, #395677,

Appellant,

v.

~~STATE OF SOUTH CAROLINA,~~ Respondent.

DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL.

Ricky Rector, #395677, Pro Se
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Other Counsel of Record:
O. McConnell Harrison, Esquire
Office of SC Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

INTRODUCTION

This matter comes by way of appeal from the denial of Post-Conviction Relief by Order of the honorable Martha M. Rivers, Presiding Judge, dated June 29, 2026 and filed July 13, 2026. Timely Notice of Appeal was filed by former Attorney Rodney Richey, Esquire on August 3, 2026. Appellant is currently without counsel and herein includes the issues he determines to be his current "Designation of Matter to be Included in the Record on Appeal".

The grounds relevant to his future Petition for Writ of Certiorari are as follows:

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 contends 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. Balcom: 725 F.2d 608".

- 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 applicane twice before entering guilty plea;"
- ii. "Failed to explain to him the elements of the crime of Attempted Murder or the crime 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's trial counsel advised him to enter an 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. 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 the 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 attempted 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 admits guilt. S.C. Ann 17-23-80 (1976). [...]

Therefore, 17-23-80 bard defendant's guilty plea under Alford where if 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 SC 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 plead guilty 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".

CONCLUSION

WHEREFORE, Petitioner prays that this Court appoint him counsel to represent the claims listed herein and that these matters be designated as part of the Record on Appeal.

RESPECTFULLY SUBMITTED:

Ricky Rector
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430 Oaklawn Road
Pelzer, SC 29669

Dated: 8/16/26

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