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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
Post Conviction Relief

H.S. DeBerry, IV Circuit Court Judge

Lower Court Case No.: 2024-CP-43-00694

Jeremiah C. Owings #264095,..... Petitioner,

vs.

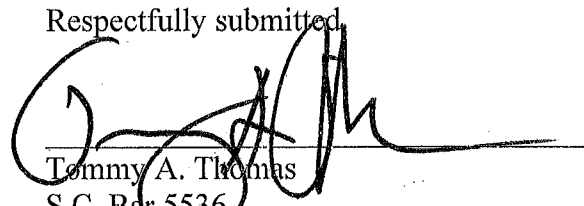
State of South Carolina,Respondent.

NOTICE OF APPEAL

The Petitioner, Jeremiah C. Owings #264095, appeals the Order of Dismissal signed by
the Honorable H.S. DeBerry, IV on September 9, 2026, and filed on September 14, 2026.

Applicant received a copy of this Order of Dismissal on September 15, 2026.

Respectfully submitted,


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October 7, 2026

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER FOR THE THIRD JUDICIAL CIRCUIT

Jeremiah C. Owings, SCDC #264095
Applicant,

Case No.: 2024-CP-43-00694

v.
State of South Carolina,

Respondent.

ORDER OF DISMISSAL

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Sherry H. How
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Jeremiah C. Owings ("Applicant") on April 18, 2024. On August 20, 2025, an evidentiary hearing was convened before the Honorable H. S. DeBerry, IV. Applicant was present and represented by Tommy Arthur Thomas, Esquire. Assistant Attorney General T. Cruise Mitchell represented the State. At the evidentiary hearing, testimony was taken from Applicant and trial counsels, Christian G. Spradley, Esquire ("Counsel Spradley"), Joseph Thomas McElveen, III ("Counsel McElveen"), and Billy J. Garrett, Jr. ("Counsel Garrett"). After hearing the testimony at the PCR hearing and upon full review of the record, this Court finds all of Applicant's allegations are without merit. For the reasons discussed below, this Court denies and dismisses this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Sumter County Clerk of Court. During its April 2022 term, the Sumter County Grand Jury indicted Applicant for attempted murder (2022-GS-43-00297, count 1); child abuse/neglect (-00297, count 2); and possession of a weapon during the commission of a violent crime (-00297, count 3). Additionally, Applicant waived his right to presentment to a grand

jury for three counts of assault and battery, 1st degree (A&B 1st) (2023-GS-43-00839, -00840, -00841). The case was prosecuted by Heather S. Weiss of the South Carolina Attorney General's Office. Applicant was represented by Billy J. Garrett, Jr., Christian G. Spradley, and Joseph T. McElveen, Esquires.

On August 17, 2023, Applicant appeared before the Honorable Walton J. McLeod, IV, and pleaded guilty to the lesser included offense of assault and battery of a high and aggravated nature (ABHAN) and three counts of assault and battery first degree (A&B 1st). In exchange for his guilty plea, the State dismissed the child abuse/neglect charge and the weapons charge along with an unrelated first-degree burglary charge from Saluda County. Pursuant to negotiations between the State and Applicant, Judge McLeod sentenced Applicant to eleven years' imprisonment for ABHAN and ten years' imprisonment for each count of A&B 1st, with those sentences to run concurrently. Applicant did not file a direct appeal.

CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following:

1. Ineffective Assistance of Counsel
 - a. "This application will be amended after the transcript has been received. The Applicant reserves the right to amend this Application as it becomes necessary."
2. Involuntary Guilty Plea

On August 18, 2025, Applicant, through PCR Counsel, amended his applicaiotn to included the additional grounds for relief:

1. That the Applicant did not enter into him plea freely, voluntarily, knowingly, or intelligently.
 - a. The Applicant lost faith in the representation of his Attorney. This loss of faith created a sense of despair and desperation.
 - b. This culminated in the Applicant pleading guilty to a plea offer from the State when he still contended to counsel that he was innocent and wished to go to trial.

