

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Charleston County

Honorable Jocelyn J. Newman, Circuit Court Judge

CHARLES O. JAMES, III,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000714

APPENDIX

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS
C.A. NO.: 2024-GS-1003817

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS.

CHARLES OTIS JAMES, III,

DEFENDANT.

H E A R I N G
BEFORE THE HONORABLE JENNIFER B. MCCOY

DATE: NOVEMBER 21, 2024
LOCATION: SOUTH CAROLINA CIRCUIT COURT 9

TRANSCRIBER: BRIDGETTE LEE

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EXHIBITS

(NONE MARKED)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS
REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 P R O C E E D I N G S

2 MS. FRIERSON: The State Calls Charles James. Here you
3 go, Your Honor.

4 THE COURT: Are we waiting on anybody else to come in?

5 MS. MONACO: Your Honor, his family is coming in.

6 THE COURT: Okay.

7 MS. FRIERSON: The victim sent a letter she's not
8 attending. She is in the Upstate.

9 THE COURT: Got the letter, okay. All set, Ms. Monaco?

10 MS. MONACO: Yes, thank you.

11 THE COURT: Okay. Who do we have here, Solicitor?

12 MS. FRIERSON: This is *State versus Charles James --*
13 *Charles Otis James III*. He was charged with two counts of
14 CSC with a minor second, carrying up to 20 years. The offer
15 was to plead to one count of CSC with a minor. The
16 negotiated range is 8 to 12. The State will be asking for 12
17 years.

18 THE COURT: Okay. All right. Charles Otis James III,
19 is that your name?

20 MR. JAMES: Yes, ma'am.

21 THE COURT: Okay. Mr. James, as the State just told me,
22 I hear you're going to plead to a criminal sexual conduct
23 with a minor in the second degree charge today. Is that your
24 understanding, as well?

25 MR. JAMES: Yes, ma'am.

1 THE COURT: While she stated that can carry up to 20
2 years, there is a negotiated range of 8 to 12 for you today.
3 Is that your understanding?

4 MR. JAMES: Yes, ma'am.

5 THE COURT: Okay. You're represented by Ms. Monaco,
6 who's standing next to you. Have you had enough time to talk
7 to her about this?

8 MR. JAMES: Yes, ma'am.

9 THE COURT: All right. Do you need any more time with
10 her before we go forward?

11 MR. JAMES: No, ma'am.

12 THE COURT: Okay. Ms. Monaco, based on your
13 conversations with him, do you think he understands what he's
14 doing today?

15 MS. MONACO: Yes.

16 THE COURT: All right. Mr. James, this is a violent and
17 most serious offense in South Carolina, which means you will
18 incur two strikes on your record as a result of this plea.
19 Do you understand that?

20 MR. JAMES: Yes, ma'am.

21 THE COURT: All right. South Carolina is a three strike
22 state, so if you accumulate another charge that picks up even
23 one strike in the future after you serve this sentence, you
24 could face life without parole. You understand that?

25 MR. JAMES: Yes, ma'am.

1 THE COURT: All right. When you plead guilty,
2 Mr. James, you give up several constitutional rights. That
3 includes your right to a jury trial, your right to confront
4 any witnesses the State would call at trial to try to prove
5 you guilty. And you also give up your right to remain
6 silent. Do you want to give up these rights and plea today?

7 MR. JAMES: Yes, ma'am.

8 THE COURT: All right. Apart from this negotiation of
9 the range of 8 to 12, did anybody promise you anything or
10 force you to plea today?

11 MR. JAMES: No, ma'am.

12 THE COURT: All right. Finally, are you under the
13 influence of any medicine or anything that would keep you
14 from understanding what's going on?

15 MR. JAMES: No, ma'am.

16 THE COURT: All right. Well, at this time, I'm going to
17 ask that you turn your attention to the assistant solicitor.
18 She'll tell me more about what led up to this arrest, and
19 then we'll come back to you.

20 MS. FRIERSON: Thank you, Your Honor. May it please the
21 Court. This occurred on November 25, 2022, area [REDACTED] Monitor
22 Street near Danny Jones Park. The victim was on a walk,
23 recently moved into a new foster home, and the Defendant
24 called out to the victim to -- to wait. She was a stranger
25 to him, a mere 14 year old, again, just on a walk.

1 He grabbed her waist and began to kiss her neck. He
2 continued to follow her as she attempted to walk away,
3 turning away his advances. He attempted to pull her into the
4 restroom, which was locked, and ultimately pulled her into a
5 nearby storage room. Once inside, he bent the victim over a
6 chair, forcefully penetrated her vagina, with his penis, and
7 also forced her to perform oral sex.

8 He made derogatory comments about his ejaculating, and
9 she (indiscernible) he ultimately ejaculated on the floor.
10 He referred to himself as Charles, and she provided a
11 physical description to detectives, black with orange top
12 hair, which -- this was a booking photo, Your Honor, where
13 you can kind of see, it's not the best coloring, but at the
14 time, he did have black with orange top hair.

15 A gap in his teeth, little darker than me, a dollar
16 tattoo sign, or a dollar sign tattoo on his hand. He was
17 tall. Said he was 23 years old. She went to MUSC where she
18 had a SANE exam, and evidence was collected and sent to SLED.
19 For several months she waited, and they had not identified
20 this Defendant until a CODAS hit in June of 2023 on his DNA.

21 They sent a confirmation up, and the swabs of the cloudy
22 liquid on the floor in the storage room were positive for
23 semen. Defendant was a likely contributor. There were also
24 -- as you know, the -- the way that the star mix works, it
25 was more likely than not that the Defendant was a contributor

1 in other mixtures on -- on the swabs.

2 His prior record is a bit extensive. 2014 he had a
3 petty larceny. 2015 he had a possession of stolen motor
4 vehicle and a burglary, second. 2017 he had a probation
5 violation. 2018 he had a possession of marijuana, driving
6 without a driver's license, 2020 attempted armed robbery,
7 another probation violation. In 2021 failure to stop for
8 blue lights. He was on probation when he was arrested for
9 and ultimately later convicted in 2024 for possession of a
10 firearm by a convicted felon, assault and battery by mob and
11 unlawful carrying.

