

**NOTICE OF APPEAL FROM A PCR DENIAL BY THE COURT OF
COMMON PLEAS**

THE STATE OF SOUTH CAROLINA
In Supreme Court of SC

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

H. Steven DeBerry, IV, Circuit Court Judge

Case #2022-CP-43-00817

The State,

Respondent,

v.

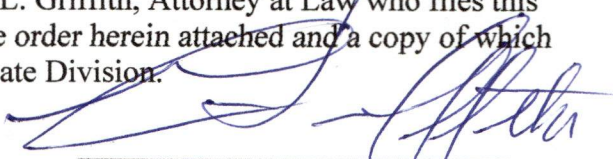
Chauncey A. Wright

Appellant.

NOTICE OF APPEAL

Chauncey A. Wright, appeals the decision of the Court, in the order dated September 18, 2026, received by counsel on September 24, 2026, where Mr. Wright was denied his request for Post-Conviction Relief. Mr. Wright was represented at the hearing by Timothy L. Griffith, Attorney at Law who files this notice on behalf of the Appellant. The order herein attached and a copy of which is also forwarded to the SCCID Appellate Division.

Dated 9/24/26


Timothy L. Griffith, Esquire
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Telephone: (803) 499-2012
Attorney for Appellant (relieved)
Will not be representing on appeal

Other Counsel of Record:
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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Chauncey A. Wright, #381094

Applicant,

v.

State of South Carolina,

Respondent.

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

) Case No.: 2022-CP-43-00817

) ORDER OF DISMISSAL

RECORDED
2026 SEP 18 PM 1:44
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Chauncey A. Wright ("Applicant") on May 24, 2022. The Court convened an evidentiary hearing into the matter on August 19, 2025, at the Sumter County Courthouse. Applicant was present at the hearing and represented by Timothy L. Griffith, Esq. Zachary W. Jones, of the South Carolina Attorney General's Office, represented Respondent.

After reviewing all records and evidence before the Court, this Court finds Applicant has not met his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. On April 6, 2018, Applicant entered The Station convenience store in Mayesville, wherein he stole money from the cash register and assaulted the clerk with a blunt object in the head numerous times, causing severe injuries requiring extensive hospitalization, medical treatment, and recovery. The victim identified Applicant from a photographic lineup, and Applicant was also identified from witness statements and surveillance video. Applicant was subsequently arrested and was later

indicted by the Sumter County Grand Jury for attempted murder and armed robbery (2018-GS-43-1140). Applicant was represented by Assistant Public Defender Michael Routzong, Esquire ("Counsel"), of the Third Circuit Public Defender's Office. Third Circuit Solicitor Ernest A. Finney, III, prosecuted the case. On August 12, 2019, the State called the case to a jury trial before the Honorable R. Ferrell Cothran, Jr., circuit court judge. At the close of the State's case, Counsel argued Applicant was entitled to a directed verdict on both counts. As to attempted murder, Counsel specifically argued the State failed to prove Applicant had a specific intent to kill the victim, a necessary element for attempted murder, and instead, argued Applicant's actions comported with assault and battery of a high and aggravated nature if anything. Judge Cothran denied the motions and the case proceeded to the jury for deliberations. The jury convicted Applicant as indicted and on August 15, 2019, Judge Cothran sentenced Applicant to twenty years of imprisonment for attempted murder and eighteen years for armed robbery, with the sentences to be served concurrently.

Applicant, though Counsel, filed a timely notice of appeal. Appellate Defender Kathrine H. Hudgins of the South Carolina Office of Indigent Defense-Office of Appellate Defense represented Applicant on appeal and filed a brief of appellant pursuant to *Anders v. California*, 386 U.S. 738 (1967), arguing the trial court erred in refusing to grant his directed verdict motion for attempted murder based on the lack of specific intent to kill, along with a petition to be relieved as counsel. Applicant did not submit his own brief. Following an *Anders* review, the South Carolina Court of Appeals dismissed the appeal and granted appellate counsel's petition to be relieved as counsel. *State v. Chauncey Antonio Wright*, Op. No. 2021-UP-233 (filed June 23, 2021). The remittitur was issued on September 9, 2021.

Present Application

ASD

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following grounds:

- 10 (a) "Disclosure of exculpatory evidence. Judge erred in granting "direct verdict motion"
- 10 (b) "Wrongful charged and sentenced on both charges."
- 10 (c) "Ineffective Counsel – Exclusionary Rule – Due Process"

On attached sheets of paper, Applicant states the following:

"My attorney at my trial that was appointed to my case failed and did not represent me to the best of his ability or to his full potential."

Applicant then gives an explanation as to why he believes his conviction is invalid because attempted murder requires a specific intent to kill, which he asserts he was lacking.

As requested relief, Applicant states he is seeking, "reduced sentenced, due process, re-sentencing, vacated sentenced, wrongfully convicted on bogus charges."

In its Return, the State moved dismiss Applicant's allegations of trial court error for failure to state a claim cognizable on PCR. The State also moved that Applicant be required to amend his single, cursory allegation of ineffective assistance of Counsel to specify the particular conduct of Counsel alleged to be deficient.

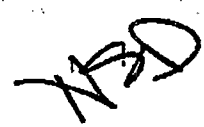
II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, and weighed the testimony accordingly. Before the Court are Applicant's records from the South Carolina Department of Corrections, the transcript of Applicant's trial, the records of the Sumter County Clerk of Court regarding the subject convictions, Applicant's appellate records, and the application for post-conviction relief. This Court has reviewed the records submitted to it by the parties, the legal arguments made by the attorneys, and the pleadings. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented:

Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRPC. Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (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." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011);



Harrington v. Richter, 562 U.S. 86, 109–10 (2011). “[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.” *Yarborough*, 540 U.S. at 6; see also *Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable.”).

Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625. “This does not require a showing that counsel’s actions ‘more likely than not altered the outcome,’ but the difference between *Strickland*’s prejudice standard and a more-probable-than-not standard is slight and matters ‘only in the rarest case.’” *Harrington*, 562 U.S. at 111–12 (quoting *Strickland*, 466 U.S. at 697). “The likelihood of a different result must be substantial, not just conceivable.” *Id.* at 112. “The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury.” *United States v. Basham*, 789 F.3d 358, 371–72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

Applicant’s PCR application failed to specify any particular allegations of ineffective assistance; however, at the PCR hearing, Applicant testified that Counsel only spoke to him two or three times prior to trial, when he appeared at bond hearings. Applicant denied that Counsel ever came to visit him at the jail. Applicant further argued that Counsel never prepared for trial with him but merely told him he was waiting for discovery. Applicant claimed Counsel was not ready for trial. Applicant further claimed that a more competent attorney would have made more objections and presented more evidence in his defense; however, Applicant did not specify any particular evidence or objections.

Counsel, on the other hand, testified that, according to his contemporary notes, he spoke with Applicant on 22 occasions, either personally at the jail or by phone. Counsel also explained that he received the discovery on June 1, 2018, and offered to give a copy to Applicant, but Applicant did not want it. Counsel denied Applicant's testimony that he never had substantive discussions about the case prior to trial, testifying instead that he did discuss the case and was certain Applicant understood the evidence against him.

The Court finds Counsel's testimony credible, and Applicant's contrary testimony not credible, as to this issue. Therefore, the Court finds Applicant has failed to prove Counsel's conduct in preparing for trial or discussing the case with him was inadequate.

Moreover, Applicant totally failed to offer any proof of what additional evidence or defenses might have been developed if he had had additional time to prepare with Counsel pre-trial. To prove prejudice from failure to review discovery, a PCR applicant must present some new evidence or defenses that could have been discovered by counsel's further review of the discovery. *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). Furthermore, the applicant must also show how the new evidence or defenses would have resulted in a different outcome. *Id.* at 76 (citing *David 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 the 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)). The Court finds Applicant's merely conclusory testimony—that, had he been more competently represented at trial, there would have been more objections and evidence at trial—was not sufficient to carry his burden of proving that,

but for Counsel's alleged failure to adequately prepare for trial, the result of his trial likely would have been different. Therefore, the Court finds he has also failed to prove prejudice.

Trial Court Error

The Court further finds that Applicant's assertions of trial court error, including his assertions that the trial court erred for denying his motion for a directed verdict, are not proper post-conviction relief claims.

Under the Uniform Post-Conviction Procedure Act,¹ an applicant may commence a post-conviction relief action on the following grounds:

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 [was] 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). "This remedy is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct review of the sentence or conviction." *Id.*
§ 17-27-20(B). Direct appeal issues which could have been reviewed on appeal and were not

¹ S.C. Code Ann. §§ 17-27-10 to -160.

objected to at trial or during guilty plea proceeding may only be presented to support a claim of ineffective assistance of counsel, not as a separate ground for relief. *Hyman v. State*, 278 S.C. 501, 502, 299 S.E.2d 330, 331 (1983).

Here, Applicant's claims of trial court error neither support a cognizable claim for post-conviction relief under any of the statutory grounds nor constitute an appropriate basis for a finding of ineffective assistance of counsel where trial counsel raised the very issue that which Applicant now complains was denied in error and that issue was properly preserved for appellate review. *Wolfe v. State*, 326 S.C. 158, 162 n.2, 485 S.E.2d 367, 369 n.2 (1997); see *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (noting that allegations of trial court error are not cognizable on PCR); *Simmons v. State*, 264 S.C. 417, 215 S.E.2d 883 (1975) (finding that alleged trial errors and sufficiency of evidence are direct appeal issues that are not cognizable PCR claims); *Stepney v. State*, 278 S.C. 47, 292 S.E.2d 41 (1982) (explaining that issues that could have been raised on direct appeal cannot be considered on PCR application absent claims of ineffective assistance of appellate counsel). These claims therefore are not properly before this court. See, e.g., *Drayton v. Evatt*, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) ("[PCR] is not a substitute for appeal or a place for asserting errors for the first time which could have been reviewed on direct appeal."); S.C. Code Ann. § 17-27-20(B).

Moreover, Applicant's claims that he was wrongfully charged and sentenced based on a lack of specific intent to kill are also barred. These issues were raised and denied by the trial court and were reviewed and again dismissed on direct appeal. There can be no argument that Counsel failed to raise these issues, and PCR is not a permissible avenue for relitigating issues already raised to and rejected by the trial and appellate courts.

Accordingly, this Court grants the State's motion to dismiss these allegations of trial court error pursuant to Rule 12(b)(6), SCRPC, for failure to state a cognizable claim, and pursuant to S.C. Code Ann. section 17-27-70(c) because there is no genuine issue of material fact which would necessitate an evidentiary hearing and these allegations should be dismissed as a matter of law. *See Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief).

[conclusion and signature on following page]

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III. 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 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. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), 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 if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant's attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 8th day of September, 2026.


H. STEVEN DEBERRY, IV
Presiding Judge
Third Judicial Circuit

Florence, South Carolina