- c. The Applicant retained counsel because in his initial meeting counsel reassured the Applicant that he believed he was innocent of the crime and would fight on his behalf.
 - d. The Applicant had charges pending in both Sumter and Saluda Counties. The charges in Saluda County were for Larceny and Burglary 1st. The charges in Sumter was initially unlawful neglect of a minor. It was later enhanced to attempted murder.
 - e. The Applicant was told by counsel at the first meeting that upon payment of the retainer he would be released on Bond within a week. This never occurred. The Applicant believes that the failure to pursue a bond made it difficult to adequately assist in his defense.
 - f. That Defense Counsel never hired any forensic experts despite promises that he would. The State contended that the Applicant was grossly intoxicated and belligerent when this in fact was not true. His blood alcohol level was in fact .02. In addition, his daughter, the victim in this case, was found to have fentanyl in her system. This was never investigated nor considered in contrast to the State's narrative that the Applicant was the aggressor.
 - g. Defense Counsel never prepared the case for trial and never did any investigative work on the case. Counsel did give the Applicant a copy of the discovery and asked for him to make detailed notes regarding his concerns. This was done, but to his knowledge, no action was ever taken by Counsel.
 - h. Defense Counsel routinely responded to the Applicants questions without an answer and only replied that the case was political without explanation.
 - i. Defense Counsel also told the Applicant to accept the plea offer and if he didn't, that he would be given Life without Parole. Counsel never actually explained why or how. Placing great pressure on the Applicant to accept the plea.
 - j. Defense Counsel told Applicant that unless he accepted the plea that he would have to remain at the detention center for an additional two years beyond the two years he had already been in custody, as a result of counsels failure to ask for a bond.
 - k. That Defense Counsel retained two additional attorneys, Chris Spradley and Thomas McEleveen, III. As a result the Sumter Solicitor's Office was conflicted out and the case was prosecuted by the Attorney General's Office. In addition, the venue of the Sumter case was changed to McCormick County. These actions were never adequately explained to the Applicant or how these charges could benefit him.
 - l. That the day of the Plea, Applicant was present with additional charges and indictments for additional victims. The Applicant was in essence forced to sign the indictments and accept responsibility for the crimes that he did not do. As a result he now has to sign the child neglect registry.
 - m. The Applicant is informed and believes that as a result, he was left with no other choice but to plea guilty. This plea was not freely, voluntarily, knowingly or intelligently given.
2. Any and all other issues as they may arise from the PCR Trial.

Before this Court are the Sumter County Clerk of Court records regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcripts, Applicant's records from his direct appeal, and the records of the current PCR action.

FACTS

The following summary was taken, verbatim, from the Solicitor's recitation of the facts at Applicant's guilty plea hearing:

This incident occurred on or about December 5, 2021, in Sumter, South Carolina. It began - - the evening began, they went to a restaurant for dinner and then went to a bar that serves food named Shuckers to shoot pool. The defendant had all four of his children with him, he was the only adult supervising them, and that was [Minor 1], [Minor 2], and then [Minor 3] and [Minor 4], who ranged in age from eight to fifteen at the time.

Your Honor, he took them there. He started drinking. We have the receipts where he had been drinking at the bar that night. He was drinking liquor before he started playing pool and at some point it started to get late, Mr. Owings started to get very intoxicated and the children wanted to go home. They had school the next day and they wanted to go to home to get to bed so they could get to school the next day. They also had experienced - - had had experiences with Mr. Owings when he was intoxicated and they wanted to get home before anything happened.

So at some point he had called a woman that he worked with to come to the bar. He had been hanging out with that woman and she eventually got him to get into her car and she said she would take him home, which left the four children at the bar. The oldest was... She was fifteen years old at the time and she had a permit. She did not have a restricted or driver's license, but she had a permit and so at that point she got in the car, put the other three children in the car and drove home. And in her description, once she got in the car she drove home as fast as she could. So drove home as fast as she could. She said she actually ran two red lights trying to get home before her father got home - - before the woman got her father home.

When they got to the house [the minor children] all quickly got changed and got into bed and tried to be asleep - - tried to act as if they were asleep before Jeremiah got home. [Minors 1&2] went to check and see if he was there, saw him being brought home by his - - by the female that was bringing him home and they all then laid down and pretended to be asleep or attempted to go to sleep to try to keep anything else from happening. They wanted to go to bed and they hoped he would just go to his room and that would be the end of the night. Unfortunately, it was not.

