THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT
APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
The Honorable Roger Young, PCR Action Judge
2024-CP-32-01554

RONALD WOOD, #278113,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Ronald Wood appeals the denial of his post-conviction relief application. The post-conviction relief action was heard and denied by the Honorable Roger Young, circuit court judge, on April 23, 2026, and was denied by written order issued filed on September 10, 2026. Applicant received notice of the judgement on September 10, 2026.

/s Chelsey F. Marto
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STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	)	IN THE COURT OF COMMON PLEAS FOR THE ELEVENTH JUDICIAL CIRCUIT
Ronald Wood, Jr., #278113, Applicant, v. State of South Carolina, Respondent.	)	CASE NO. 2024–CP–32–01554 **ORDER OF DISMISSAL WITH PREJUDICE**

FILED
2026 SEP 10 AM 7:46
LISA COMER
CLERK OF COURT
LEXINGTON SC

Presiding Judge:	Hon. Roger M. Young, Sr.
Applicant's Attorney:	Chelsey F. Marto, Esq.
Respondent's Attorney:	D. Russell Barlow, II, Esq.
Trial Counsel:	Stephen R. Story, Jr., Esq.
Date of Hearing:	April 23, 2026
Court Reporter:	Stacy S. Johnson

This matter comes before the Court by way of Ronald Wood, Jr.'s (Applicant) application for post-conviction relief (PCR) filed on April 9, 2024. Respondent, the State of South Carolina, made its return on May 28, 2025. On April 24, 2026, Applicant, through counsel, amended his PCR application.[1]

On April 23, 2026, an evidentiary hearing was held before the Honorable Roger M. Young, Sr., at the Lexington County Courthouse. Applicant was present and represented by Chelsey F. Marto, Esquire (PCR Counsel). Senior Assistant Deputy Attorney General D. Russell Barlow, II, represented Respondent. At the hearing, Applicant proceeded forward on the allegations within his amended application. In support of these claims, Applicant testified on his own behalf and presented the testimony of Stephen R. Story, Jr. (Trial Counsel).

[1] While the amendments were filed after the evidentiary hearing date, they were provided ahead of the hearing to Respondent, and this Court also had a copy.

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.

PROCEDURAL HISTORY

Applicant is presently confined to the South Carolina Department of Correction. During its August 2021 term, the Lexington County grand jury indicted Applicant for 1st Degree Burglary (2021-GS-32-02027). At trial, Applicant was represented by Trial Counsel and James Holladay. Assistant Solicitors Angela Martin and Kelly Oppenheimer prosecuted the case on behalf of the Eleventh Circuit Solicitor's Office.

On June 13, 2022, Applicant proceeded to a jury trial before the Honorable Clifton Newman. On June 14, 2022, Applicant was found guilty as indicted by a jury. Judge Newman sentenced the Applicant to 23 years' imprisonment for 1st Degree Burglary.

Direct Appeal

Applicant timely appealed his conviction to the South Carolina Court of Appeals. On appeal, Applicant was represented by Adam Sinclair Ruffin of the South Carolina Commission on Indigent Defense. On August 11, 2021, appellate counsel filed the Initial Brief of Appellant. In the Initial Brief and Final Brief of Appellant, counsel presented the following issues:

> Whether the trial court erred by failing to suppress the out-of-court and in-court identification of Appellant where the eyewitness allegedly viewed Appellant from approximately 30 yards away with her two children in the car while on the phone with 911 and purportedly staring at the person's face, yet the witness never gave any details about the face or tattoos, and provided merely generic descriptions of clothing, age, gender, and race?

The South Carolina Court of Appeals issued an unpublished opinion affirming Applicant's conviction. State v. Wood, No. 2024-UP-036 (S.C. Ct. App. filed January 31, 2024). The Remittitur was returned on February 16, 2024.