12 The victim has been cooperative with our office. She
13 wrote a letter which we provided to Your Honor. She would
14 like to have closure. She -- she herself has had a hard life
15 and would prefer not to have to testify, which I, you know --
16 you hear me always say, none of my victims want to testify
17 and relive the horrors, and especially in this one, which is
18 why I'm arguing for the 12 years, Your Honor.

19 I'm before you, pleas in trials, and you, you know,
20 consistently see what is more than normal in these cases
21 where it's a family member and not the scary stranger out
22 there that no one knows. Well, that's exactly what he is,
23 and he approached this innocent 14-year-old girl and almost
24 immediately forcefully raped her.

25 I think a higher sentence would be warranted if we went

1 to trial, but I recognize that if he's willing to accept
2 responsibility and allow this victim the closure that she
3 wants without having to testify, then that was the reason for
4 my offer. But I absolutely believe, based on his record and
5 the predatory nature of his actions, that he deserves every
6 bit of those 12 years.

7 Also in terms of jail credit, he -- since he was having
8 trouble staying out of jail for a while, he should only get
9 credit, in my opinion, for 249 days. Because while he was in
10 and out of jail in June of 2023, a legislator added that
11 section where there's no pre-trial detention credit if you're
12 out on bond and you commit a violent crime or when a law
13 change, so any of his time subsequent to 6/2023 when that law
14 changed, in my opinion, should not go towards his time -- his
15 credit.

16 THE COURT: Okay.

17 MS. FRIERSON: I do have the statute Your Honor. If
18 Your Honor does want to review it.

19 THE COURT: I believe you're talking about 24 1340?

20 MS. FRIERSON: Yes, sir.

21 MS. MONACO: Yeah, I'm pretty familiar. I'm happy to
22 look at it, anything you want me to look at.

23 MS. FRIERSON: I just didn't know if we needed a copy.

24 MS. MONACO: Oh, no, thank you, though.

25 THE COURT: All right. Well, okay, and the victim's

1 letter I have read, for the record. That was submitted to me
2 prior to the hearing. Mr. James, at this time, I'm going to
3 turn back to you regarding the activities that took place in
4 the storage closet near the park regarding this young lady.
5 Is that correct?

6 MR. JAMES: Yes, ma'am.

7 THE COURT: Okay. I'll accept the plea then. I'm happy
8 to hear from you, Ms. Monaco.

9 MS. MONACO: Thank you, Your Honor. Your Honor, it's --
10 it's difficult to be here today for a number of reasons. And
11 I think the first reason first and foremost is for Charles,
12 who has -- we throw the word remorse a lot, but I think the
13 real word is regret. You know, he's been in SCDC.

14 I did take this case from Claire at our office when she
15 had left the office, and it's been a privilege to get to know
16 Charles. But the way that I know Charles is through his time
17 at SCDC, because he is serving that current time on a
18 probation violation.

19 THE COURT: Right.

20 MS. MONACO: He's housed at Trenton. It's over three
21 hours away. His family is seated to Your Honor's right, his
22 mother in red and his father in blue and his brother in
23 green. You know, he hasn't had an opportunity to see them.
24 He is so far. He is isolated due to that previous probation
25 violation that he's serving time for.

1 And in Charles's words, not mine, he has to wake up
2 every day and think about this case. He did not want to have
3 a trial. He did not want to put this young lady through
4 that. He didn't want to put his family through that. He
5 very clearly understood the risks of trial given the
6 evidence.

7 So I think that I would ask that Your Honor consider
8 that in your sentence. I would also ask Your Honor to
9 consider this idea of regret, because when we regret
10 something, we don't have it happen again. And I, you know --
11 I've been in court all morning, Your Honor. Charles is not
12 going to have the benefit that these other gentlemen have,
13 which is to be out and have treatment.

14 Anything that happens from today on is solely for
15 punishment. He will not get treated in SCDC. They don't
16 have a specific sex offender program. He is there to do time
17 for something that he has to live with and that he regrets
18 every single day.

19 Now, originally, our offer was a negotiated ten flat.
20 Charles did want the opportunity to ask for eight and that's
21 what I'm here today for, Your Honor. I'm here to ask for
22 eight years. I've read the statute, I know Your Honor, as I
23 understand it, he does have 249 days of credit. I would ask
24 you to consider the additional time he's been in SCDC, but in
25 all candor to The Court, I understand that that's contrary to

1 the statute.

2 But at a minimum, he has 249 days. While he's been
3 incarcerated, Your Honor, he's tried to get a job. He's been
4 a ward keeper previously. He's trying to keep his head down
5 and avoid disciplinary actions. When you get disciplinary
6 infractions, it affects what calls you can make. He can't
7 speak on the phone to his children. It affects what
8 privileges he gets, including recreation.

9 And I don't ask Your Honor just for simple sympathy. I
10 share this with you because it is hard and eight years is
11 proportionate to the effects, because it is just straight
12 punishment without any treatment. When he is released, Your
13 Honor, if you were to give him eight years, he'd be 36 and
14 he'll be released with the family support behind him.

15 His mother lives in Columbia. His father works here in
16 Charleston. He's been a longshoreman his whole life. He was
17 raised by both of his parents and his brother lives in
18 Summerville. You have read his record, but he doesn't have
19 anything of this magnitude on this record, Your Honor.

20 He did work before this, he was working to support his
21 children. He was working at Amazon and a couple other
22 warehouse jobs. I talked extensively with Charles about the
23 legal age of consent, you know, and I think education and
24 awareness is certainly just as important.

25 We're not here to make that argument, but I do want Your

1 Honor to know that was a discussion. Nonetheless, Your
2 Honor, he will not be able to get parole. He'll be
3 considered sexually violent, and any time he does from today
4 forward, again, will just be punishment.

5 It doesn't change what happened to this young lady, but
6 eight years is certainly enough punishment, because now he
7 needs to know that he gets out and has that support and has a
8 re-entry plan with his family. That's what's going to make
9 sure he doesn't return.