Mr. Owings came into the house and immediately started yelling "anyone, anyone" trying to get some sort of a rise out of the kids. The kids were the only ones there, so there was not an adult that could have answered that "anybody, anybody", and then started yelling "anybody F'ing know where my phone is at", and the kids, mind you, are all in their bedroom at that point.

[Minor 1], being the oldest, got up, got out of bed, came in, found his phone, gave it to him and then he walked out into the garage and she went back to her room hoping that he was done and he would forget about them and they could go sleep.

[Minor 1] said that she didn't want all the kids sleeping in the same room in case he did come in one of them and started messing with them, yelling at them, punching at them. If there was some roughhousing, she just didn't want them - - so she had the boys in one room, the girls were in the other. She heard him go to the boy's room. She heard him ask them what they were doing, they said they were laying down, and so she said she heard some commotion in there a little bit for a while and then she heard him leave their room. He walked towards the girls' room, stood outside the door, then walked down the hallway, and when he walked down the hallway started yelling for [Minor 1].

He went into the restroom and then came back into the kitchen. He - - she said that she didn't say anything to him. He was very - - he was disheveled, kind of falling out when he came out of the bathroom. She didn't say anything to him. He asked her where his phone was again. She went in the garage, found it, brought it back to him, she gave the phone to him and then went back to her room.

[Minor 1] was scared, [Minor 2] knew it, so [Minor 2] had [Minor 1] sleep on inside closet to the window hoping that that might keep them safer.

So then Jeremiah started calling for [Minor 1] again. [Minor 2] told her if you wait here maybe he'll just stop calling you. He called [Minor 1] again, she didn't go and then he called again, so she finally got up and walked back into the kitchen. Jeremiah told her that when she finally came to the kitchen she need to come the first time that he called for her. She feared that Jeremiah was gonna do something to her and that's why she didn't go the first time that he called to her. She just said okay and asked him what he needed. He told her that she didn't have enough respect for him and she responded with "respect" somewhat probably sarcastically from what I understand.

Jeremiah told her to go to store and get him some cigars. At that point she said she's not old enough to get cigars, but she went and found him his cigars. He said that - - that he didn't care that he had cigars and she said okay, fine, I'll go get you some, but I need to get to my - - I need to get the keys off the counter.

So then he got angry and started walking towards her. She was backing up. She backed herself into a corner where he was standing in front of her and she described he was - - he pulled out a knife. He always carried a knife, a pocketknife, with him. He always kept it very sharp and they described that he would slide it down his arm to show that the hair on his arm would come off when he slide the knife down just to show how sharp it was. And that was a common thing, he kept the knife with him. But he pulled out the knife and opened it and told [Minor 1] at that point if you run away from me, I will stab you while jabbing the knife at her.

She stated after she backed into the corner - - she ended up backed into the corner. She said please stop, I'll go to the store, I'll get anything you need and Jeremiah started yelling back at her and then started hitting her with the - - with his forehead and the bill of his hat.

So, if you can imagine, she's in the corner, he's got the hat and he's kind of that close knocking on her that way. She was moving around trying to get away, but he had her arm and he made - - during this time there were two little scratches that he had put her on her arm from the knife just - - and she was understandably terrified at that point. She said

she begged him to stop cutting her, that they were basically scratches, but she was scared and she was scared that he was gonna kill her.

So she was able to pull away and get her arm free. As she was trying to get away from Jeremiah, his arm moved towards her and she felt something wet on her neck. She said it happened fast, she blacked out, and when she came to he was slapping her on the face saying "come on, come on, wake up". She was on the floor by the couch. [Minor 2] was in the hallway calling for help. Jeremiah was yelling at [Minor 2] and the people on the phone. He was holding her neck and she could hear him telling the people on the phone that it was an accident and before the police arrived [Minor 1] was telling her dad please don't let me die and she told him she was sorry for making him mad. And before the police got to the house, Jeremiah told [Minor 1] to say it was an accident.