FACTS ADDUCED AT TRIAL

The custodian of records for 911 testified about the call reporting a burglary in progress. The caller described the burglar as a white male wearing blue jeans and a black "wife-beater" shirt. R. pp. 65- 66. The 911 caller was Mynnda Asbill (Asbill), and the residence burglarized was on Old Charlotte Road. Asbill grew up in this house, but now only her brother lived there, and he worked long hours, so he was never home during the day. Asbill's mother, who owned the residence, lived in a trailer within walking distance. Asbill checked on the property and pulled up in her vehicle, with her children inside. She saw someone inside the house, moved her car to where she could watch both the front and rear exits, and called 911. She stepped out of her car. R. pp.68-74. Asbill testified that while the burglar was inside the house, she heard a thud and a rattle, which she later realized was the dolly the burglar had left behind. Asbill testified that the dolly did not belong to anyone in the family. She identified the dolly in a photograph of the kitchen. R. p. 82; pp. 82-83.

Asbill noted the front door to the house was left ajar. She was on the phone with 911 when the burglar walked out of the house. Asbill made sure to get a good look at the burglar. She testified, "And I made sure I got a very good look at him. I looked at his face, that way I would know who I was talking about." She asked the burglar what he was doing there. The burglar did not respond but instead went to the backside of the house and then into the woods. Asbill explained she did not know the burglar, but she had previously seen him in the area. R. pp. 76-78 (direct quote p. 76, lines 19-24).

While the K-9 team was tracking, the team sent pictures of two people for Asbill to view, but neither was the burglar. One of them was Asbill's neighbor. R. pp. 84-85. About two hours after the burglary, Asbill was told that someone had been detained, and she went to the location where the suspect was being held; it was not far from the Asbill house. As soon as Asbill showed up, she knew the suspect was the burglar she saw back at the house. The only difference in appearance was that Applicant was no longer wearing his black shirt. R. pp. 86-87. On cross-examination, Asbill agreed Applicant was wearing handcuffs when she saw Applicant. R. p. 96, lines 1 -6. However, no testimony was elicited that Asbill was aware Applicant may have been bitten by the K-9. Asbill then authenticated the State's Exhibits 5-8, stills from the house's deer cam, which show the burglar outside the house pulling a dolly. The pictures are clear; it is easy to see the burglar, and the jury could judge for itself whether the individual in the picture was the same person as the defendant sitting at the table in front of them during the trial.

Alexander Asbill (Alexander) lived in the house. He usually worked from 7 a.m. to 8 p.m., leaving the house empty most of the day. Alexander confirmed that the dolly found leaning against the kitchen table in his house was not his. Viewing photographs of the kitchen from that day, he confirmed that he did not leave food from his refrigerator on the floor or leave the refrigerator door ajar. R. pp. 102-07. Officer McKenzie Saunders responded to the burglary in progress. While en route, dispatch provided a description of the burglar as an older white male wearing jeans and a black T-shirt. R. p. 112.

When Officer Saunders arrived, Asbill directed him to the woods where the burglar fled. After attempting to pursue the burglar himself, Officer Saunders called for a K-9 team. R. pp. 1 12-13. While waiting with Asbill, Officer Saunders showed her photos of two different suspects sent by the K-9 team, but Asbill told him that neither person was the burglar. R. p. 116.

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Later, Officer Saunders drove his patrol car through an area south of the crime scene. He saw a man matching the suspect's description. The man looked directly at Officer Saunders and then pointed in the opposite direction. Officer Saunders testified that the K-9 team detained this individual about four minutes later. The individual identified himself as Applicant. R. pp. 116-20. Officer Saunders told Asbill that someone was detained. Asbill responded to the roadway where Applicant was detained. Officer Saunders noted that Asbill identified Appellant as the burglar right away and was confident in her identification. R. p. 122.

Deputy Torell Jones chose Xander, one of the K-9s, for the track. The first track actually went to the trailer park where Applicant lived. On the track, Deputy Jones interviewed two different people he encountered and sent their pictures to Asbill, although they did not quite fit the description. R. pp. 1 9 1 -93. Later, Deputy Jones took Xander on a second track, starting at the woods behind the house where the burglar fled. Tracking through the area, Xander started to build speed, indicating that Xander was getting close. A person told them that an older white male had just run through their yard. Xander continued to pick up speed on his track when Deputy Jones looked up to see Applicant running away. R. pp. 195-96. They pursued Applicant, and Xander apprehended Applicant. R. pp. 196-200. Applicant was holding a black shirt and also had a red bandana. The deer cam still photos depict Applicant with what looks like a red bandana in his back jeans pocket. State's Exhibits 5-8.