10 In addition, he'll be on the sex offender registry, Your
11 Honor, and we've gone over those conditions extensively, as
12 well. But we are asking for that eight years, given that he
13 doesn't have a lot of credit. He cannot get parole. He will
14 likely do every single day, and he's already shared with me
15 the immense amount of regret, and I'd ask that you consider
16 that there's no other charges of kidnaping or battery or any
17 other assault.

18 You know, the young lady was forthcoming. She followed
19 him into the bathroom. They struck up a conversation. We
20 don't know what that conversation was about. We don't --
21 because again, this isn't the place to do that. He does not
22 want to have a child to do her word against his. But ask you
23 consider all of that today in your ruling.

24 THE COURT: All right. Mr. James, anything else you
25 want to tell me?

1 MR. JAMES: No, ma'am.

2 THE COURT: Okay. Did his family want to talk, or they
3 just here for moral support?

4 MS. MONACO: They just shared with me that they're here
5 for Charles and that they've been very involved.

6 THE COURT: Well, good. Okay. Okay. Well, this is
7 certainly a bad situation all around, Mr. James. So your --
8 your attorney got a very favorable result for you today,
9 anything in that range. I want you to understand that, okay?

10 MR. JAMES: Yes, ma'am.

11 THE COURT: Not only based on this particular --
12 circumstances surrounding what happened, but also given your
13 record, this is not good. So you got a really good deal
14 walking in here today. And you need to understand, anything
15 in this range is a super good deal for you. So I hope you
16 appreciate what she's done for you and the State, as well.

17 I'm going to sentence you today to ten years. You know,
18 I would echo the reasons the solicitor asked for 12. And you
19 know, I am only going to give you credit for the 249 given
20 the statute. So to me, that's sort of balancing out, maybe,
21 the difference a little bit. But at any rate, good luck.
22 You'll have some time to think about this, and I hope that we
23 never see you back in court again.

24 MR. JAMES: Thank you.

25 THE COURT: Good luck.

1 MS. MONACO: Thank you.

2 MS. FRIERSON: Thank you, Your Honor.

3

4

5

6

7

8 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

9

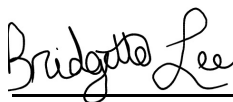
10

CERTIFICATE OF TRANSCRIBER

I, Bridgette Lee, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 21st day of November, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 25, 2025

A handwritten signature in cursive script that reads "Bridgette Lee". The signature is written in black ink and is positioned above a solid horizontal line.

Bridgette Lee
Certified Transcriber

STATE OF SOUTH CAROLINA)

County of)

Charles James)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

2025-CP-10-230
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

FILED
2025 JAN 14 AM 9:11
CLERK OF COURTINSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention _____

2. Name and location of Court which imposed sentence CharlestonCounty Court

3. Name(s) of co-defendant(s) (if any) _____

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) ~~2024-10-20-3516~~ 2024-65-10-03818 CSC with minor 2nd degree

(b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 11/20/2024 10 years
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. N/A
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Attorney failed to Advise me that I could Appeal
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) 6th Amendment Violation: Ineffective Assistance
- (b) Failure to Assert defense
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Failure to give me my Rule 5
- (b) Counsel failed to investigate Any witnesses
- (c) Counsel failed to investigate, Erroneous Advice/Operation

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:

- i. _____
- ii. N/A
- iii. _____
- iv. _____

- (b) the name and location of the Court in which each was filed:

- i. _____
- ii. N/A
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. N/A
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. N/A
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) None
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes
 (b) your trial, if any? No
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? No
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Amenda Mandoes
Charleston County Public Defender
 ii. 101 Meeting Street, Fifth Floor
Charleston, SC 29401
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. Amenda Mandoes (Sentencing, Arraignment and Plea)
 ii. _____
 iii. _____

19 State clearly the relief you seek in filing this application:

NEW Trial vacated

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of Edgefield)

VERIFICATION

I, Charles Olib James III, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Charles O. James III

SWORN to and subscribed before me this 3rd day of January, 2025.

Shirley Hunt (L.S.)
Notary Public

My Commission Expires: 9/22/32

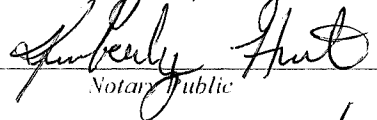
**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Charles Ellis James III, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this
3rd day of January, 2025.


Notary Public

My Commission Expires: 9/22/32

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Charles Otis James, III, #363721,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2025-CP-10-00230
)
)

) **MOTION FOR EXTENSION OF TIME**
)
)

2025 MAY -2 AM 10:30
FILED
CLERK OF COURT

This matter comes before this Court by way of an application for post-conviction relief filed by Charles Otis James, III, (Applicant) on January 14, 2025, and received by Respondent, the State of South Carolina, on January 15, 2025. Respondent's return to the application was due to be filed on March 17, 2025. See Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.").

By electronic mail dated February 4, 2025, Respondent requested the transcripts of the proceedings challenged in the application. Respondent has not yet received the aforementioned transcripts as of today's date. Because possession and review of the transcripts is necessary for the complete evaluation of Applicant's allegations and determination of potentially available defenses, Respondent respectfully requests this Court grant an additional **thirty days** from receipt of the transcripts to file the return. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.).

WHEREFORE, the State moves to request this Court grant an extension until thirty days from receipt of the necessary transcripts to file its return to the application for post-conviction relief.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

KYLEE KANEALEY
Assistant Attorney General

By: Kylee Kanealey
Kylee Kanealey, Bar No. 107060
ATTORNEYS FOR RESPONDENT

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April 30, 2025

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Charles Otis James, III, #363721,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2025-CP-10-00230
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**ORDER GRANTING MOTION
FOR EXTENSION OF TIME**

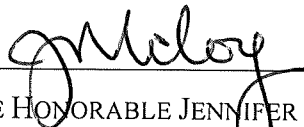
FILED
2025 MAY 20 AM 7:00
CLERK OF COURT

This matter comes before this Court by way of an application for post-conviction relief filed by Charles Otis James, III, (Applicant) on January 14, 2025, and received by Respondent, the State of South Carolina, on January 15, 2025. Respondent's return to the application was due to be filed on March 17, 2025. See Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.").