When law enforcement and EMS arrived, [Minor 1] was taken to Prisma Hospital in Sumter and from there she was transported to Prisma Richland in Columbia. She initially told the responding officers that it was an accident; however, that is not - - that is not her feeling at this time, but she did it because she was scared she was gonna be sent back to live with Jeremiah, which there had been back and forth over the years of her life.

Law enforcement said when they arrived - - we have a body-worn camera of them arriving and that's really the one video we have of the scene. As they arrived, the video has Jeremiah yelling. You can't really make out what he's yelling, but it's very, very distinct, very angry yelling from inside the house. They come in and he is holding [Minor 1]'s neck. There was approximately a 4-inch laceration on the right side of her neck possibly close to an inch or - - an inch deep? I may be wrong on that, but it had nicked her carotid, so it was - - he was holding her by the neck. [Minor 2] saw - - heard her - - heard the commotion and she saw that.

Law enforcement was able to get him out. The boys were in the next room. They had come out of their bedroom. They were in the next room and they got all of the kids to go back into back into another room and got 9-1-1 there. They actually tried to even to get a heli flight to come to take her because it was such a touch-and-go-type situation. Fortunately, the officer that arrived was able to keep pressure on it and when the medics got there they were able to put pressure. They were very concerned about how they could safely transport her from there to a hospital to get stabilized without causing more damage. They were very concerned about the chances of her bleeding out at that point. And it's all very descriptive. You can see it clearly on the video.

The defendant was arrested for unlawful conduct towards a child initially, the kids that night. [Minor 2] was terrified. They were all terrified that something was going to happen to all of them from the time he started getting drunk at the bar until the time he was taken away and they were EPC'd.

Your Honor, the oldest boy, who was ten years old at the time, had indicated that he believed his sister was dead because he saw her get taken away and hadn't seen her again for a month and finally DSS let him see her again.

The children have - - have given statements. They are terrified of Jeremiah and they just want to know that he - - the reason for the negotiation after all of those facts that I read to you is when in talking to them the biggest issue was they wanted to be - - they wanted to be adults, as old as they could be, before he got out of prison. They wanted to know they had a few years to figure out who they were, to get counseling, to try to get their lives on track, graduate high school, go on and just do things without worrying.

They've been hearing rumors, and I'm not saying it's coming from him, I'm just - they've been hearing rumors ever since he went to jail that he was getting out the next month, he was getting out in two months, and he was coming back and he was gonna reunite the family. I don't know how they were hearing that or where it was coming from. I'm not saying. It's just they have been terrified the whole time he was in jail. They wanted some sort of definite sentence, so we got to this number. This number with the time served that he already has credit for, both of the girls will be in their twenties when he's released. The oldest boy - - the oldest son should be about eighteen and the youngest to be about sixteen and a half, so getting everybody up to almost adulthood and adulthood is where we came to the negotiations on the sentence.

The ABHAN is for the cut on [Minor 1]'s neck and the assault and battery first degree is for the fear of the imminent peril that they felt that they were in of serious bodily injury or death for the three children that were present that night.

(Gp. Tr. p. 9-18).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and 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 this Court's findings of facts and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel, Generally

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). 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* to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). 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; *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 "[without 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)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. *Hill v. Lockhart*, 474 U.S. 52 (1985), extended the two-part *Strickland* test to challenge guilty pleas based on ineffective assistance of counsel. *See Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel's performance under the first prong of *Strickland* remains unchanged, the applicant must show that counsel's representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. *Hill*, 474 U.S. at 58–59; *accord Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." *Hill*, 474 U.S. at 56. The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." *Id.* at 58–59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." *Id.* at 59.

This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. *Lee v. United States*, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. *Padilla*, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—**not** whether counsel would have still advised him or her to plead guilty. *Turner v. State*, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

Counsel's Failure to Pursue Bond

Applicant alleges Counsel was ineffective for failing to pursue bond. This allegation is without merit. Applicant has failed to demonstrate how the absence of a bond hearing affected the voluntariness of his guilty plea.