CURRENT ACTION BEFORE THIS COURT

In his original PCR application, Applicant alleges he is being held unlawfully based on the following:

(1) Ineffective Assistance of Trial Counsel
   (a) "Trial counsel failed to ensure [Applicant] understood the consequences of rejecting plea bargain for twelve years" for burglary in the second degree.

On April 24, 2026, Applicant, through PCR Counsel, amended his PCR application with the following allegations:

(1) Ineffective Assistance of Trial Counsel
  (a) Failure to properly explain the plea offer so Applicant could understand it and failure to secure a definitive answer from Applicant concerning whether he wanted to accept it or not.
  (b) Failure to establish a proper defense at trial, specifically in pointing out that no one lived at the house and Applicant never entered the home.
  (c) Failure to investigate the facts, circumstances, and people who lived in the house.
  (d) Failure to strike people on the jury that Applicant personally knew, including people he had previously been incarcerated with.
  (e) Failure to communicate effectively, meet with Applicant enough, and review discovery with Applicant.

Applicant requests relief as follows:

"Vacate sentence and remand for twelve (12) year sentence originally offered by solicitor and appoint attorney to assist me in PCR proceedings."

Records Before This Court

Before this Court are the following records:

(1) Trial Transcript of June 13-14, 2022.
(2) PCR Transcript of April 23, 2026
(3) Records of the Lexington County Clerk of Court
(4) Pertinent records of the South Carolina Department of Corrections
(5) Pertinent records from the direct appeal, including Final Brief of Appellant, Final Brief of Respondent, and State v. Wood, No. 2024-UP-036 (S.C. Ct. App. Filed January 31, 2024).

Standard of Review

The Uniform Post-Conviction Procedure Act[2] (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based upon 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] S.C. Code Ann. §§ 17-27-10 to -160.

(2) That the court was without jurisdiction to impose sentence;
(3) That the sentence exceeds the maximum authorized by law;
(4) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.
(5) That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
(6) That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland v. Washington to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. 466 U.S. at 687. 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; accord 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 "[w]ithout 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).

Regarding the deficiency prong of the Strickland analysis, the proper measure of performance is whether counsel provided representation within the reasonable range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. When analyzing counsel's performance, the reviewing court will strongly presume counsel provided adequate assistance, and the applicant is responsible for rebutting that presumption "by proving that his attorney's representation was unreasonable under prevailing professional norms and that the challenged action was not sound strategy." Kimmelman v. Morrison, 477 U.S. 365, 384 (1986); cf. Cullen v. Pinholster, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation).

Furthermore, the reviewing court will scrutinize counsel's performance in a highly deferential manner, make every effort "to eliminate the distorting effects of hindsight," and "evaluate the conduct from counsel's perspective at the time" in light of then-existing circumstances. Strickland, 466 U.S. at 689. In order to establish counsel's performance was deficient, the applicant must demonstrate "counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." Id. at 687. Accordingly, counsel's performance will be considered deficient only when it was objectively incompetent under prevailing professional norms and *not* when it simply "deviated from best practices or most common custom." Harrington v. Richter, 562 U.S. 86, 105 (2011).

Beyond satisfying the burden required by the deficiency prong, an applicant also bears the burden of establishing prejudice in order to be entitled to relief as "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." Strickland, 466 U.S. at 691. To meet this burden, counsel's deficient performance must have prejudiced the applicant to such an extent that there is a reasonable probability the result of the proceeding would have been different but for counsel's unprofessional errors. Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625; see Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) ("To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel's representation fell below an objective standard of reasonableness and, but for counsel's errors, there is a reasonable probability the result at trial would have been different."). Importantly, "[t]he likelihood of a different result must be *substantial*, not just conceivable." Richter, 562 U.S.at 112.