Upon motion before this Court, Respondent indicates it does not yet possess all transcripts relevant to the pleas and sentences challenged in the application and requests additional time to acquire those transcripts and file its return.

For good cause shown, this Court grants an additional thirty days from the receipt of all necessary transcripts to file the return. Respondent may seek an additional extension of time if needed. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court).

AND IT IS SO ORDERED this 6 day of May, 2025.



THE HONORABLE JENNIFER B. MCCOY
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	IN NINTH JUDICIAL CIRCUIT
	)	
Charles O. James, III, #363721,	)	CASE NO. 2025-CP-10-00230
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	(Counsel Already Appointed)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

In response to the application for post-conviction relief (PCR) filed by Charles O. James, III (Applicant), on January 14, 2025, Respondent makes the following return¹:

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a ten-year sentence. In August 2024, the Charleston County Grand Jury indicted Applicant for two counts of second-degree criminal sexual conduct (CSC) with a minor (2024-GS-10-03817, -03818). On November 21, 2024, Applicant appeared before the Honorable Jennifer B. McCoy and pled guilty to one count of second-degree criminal sexual conduct with a minor (2024-GS-10-03817)² pursuant to a negotiated range of eight to twelve years. Amanda H. Monaco Esquire, represented Applicant. Assistant Solicitor Lauren M. Frierson represented the State. Judge McCoy sentenced Applicant to a sentence of 10 years. Applicant did not appeal.

¹ Respondent's return was due to be filed within 60 days of service. See Rule 12(a), SCRPC ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90-days if it arises out of a trial."). On May 20, 2025, this Court issued an order granting an extension of time because the State did not receive the transcript. Respondent has relayed it received the transcript on May 29, 2025. Now, having completed the return and in light of no demonstrable prejudice to Applicant, Respondent respectfully asks this Court to accept this return as timely filed. See S.C. Code Ann. § 17-27-70(a) (establishing the Court may fix the time in which the State must respond); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the time limit prescribed by the statute is not mandatory but discretionary with the circuit court, and the circuit court may extend the time for filing).

² The other charge was noelle prossed pursuant to the plea agreement.

CURRENT APPLICATION

On January 14, 2025, Applicant timely filed this PCR action alleging he is being held in custody unlawfully based on the following allegations of ineffective assistance of counsel:

- 1) "Failure to give me my rule 5"
- 2) "Lawyer failed to investigate any witnesses"
- 3) "Counsel [failed] to investigate, erroneous advice/[coercion]"

As relief, Applicant requests "new [trial], vacated". Attached to this return and incorporated by reference are the Clerk of Court records for the underlying convictions, and Applicant's records from the South Carolina Department of Corrections. Respondent reserves the right to file an amended return upon receipt of any additional information.

INEFFECTIVE ASSISTANCE OF COUNSEL / INVOLUNTARY GUILTY PLEA

Respondent requests an evidentiary hearing on Applicant's claim of ineffective assistance of counsel. To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice because of counsel's deficient performance. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Cherry v. State, 300 S.C. 11 5, 11 7-1 8, 386 S.E.2d 624, 625 (1989). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." Watson v. State, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). 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." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985). When reviewing a guilty plea, the Strickland deficiency

prong remains unchanged—Applicant must show counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58–59. To show prejudice, Applicant must show a reasonable probability exists "that, but for counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." North Carolina v. Alford, 400 U.S. 25, 31 (1970). "[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999).

The record likely does not refute or disprove Applicant's claims. Therefore, Respondent requests an evidentiary hearing. See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248 (providing an evidentiary hearing shall be held when a PCR application "allege specific instances of ineffective assistance of counsel which are not conclusively refuted by the record").

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY

Respondent requests Applicant specify any claims he intends to raise in advance of the hearing. Respondent reserves the right to request a continuance based upon any amendments withheld until the last minute. Respondent further requests all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent before the hearing. Likewise, Respondent requests all potential evidence and a witness list be sent to Respondent before the hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that result in undue prejudice to the State.

ALL OTHER ALLEGATIONS

Any allegation not expressly admitted, qualified, or explained is hereby denied.

CONCLUSION

WHEREFORE, Respondent requests an evidentiary hearing on Applicant's claims of ineffective assistance of counsel.

Respectfully Submitted,

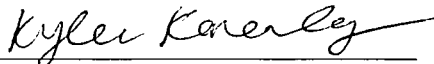
ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

KYLEE KANEALEY
Assistant Attorney General

By: 
Kylee Kanealey, Bar No. 107060

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
803-734-3737

September 9, 2025

State of South Carolina	)	In the Court of Common Pleas
	)	Ninth Judicial Circuit
County of Charleston	)	2025-CP-10-00230

Charles Otis James, III,	)	
	)	
	)	
vs.	)	Transcript of Record
	)	
The State of South Carolina.	)	
	)	

January 22, 2026
Charleston, South Carolina

B E F O R E:

The Honorable Jocelyn Newman, Judge

A P P E A R A N C E S:

Denise Grainger Swope, Esquire
Attorney for the Applicant

Kylee Kanealey, Esquire
Attorney for the Respondent

Jackson Alexander
Transcriber

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I N D E X

<u>Description</u>	<u>Page</u>	<u>No.</u>
<i>THURSDAY, JANUARY 22, 2026</i>		
<i>Applicant's Case</i>		
CHARLES OTIS JAMES, III, APPLICANT (AW)		
Direct examination by Ms. Swope	4	
Cross-examination by Ms. Kanealey	7	
<i>End of Applicant's Case</i>		
<i>Respondent's Case</i>		
AMANDA HELENE QUILES (RW)		
Direct examination by Ms. Kanealey	8	
Cross-examination by Ms. Swope	12	
<i>End of Respondent's Case</i>		
Certificate Page	17	

1 PROCEEDINGS - JANUARY 22, 2026.

2 MS. KANEALEY: May it please the Court?

3 THE COURT: Yes, ma'am.

4 MS. KANEALEY: Kylee Kanealey on behalf of the State.

5 This is the post-conviction relief matter of Charles O.
6 James, III versus the State. Case number 2025-CP-10-230, out
7 of Charleston County. Applicant is presently confined in the
8 South Carolina Department of Corrections serving a 10-year
9 sentence. In August 2024, the Charleston County Grand Jury
10 indicted Applicant for two counts of second degree criminal
11 sexual conduct with a minor.