Finally, the Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689–90. Courts must be wary of second-guessing counsel's trial tactics, and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992). The applicant's burden of proving both Strickland components is heavy in light of the strong presumption that counsel's conduct fell within the range of reasonable professional legal assistance. 466 U.S. at 690. Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. Id. at 686; see Nix v. Whiteside, 475 U.S. 157, 175 (1986) (noting that under Strickland, the "benchmark" of the right to counsel is the "fairness of the adversary proceeding"); cf. United States v. Morrow, 977 F.2d 222, 229 (6th Cir. 1992) ("[T]he threshold issue is not whether [the applicant's] attorney was inadequate; rather, it is whether he was so *manifestly* ineffective that defeat was snatched from the hands of probable victory.").

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court also heard the testimony presented at the evidentiary hearing and observed the witnesses, allowing the Court to evaluate and scrutinize their credibility. 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.").

Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant her application for post-conviction relief. See Rule 71.1(e), SCRCP (stating that in a post-conviction relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of fact and conclusions of law as required by § 17-27-80 of the South Carolina Code:

INITIAL FINDINGS

This Court finds applicable the strong presumption that at all stages of Trial Counsel's representation of Applicant they rendered adequate assistance and exercised reasonable professional judgment in their 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, 308 S.C. at 122, 417 S.E.2d at 531.

ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

Allegation (1)(a): Failure to properly explain the plea offer so Applicant could understand it and failure to secure a definitive answer from Applicant concerning whether he wanted to accept it or not.

Applicant alleges that Trial Counsel's representation was constitutionally ineffective for failing to properly explain the plea offer so Applicant could understand it and for failing to secure a definitive answer from Applicant concerning whether he wanted to accept it or not. This Court finds this allegation to be without merit.

A defendant has the right to effective assistance of counsel during the plea-bargaining process. Davie v. State, 381 S.C. 601, 675 S.E.2d 416 (2009) (abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018)). "The United States Supreme Court has held that 'defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused.'" Collins v. State, 422 S.C. 250, 261, 810 S.E.2d 871, 876 (2018) (quoting Missouri v. Frye, 566 U.S. 134, 145 (2012)); see also Lafler v. Cooper, 566 U.S. 156, 169-70 (2012) (rejecting the proposition that a fair trial wipes clean any deficient performance by defense counsel during plea bargaining). Generally, defense counsel provides deficient performance when he or she does not communicate such an offer to the defendant. Frye, 566 U.S. at 145. To show prejudice, an applicant for post-conviction relief "must demonstrate a reasonable probability that: (1) he [or she] 'would have accepted the earlier plea offer had [he or she] been afforded effective assistance of counsel;' (2) 'the plea would have been entered without the prosecution canceling it or the trial court refusing to accept it;' and (3) 'the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time.'" Collins, 422 S.C. at 262, 810 S.E.2d at 877 (quoting Frye, 566 U.S. at 147; citing Lafler v. Cooper, 566 U.S. 156, 164 (2012)). An applicant must show actual prejudice, but depending on the facts of the case, an applicant's self-serving statement *may* be sufficient to establish actual prejudice. Davie, 381 S.C. at 613, 675 S.E.2d at 422.

Trial

At trial, the following colloquy occurred regarding the plea offer:

THE COURT:	So regarding this case, have you-all entered into any form of plea negotiations?
MS. MARTIN:	Not since it was put on the trial list, Judge. I had made an offer in the past. I had offered her second violent. I mean, he could be looking at life without parole. He has multiple prior burglaries. On his last burglary, which was 2006, I can't remember, he pled to burg first and he got 15 years. So he could be LWOP. I did not seek life without parole. Mr. Story and I discussed it. In my discretion, I decided not to do that. I did offer him a burg second violent for a negotiated 12, and

the defendant rejected that. And so it was put on a trial list. So now, if he pled to burg first, sentencing would be in your discretion.

THE COURT: And, Mr. Story, did you discuss all that with Mr. Wood?
MR. STORY: I did, Your Honor.
THE COURT: And he rejected the opportunity to plead guilty?
MR. STORY: That's correct.
THE COURT: All right. Mr. Wood, if you'll stand. Is that correct?
THE DEFENDANT: Yes, sir.
THE COURT: You were offered a plea to burglary second some time ago for a 12-year sentence and you rejected that?
THE DEFENDANT: Yes, sir.
THE COURT: And you understand that if you are convicted of burglary first degree, the minimum sentence is 15 years and the maximum is life imprisonment?
THE DEFENDANT: Yes, sir.
THE COURT: And you're ready to proceed with the trial?
THE DEFENDANT: Yes, sir.

(Trial Tr. pp. 65–66).

<u>Findings</u>

This Court finds Applicant has failed to meet his burden of proving Trial Counsel was deficient and that the alleged deficiency prejudiced him. <u>See</u> <u>Butler</u>, *supra*. At the evidentiary hearing, Applicant testified that he never knew the plea offer was for second-degree burglary and that Trial Counsel never really explained it to him. (PCR Tr. pp. 6–8). This Court finds Applicant's testimony on this matter not credible. The record before this Court indicates that the trial court asked Applicant directly about the plea to 12 years for second-degree burglary, and Applicant affirmatively indicated that he rejected that offer. The trial court then inquired whether Applicant understood that, at trial, he was facing 15 to life for first-degree burglary, to which Applicant affirmed that he did. Applicant then indicated that he was ready to proceed with the trial. (Trial Tr. pp. 65–66). This Court further finds Plea Counsel's testimony credible: that he took the plea offer to Applicant, explained it to Applicant, and that they discussed it multiple times, and Applicant did not want to accept it. (PCR Tr. pp. 21–23).

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 Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED with PREJUDICE.**

Allegation (1)(b): **Failure to establish a proper defense at trial, specifically in pointing out that no one lived at the house and Applicant never entered the home.**

Allegation (1)(c): **Failure to investigate the facts, circumstances, and people who lived in the house.**

Applicant alleges that Trial Counsel's representation was constitutionally ineffective for failing to establish a proper defense at trial, specifically by failing to investigate and point out that no one lived at the house and that Applicant never entered the home. 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

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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 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)).

Trial

At trial, the State opened with the following information on the residence and who resided inside the home at the time Applicant was charged with first degree burglary:

> You're going to hear from Mynnda Asbill that that is the house that she and her brother grew up in. Her brother is Alex, sitting right next to her. That's home. Their mom owns that house. It's the family property. Alex is living there at the time. Alex is a mechanic. He works sun up to sun down; has very long hours. So his sister

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> would go check on his house for him every day, make sure everything was okay at their home. Alex wouldn't be there, but Mynnda would go check on the property for him. He was living there; he was laying his head there; he had electricity there; he had a fully stocked fridge. It's not the nicest house in the world. Alex was living there to save money at the time. It was home; it was home for Alex.

(Trial Tr. p. 71).

Mynnda Asbill testified that her brother, Alex was living in the trailer when the Applicant broke into it. (Trial Tr. pp. 90–92; 103; 113–114; 118). Alexander Asbill (Alex) testified that he was living at the house Applicant broke into. (Trial Tr. pp. 123–124). Officer McKenzie Saunders' notes from the night in question were entered, and she testified that she was told that Alex was living in the residence the applicant broke into. (Trial Tr. pp. 151–152; 164–165).

Findings

This Court finds Applicant has failed to meet her burden of proving Trial Counsel was deficient and that the alleged deficiency prejudiced her. See Butler, *supra*. This Court has thoroughly reviewed the record in this case as well as the testimony and evidence presented. At trial, there was evidence from multiple witnesses that the home was occupied. Trial Counsel testified at the evidentiary hearing that he hired an investigator in this case. Trial Counsel affirmed that the defense theory at trial was that the home was not occupied. Trial Counsel credibly testified as to why he did not call his investigator to testify that a new home was placed on the property because it did not negate the home that was there previously and the crime his client had been charged with. See Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992) (When counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective.). This Court finds Applicant has failed in his burden of providing any credible evidence to support this allegation. Here, this Court finds Trial Counsel's articulated strategy on this matter reasonable and sound. Thus, Trial Counsel's representation was not deficient and Applicant suffered no resulting prejudice.

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 Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED with PREJUDICE.**

Allegation (1)(d): Failure to strike people on the jury that Applicant personally knew, including people he had previously been incarcerated with.

Applicant alleges that Trial Counsel's representation was constitutionally ineffective for failing to strike people on the jury that Applicant personally knew, including people he had previously been incarcerated with. This Court finds this allegation to be without merit.