12 And on November 21, 2024, Applicant appeared before the
13 Honorable Jennifer B. McCoy and pled guilty to one count of
14 second degree criminal sexual conduct with a minor pursuant
15 to a negotiated range of 8 to 12 years. Amanda Quiles,
16 Esquire, represented Applicant, and Assistant Solicitor
17 Lauren Frierson represented the State. Judge McCoy sentenced
18 Applicant to a sentence of 10 years, and Applicant did not
19 appeal.

20 Applicant filed this PCR application on January 14,
21 2025, alleging counsel was ineffective for failing to give
22 him his Rule 5, failing to investigate any witnesses, and
23 failing to investigate/erroneous advice/coercion. And then,
24 at this time, I'll turn it over to Ms. Swope.

25 THE COURT: Ms. Swope?

1 MS. SWOPE: Yes, your Honor, that is correct.

2 THE COURT: Okay. You're prepared to go forward?

3 MS. SWOPE: I am.

4 THE COURT: Call your first witness.

5 MS. SWOPE: I would call Mr. James to the stand,
6 please.

7 CHARLES OTIS JAMES, III,

8 being duly sworn, testified as follows:

9 THE CLERK: Please be seated. Now, please state your
10 full name into the microphone. Spell your last name for the
11 record.

12 THE WITNESS: Charles Otis James, III. James,
13 J-A-M-E-S.

14 THE COURT: Your witness.

15 MS. SWOPE: Okay.

16 DIRECT EXAMINATION

17 BY MS. SWOPE:

18 Q. Mr. James, you understand that we're here for your
19 post-conviction relief, so we're going to be talking about
20 what -- your attorney's representation.

21 A. Yes, ma'am.

22 Q. Okay. And the primary thing that you and I
23 discussed was the discovery of the Rule 5.

24 A. Yes, ma'am.

25 Q. Can you explain to the Court when and how you got

1 an opportunity to review that?

2 A. I didn't get a review of my Rule 5 until my court
3 date when I was supposedly supposed to take the plea.

4 Q. Okay. And so, you didn't get it beforehand, it
5 wasn't mailed to you?

6 A. No, ma'am. I got it at court.

7 Q. Okay. And how long did you speak with your
8 attorney at court prior to the plea?

9 A. For enough -- I don't know exactly how long, not
10 long.

11 Q. Okay. Did you feel like it was long enough for
12 you to understand the evidence against you and go over your
13 Rule 5?

14 A. No, ma'am.

15 Q. Okay. And that being the case, because I know
16 this -- the AG is going to ask you, and you and I discussed
17 this, when you went before the Court and the Court asked the
18 questions regarding whether or not you wanted to take the
19 plea and whether you understood.

20 A. Uh-huh.

21 Q. If you didn't understand your Rule 5 and -- and
22 you didn't want to go forward, why did you answer him that
23 way?

24 A. To be honest, I was just going through the motions
25 as a normal routine. I wasn't really -- I didn't actually

1 know what to do because I was emotional because I was asking
2 for a continuance and I wasn't able to get it. So I was just
3 like, "I have no other choice but to take it."

4 Q. Okay. And do you have any sort of a learning
5 disability, Mr. James?

6 A. Yes, ma'am. I have an IEP.

7 Q. Okay. And what -- what does that entail?

8 A. ADHD, learning disability.

9 Q. Okay. And your learning disability, if I remember
10 correctly, is related to your reading?

11 A. Yes, ma'am.

12 Q. Is that right?

13 A. I have a 5.3 reading level.

14 Q. Meaning fifth grade?

15 A. Yes, ma'am.

16 Q. And do you receive special accommodations at SCDC
17 when you have hearings and that sort of thing because of
18 that?

19 A. Yes, ma'am. I have an assistance of counsel.

20 Q. Okay. Is there anything we haven't covered that
21 you wanted to explain to the Judge?

22 A. No, ma'am.

23 MS. SWOPE: Okay. I believe that's all I have, your
24 Honor.

25 THE COURT: Cross-examination?

1 MS. KANEALEY: Briefly, your Honor.

2 CROSS-EXAMINATION

3 BY MS. KANEALEY:

4 Q. So, you did tell the plea court that you had
5 enough time to talk to your attorney?

6 A. Yes, ma'am.

7 Q. And then again, you reiterated that and told the
8 plea court that you did not need any more time before you
9 went forward with her?

10 A. Yes, ma'am.

11 MS. KANEALEY: Okay. Nothing further, your Honor.

12 THE COURT: Any re-direct?

13 MS. SWOPE: Nothing, your Honor.

14 THE COURT: Thank you. You may step down. Any
15 additional witnesses, Ms. Swope?

16 MS. SWOPE: None, your Honor. I believe the AG is
17 going to call plea counsel.

18 THE COURT: Yes, ma'am?

19 MS. KANEALEY: Yes, your Honor. The State would call
20 Amanda Quiles to the stand.

21 AMANDA HELENE QUILES,

22 being duly sworn, testified as follows:

23 THE CLERK: Please be seated. Now, please state your
24 full name into the microphone. Spell your last name for the
25 record.

1 THE WITNESS: Amanda Helene Quiles, Q-U-I-L-E-S. At
2 the time of this plea, your Honor, my last name was Monaco,
3 M-O-N-A-C-O.

4 THE COURT: Pronounce your last name. Your current
5 last name.

6 THE WITNESS: Quiles like a key.

7 THE COURT: Okay, thank you.

8 DIRECT EXAMINATION

9 BY MS. KANEALEY:

10 Q. How are you doing today?

11 A. I'm well, and yourself?

12 Q. I'm good. How long have you been practicing the
13 law?

14 A. I've been a public defender for eight years.

15 Q. Okay. And do you recall -- were you appointed or
16 retained in this case?

17 A. I was appointed.

18 Q. Okay. And do you recall when you were appointed?

19 A. I have my notes from my case file, if I may
20 consult those. This case was handed to me. A prior attorney
21 by the name of "Claire Schulmeister" represented James prior
22 to my representation, and I began representing James myself
23 March 2024.