"[A] criminal defendant has no right to a trial by any particular jury, but only a right to a trial by a competent and impartial jury." Palacio v. State, 333 S.C. 506, 517, 511 S.E.2d 62, 68 (1999). Further, "[i]n PCR proceedings, a defendant must provide credible evidence that the trial attorney's refusal to strike a juror prejudiced the defense." Id. "[J]ury selection is a process that inherently falls within the expertise and experience of trial counsel." Palacio, 333 S.C. at 517, 511 S.E.2d at 68; see also Abney v. State, 408 S.C. 41, 48, 757 S.E.2d 544, 547 (Ct. App. 2014), cert. denied (Jan. 15, 2015) ("Conversely, decisions primarily involving trial strategy and tactics may

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be made by trial counsel [including] 'which jurors to accept or strike[.]'" (citations omitted)). Thus, giving appropriate deference to the presumption counsel exercised discretion in selecting jurors, Applicant must present "credible evidence that the trial attorney's refusal to strike a juror prejudiced the defense." Palacio, 333 S.C. at 517, 511 S.E.2d at 68.

Trial

At trial during jury voir dire, the following occurred:

> THE COURT: Is any member of the jury panel a friend, relative, associate, acquaintance of the defendant, Ronald Wood; any defense attorney, any solicitor, or anyone else who has been introduced? If so, please stand.
>
> (No response.)

(Trial Tr. p. 8).

Findings

This Court finds Applicant has failed to meet her burden of proving Trial Counsel was deficient and that the alleged deficiency prejudiced her. See Butler, *supra*. At trial, the trial court asked if anyone knew Applicant and none of the jurors responded. At the evidentiary hearing, Trial Counsel credibly testified that he had no recollection of Applicant telling him that he knew someone on the jury and he would have likely struck that juror had that been brought to his attention. This Court further finds that Applicant has failed to present any credible evidence (1) that Trial Counsel refused to strike a juror; and (2) that refusal prejudiced Applicant. See Palacio, *supra*.

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 Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED with PREJUDICE.**

Allegation (1)(e): Failure to communicate effectively, meet with Applicant enough, and review discovery with Applicant.

Applicant alleges that Trial Counsel's representation was constitutionally ineffective for failing to communicate effectively, meet with Applicant enough, and review discovery with Applicant. This Court finds this allegation to be without merit.

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)).

In order to prevail upon a claim that counsel did not adequately prepare, investigate, or review discovery in a case, an applicant must present evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75–76, 659 S.E.2d 140, 145–46 (2008) (citing Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018). The applicant must further present evidence demonstrating how the discoverable matters or defenses would have resulted in a different outcome. Id. Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Findings

This Court finds Applicant has failed to meet her burden of proving Trial Counsel was deficient and that the alleged deficiency prejudiced her. See Butler, *supra.* At the evidentiary hearing, Applicant testified that he did not think that he and Trial Counsel communicated enough. (PCR Tr. p. 8). Applicant testified that he read over his discovery but had a limited education.

(PCR Tr. p. 11). Applicant testified that he did not know if he reviewed discovery with Trial Counsel. (PCR Tr. p. 12). Trial Counsel testified that he met with Applicant in person at least six times, had video calls, and multiple phone conversations leading up to trial. (PCR Tr. p. 20). Trial Counsel testified that he reviewed discovery with Applicant as it came in. (PCR Tr. pp. 20–21). This Court finds Trial Counsel's testimony credible on this matter. Further, this Court finds Applicant has failed to present any credible evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome or what other defenses Applicant could have requested counsel develop and present had counsel been more prepared. Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

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 Trial Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED with PREJUDICE.**

<u>Conclusion</u>

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

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. <u>See</u> Rule 203, SCACR. Pursuant to <u>Austin v. State</u>, 305 S.C. 453, 409 S.E.2d 395 (1991), an applicant has a right to assistance from appellate counsel in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the applicant's behalf if the applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 31st **day of** Aug**, 2026.**

Roger M. Young, Sr.
Presiding Judge
Eleventh Judicial Circuit

Chambers, South Carolina