24 Q. Okay. And how many times roughly did you meet
25 with the Applicant?

1 A. James was incarcerated at SCDC when I was given
2 his file. He was incarcerated due to other charges that he
3 pled to and resolved under Claire. So I did not physically
4 meet with James throughout my representation. We had three
5 different attorney phone calls while he was incarcerated at
6 SCDC. So when I met with him, I met with him via telephone.
7 I met with him in person the morning of his plea when he was
8 transported to court.

9 Q. Okay. And can you give us a brief overview of the
10 evidence the State had against the Applicant?

11 A. Sure. In my various phone calls with James, which
12 were March 13, 2024, October 30, 2024, and August 20, 2024,
13 we went over the Rule 5. At the time that I represented him,
14 there was already a speedy trial motion filed by Ms.
15 Schulmeister. So we discussed what the allegations were.
16 This was a criminal sexual conduct case. I explained to him
17 that that charge was both most serious, required the sex
18 offender registry, and was violent in nature.

19 The allegations included a young woman alleging that he
20 had penetrated her in a public park. The body cam footage
21 revealed that after that allegation, she went home, she told
22 her family, and the police arrived. The young woman
23 identified Charles through a photographic lineup after
24 providing some specific descriptions about her assailant.
25 That included the specific hair color, as well as a tattoo.

1 So I went over with James the photo lineup, her -- her
2 specific allegations on body camera, followed by a forensic
3 interview. She was taken in for a SANE kit, and that DNA did
4 come back to Mr. James. And that was the crux of many of our
5 conversations. It was a pleasure to represent Mr. James. It
6 was just a very tough case.

7 Throughout our representation, we talked about what
8 would come out at trial, which would include the photo
9 identification, as well as the evidence -- the DNA evidence
10 specifically from that SANE kit in her clothing, in private
11 areas. And given that, we spent hours on the phone with each
12 other talking about those issues.

13 At the time of the plea, Mr. James indicated that he
14 didn't want to have a trial due to -- specifically due to
15 some of that evidence. I will say Mr. James was put on the
16 spot, because when he did come to court -- we knew he was
17 coming to court. I did know he wanted his Rule 5 at SCDC.
18 My notes indicate that I did try and mail it. He indicated
19 to me he never received it. So we spent one hour before the
20 plea for him to review his Rule 5 with me and discuss
21 everything again.

22 The Solicitor said if he didn't plea that day, she
23 would have the offer rejected and put him on a trial docket.
24 So we took that extra hour with permission from the Solicitor
25 and the Court to sit down and make sure that he was ready for

1 whatever he chose for court that day.

2 Q. Okay. And so, did you have time to fully go over
3 the discovery with him?

4 A. Yes.

5 Q. Okay. And did you discuss the indictments and
6 what the State needed to prove?

7 A. Yes.

8 Q. Okay. And just getting into the allegations, did
9 Applicant ask you to investigate any witnesses?

10 A. In my documented notes, I do not see that as a
11 request. If I just may have a moment? My notes indicate
12 that we both did a supplemental request for discovery, which
13 was fulfilled based on the DNA evidence. He had requested
14 additional discovery. I followed up on that. He requested I
15 withdraw the speedy trial motion.

16 There was one point where he was considering hiring
17 private counsel. That did not happen. But specifically in
18 my notes, I do not see any notes that I left about
19 investigation, nor do I see that I made any attempts to
20 investigate witnesses. The issue was that this was sort of a
21 "he said/she said" with the two of them in the public
22 bathroom. So knowing what I know about that, I wasn't aware
23 of anyone being present at the time.

24 Q. Okay. And did you discuss the rights he was
25 giving up by pleading guilty?

1 A. Yes.

2 Q. Okay. And did you have any concerns at any point
3 about his competency?

4 A. No.

5 MS. KANEALEY: Okay. Nothing further, your Honor.

6 THE COURT: Cross-examination?

7 MS. SWOPE: Yes, briefly, your Honor.

8 CROSS-EXAMINATION

9 BY MS. SWOPE:

10 Q. Were you made aware about his reading level or
11 reading issues?

12 A. I was not.

13 Q. Okay. And you -- you felt like he understood the
14 evidence that you discussed with him?

15 A. Yes.

16 Q. And the primary evidence was the witness herself,
17 she was underage, and the DNA; is that right?

18 A. Correct. As well as the photo identification.

19 MS. SWOPE: Okay. Give me one second, your Honor.

20 BY MS. SWOPE:

21 Q. And I think we already covered this, but just for
22 clarity, Mr. James did want more time. He did want a
23 continuance, and you had asked that, but they said they would
24 withdraw the plea if that was done?

25 A. They would withdraw the plea offer, correct.

1 Q. And then --

2 A. So we stood down to get additional time -- to give
3 him that additional time. For Mr. James's benefit, my notes
4 indicate that he was having a very hard time that day. I
5 wrote down in my notes that he was crying throughout our
6 conversations. And I don't say this to embarrass him, I say
7 this because I know it was a difficult decision that he made
8 that day.

9 Just for the Court's benefit, I'd also like to add that
10 his mother was very proactive in his case. He authorized me
11 to speak to her throughout the duration of my representation.
12 So I was able to do that. His family was present for the
13 plea, but I also want to reiterate, I was not made aware by
14 James or his family of any learning disabilities. I would
15 have certainly investigated that had I had known.

16 My mitigation information about him revealed that he
17 had worked and he was in school at one point. So -- and I
18 also -- would also just like the Court to know, for Mr. James
19 to have the benefit and the thoroughness of this hearing,
20 that we did discuss the law of consent. And that was a big
21 issue in this case, despite the fact that she was a minor.
22 So that was something that we had a conversation about on
23 whether or not we could assert the defense of consent.

24 MS. SWOPE: Okay. Your Honor, I don't believe that I
25 have anything further.

1 THE COURT: Anything further?

2 MS. KANEALEY: Nothing further from the State, your
3 Honor.

4 THE COURT: Okay. Thank you. You may step down.

5 MS. QUILES: Thank you, your Honor.

6 THE COURT: Any additional witnesses from the State?

7 MS. KANEALEY: No, your Honor.

8 THE COURT: Anything in reply?

9 MS. SWOPE: Nothing, your Honor, other than I had sent
10 over a release for Mr. James to sign so that SCDC could get
11 me verification regarding his special accommodations. And
12 with everything going on in my personal life, I did not
13 follow up this week. I would just ask that the record be
14 left open for a very brief period of time for me to submit
15 that.

16 He did testify to it. And then that may be sufficient,
17 but I was told verbally that he had these accommodations, and
18 they said that they would send me something in writing that
19 he did. If your Honor thinks that that evidence is
20 necessary, I'm happy to provide it, but he did testify to it.

21 THE COURT: Okay. I'm not going to leave the record
22 open. I will assume that he does, in fact, have some
23 learning disability or had an IEP while in school. However,
24 the PCR application is nonetheless going to be denied. Even
25 assuming that that is true, plea counsel testified that she

1 knew nothing about that, had no reason to know that, neither
2 the Applicant nor his mother told him -- told her about those
3 learning difficulties.

4 She reviewed discovery with the Applicant, who seemed
5 to understand and communicate with her. In fact, I would
6 have a greater concern had it simply been mailed to him
7 without explanation, but they sat down for at least an hour
8 reviewing the discovery together. As to -- let me make sure
9 I get the allegation.

10 As to his allegation that Counsel should have
11 interviewed witnesses, first off, he didn't testify about
12 that, but more than that, given the nature of the
13 circumstances leading up to the crime, it is not apparent
14 that there would have been any witnesses. Therefore, none
15 would have been investigated with the crime occurring with
16 just the defense -- oh, the Applicant and the victim alone in
17 the place.

18 And she testified that he didn't give her any names of
19 any witnesses to investigate. There's some bit in there
20 about coercion, but I didn't hear any testimony about
21 coercion, simply that the Applicant wanted a continuance,
22 which is not within Counsel's discretion, but there would
23 have been consequences to having that continuance, and that
24 would have negatively affected Applicant, and that the
25 State's plea offer would have been withdrawn had the plea not

1 gone forward on that day.

2 That, coupled with reading of the transcript and all
3 the answers that he gave to the plea judge, lead me to deny
4 the application for post-conviction relief. There's
5 certainly been no demonstration of any prejudice resulting
6 from any alleged errors. Although the Court finds no errors,
7 there's no testimony about any prejudice either. So it's
8 denied, and I'll ask the State for a proposed order within 20
9 days.

10 MS. KANEALEY: What was the --

11 THE COURT: 20.

12 MS. KANEALEY: 20 days?

13 THE COURT: Yes.

14 MS. KANEALEY: Okay. Yes, your Honor.

15 THE COURT: Thank you.

16 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

17 10:54 A.M.)

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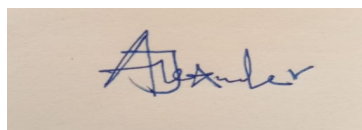
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CERTIFICATE OF TRANSCRIBER

I, JACKSON ALEXANDER, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 9 of Charleston County, South Carolina, on January 22, 2026.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 3, 2026.

A rectangular box containing a handwritten signature in blue ink. The signature appears to be "Alexander" written in a cursive, stylized script.

JACKSON ALEXANDER
Transcriber

1c all

STATE OF SOUTH CAROLINA)

COURT OF COMMON PLEAS

49

County of ☒ Charleston ☐ Berkeley)

Case No. 2025-CP-10-00230

Charles O. James, III SCDC #363721)

Applicant / Petitioner)

vs.)

ORDER

JAN 22 2026

State of South Carolina,)

Respondent.)

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

☒ 1. The application for post-conviction relief is hereby: ☒ denied ☐ granted ☐ under advisement; a formal order will be filed (see below - No.6)

☐ 2. Motion(s) was/were heard in this case and the court orders:
The motion to dismiss and/or for summary judgment is hereby ☐ granted ☐ denied ☐ under advisement, based upon the ☐ statute of limitations and/or ☐ the successive nature of the application or ☐ other reason as follows:

☐ 3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:
☐ Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.
☐ The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or ☐ no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

☐ 4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed ☐ with prejudice ☐ without prejudice.

☐ 5. Other: _____

☒ 6. The court further orders:
☒ The ☒ Attorney General ☐ Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within 20 days.

☐ Both sides are directed to submit proposed orders to the court and to serve the orders on each other within _____ days.

☐ The court does not request proposed orders.

IT IS SO ORDERED.

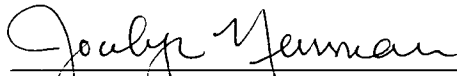
Date: 1 / 22 / 26

Charleston, S.C.

Court Reporter: DCRP

Attorney for State: Kylee Kanealey

Attorney for Applicant: Denise G. Swope


Presiding Judge

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Charles O. James, III, #363721,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2025-CP-10-00230
)
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ORDER OF DISMISSAL

FILED

FEB 18 2026

**JULIE J. ARMSTRONG
CLERK, C.P. & G.S.**

This matter comes before the Court by way of Charles O. James' (Applicant's) application for post-conviction relief (PCR) filed January 14, 2025. On January 22, 2026, an evidentiary hearing was held at the Charleston County Courthouse before the Honorable Jocelyn Newman. Applicant was present and represented by Denise Swope, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the allegations in his application. Applicant testified on his own behalf. Respondent presented the testimony of Amanda Quiles, Esquire.

Following a thorough review of the record, along with the testimony and evidence presented at the 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 in the South Carolina Department of Corrections, serving a ten-year sentence. In August 2024, the Charleston County Grand Jury indicted Applicant for two counts of second-degree criminal sexual conduct (CSC) with a minor (2024-GS-10-03817, -03818). On November 21, 2024, Applicant appeared before the Honorable Jennifer B. McCoy and



pled guilty to one count of second-degree criminal sexual conduct with a minor (2024-GS-10-3817)¹ pursuant to a negotiated range of eight to twelve years. Amanda H. Monaco, Esquire, represented Applicant. Assistant Solicitor Lauren M. Frierson represented the State. Judge McCoy sentenced Applicant to 10 years. Applicant did not appeal.

CURRENT APPLICATION

On January 14, 2025, Applicant timely filed this PCR action alleging he is being held in custody unlawfully based on the following allegations of ineffective assistance of counsel:

- 1) "Failure to give me my rule 5"
- 2) "Lawyer failed to investigate any witnesses"
- 3) "Counsel [failed] to investigate, erroneous advice/[coercion]"

As relief, Applicant requests "new [trial], vacated".

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston 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 also had the opportunity to observe the witnesses presented at the hearing, to closely pass upon their credibility, and to 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 section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel / Involuntary Plea

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel,

¹ The other charge was nolle prossed pursuant to the plea agreement.



the applicant must show counsel was deficient, and the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625. When reviewing a guilty plea, the Strickland deficiency prong remains unchanged – Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58-59. To show prejudice, Applicant must show a reasonable probability "that, but for counsel's [alleged] errors, he would not have pled guilty and would have insisted on going to trial." Id. at 59. To be knowing and voluntary, the defendant must be advised of the constitutional rights he is waiving, including the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243.

Failure to Give Discovery

Applicant alleged counsel was ineffective for failing to give him his discovery materials. This Court finds this allegation is without merit.

Applicant testified that he did not get his discovery until his plea. Applicant testified that he did not understand his discovery and that he has a learning disability.

Counsel testified that she had time to fully review the discovery with Applicant. Counsel



testified that she had no concerns with Applicant's ability to understand the discovery and no concerns with Applicant's competency. Counsel testified that she was not made aware of his learning disability. This Court finds counsel's testimony *credible*. This Court finds Counsel fully reviewed Applicant's discovery with him prior to the plea and Applicant failed to prove counsel was deficient.

An applicant who alleges his or her defense attorney was ineffective in failing to spend more time preparing or providing a copy of the discovery materials must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. 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, 422 S.C. 174, 810 S.E.2d 836. Furthermore, an applicant must also show how the new evidence or defenses would have resulted in a different outcome. Id. (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 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)). Applicant has not suggested *any* defenses, or *any* evidence or *anything* that should have been investigated further, resulting in mere speculation. Further, Applicant told the plea court that he did not need any more time with his counsel before he went forward with his guilty plea. (Plea Tr. p. 5). This Court finds Applicant has failed to prove prejudice. Applicant has failed to prove deficiency and prejudice, and therefore, this claim is denied.

Failure to Investigate any Witnesses

Applicant raised the allegation of failure to investigate any witnesses in his application. Applicant failed to present any evidence, testimony, or legal authority regarding this allegation at the evidentiary hearing. "When a party provides no legal authority regarding a particular argument, the argument is abandoned, and the court will not address the merits of the issue." Palmer v. State, 427 S.C. 36, 47, 829 S.E.2d 255, 261 (Ct. App. 2019) (citing State v. Lindsey, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011)). Therefore, this Court deems the allegation abandoned.

Erroneous Advice/ Coercion

Applicant alleged Counsel was ineffective for giving erroneous advice and coercing Applicant. This Court finds this allegation is without merit.

Applicant did not provide what advice counsel gave him that was "erroneous," nor did Applicant testify to how he was coerced into pleading guilty. An applicant who enters a guilty plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty but would have insisted on going to trial instead. Roscoe v. State, 345 S.C 16, 20, 546 S.E.2d 417, 419 (2001); Richardson v. State, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whiteley, 759 F.2d 317 (4th Circ. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so).

Counsel testified that she went over the discovery with Applicant. Counsel testified that she advised Applicant of the rights he was giving up by pleading guilty. Counsel testified that she had no concerns with Applicant's competency or his ability to understand his discovery. This Court finds counsel's testimony *credible*.

Further, the plea colloquy shows that Applicant told the plea court that no one promised him anything or forced him to plead guilty. (Plea Tr. p. 6). Applicant told the plea court that he had enough time to talk to his attorney. (Plea Tr. p. 5). Applicant told the plea court he did not need any more time with his attorney before going forward. (Plea Tr. p. 5).

Applicant has failed to provide any valid reason why he should be able to depart from his statements made at his guilty plea. Applicant has failed to prove deficiency and prejudice, and therefore, this claim is denied.

CONCLUSION

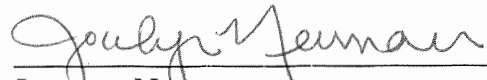
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

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), SCRCR, 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:

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

AND IT IS SO ORDERED this 11th day of February, 2026.



JOCELYN NEWMAN
Presiding Judge
Ninth Judicial Circuit

Columbia, South Carolina

LBM/0402997
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2022-030969

ARREST WARRANT NUMBER

2023A1010203516

DATE OF ARREST

07/03/2023

ACTION OF GRAND JURY

TRUE BILL

M. Miller AUG 13 2024

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-10-03817

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

AUGUST TERM 2024

THE STATE

VS.

CHARLES OTIS JAMES, III

B/M DOB [REDACTED] 1996

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE**

SC Code: § 16-03-0655(B)(1)

CDR Code: 0396

FILED

8/27/2024 2:58:30 PM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

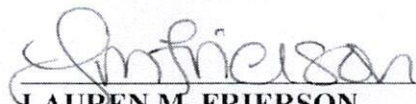
INDICTMENT

At a Court of General Sessions, convened August 2024, the Grand Jurors of Charleston County present upon their oath:

Criminal Sexual Conduct With A Minor, Second Degree

That in Charleston County, South Carolina, on or about November 25, 2022, the Defendant, Charles Otis James III, did commit, or assaulted with the intent to commit, a sexual battery upon a minor **MINOR** to wit: vaginal penetration; who was fourteen years of age or less but who was at least eleven years of age in violation of Sections 16-3-655(B)(1) and 16-3-656 of the South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


LAUREN M. FRIERSON
ASSISTANT SOLICITOR