This Court finds Counsels were not deficient for failing to pursue bond. Following Applicant's arrest on his first degree burglary charge, a most serious offense, Counsels successfully obtained bond for Applicant. It was not until he was arrested for the attempted murder

charge arising out of Sumter County that his bond was revoked. At this point, considering Applicant was facing a multitude of charges, including two most serious offenses, it would have been highly improbable for Applicant to obtain a bond. Furthermore, Counsel Garrett testified he did not believe Applicant was a good candidate for bond due to his two sets of charges and additional small charges he obtained while in the detention center. (PCR Tr. pp. 129-130). This Court finds this a valid reason for not further pursuing a bond. This Court finds Applicant has not demonstrated what additional information or arguments Counsels could have made to obtain a bond at that point. Therefore, this Court finds Counsels were not deficient for failing to pursue bond.

Furthermore, Applicant has failed to prove he was prejudiced by any alleged deficiency. This Court finds Applicant was able to fully participate in his own defense, engage with Counsels, and review discovery while detained in pre-trial detention center. At the evidentiary hearing, Counsel Garrett testified to the access he had with Applicant while he was detained:

Q. And once he was in McMormick, you were able to meet - - go meet with him while he was in detention center?

A. I had access to him fully. Every time I got a discovery document, we would make sure he got all of it. We put it in notebooks for him. And as he said a few minutes ago, he would go through it and mark it and tab it, and then I would come in after he had done that, and we would sit down and discuss it in great detail.

(PCR Tr. p. 93).

Clearly, based on Counsel's credible testimony, Applicant was not denied the opportunity to fully participate in his own defense due to his bond being denied. This Court finds Applicant has wholly failed to demonstrate how obtaining a bond would have affected his decision to plead guilty. This

Court finds Counsels had full access to Applicant while he was detained in the detention center where they were able to thoroughly review discovery and discuss the case. Therefore, this Court finds Applicant has failed to prove prejudice from his inability to obtain bond.

Accordingly, this Court finds this allegation is DENIED.

Counsel's Alleged Failure to Explain How Applicant Was Facing a Life Without Parole Sentence

Applicant alleges Counsel told the Applicant to accept the plea offer and if he did not, that he would be given Life without Parole. Applicant further alleges Counsel never actually explained why or how. Placing great pressure on the Applicant to accept the plea. This allegation is without merit.

At the evidentiary hearing, Applicant testified that Counsel Garrett informed him that Heather Weiss will recommend LWOP due to the two strikes law in South Carolina. (PCR Tr. p. 40). Applicant explained that his record did not support mandatory LWOP, but he was told that "with the burglary, it says if you don't take this 11 years, we take you to court for this, and she will...ask the judge what she can find you guilty for, what the judge recommends." (PCR Tr. p. 40). Applicant testified it was his understanding that two consecutive violent charges can give you life without the possibility of parole. (PCR Tr. p. 41). Applicant explained he "took that plea because it was take the plea or get life" and that he did not fully understand "the criteria it takes for LWOP to be put on me." (PCR Tr. p. 49).

Counsel Spradley testified he primarily represented Applicant on his first-degree burglary and petit larceny charges out of Saluda County. (PCR p. 62). Counsel Spradley explained that this was primarily a circumstantial evidence case which included Applicant's fingerprint on a soda can, his wife's clothes being cut up and left in the house, and a jewelry box being stolen. (PCR Tr. p. 63). Counsel Spradley testified a trial date was set and he was prepared to go to trial. (PCR Tr. p.

65). Counsel Spradley explained he had lengthy discussions with Applicant regarding both sets of charges and his decision to plead or proceed with trial. Counsel Spradley testified he informed Applicant it was his decision whether to take the plea. (PCR Tr. p. 66). Counsel Spradley testified that Applicant's main concern regarding the plea was that he did not want to plead to any charge with the word "child" in it. (PCR Tr. pp. 67-68). Counsel Spradley explained this issue was resolved when the prosecutor agreed to allow Applicant to plead to first-degree assault and battery instead of child neglect. (PCR Tr. p. 68). On cross examination, Counsel Spradley explained that the State was planning on first trying Applicant for the burglary charge out of Saluda County then seek mandatory life without parole on the attempted murder charge out of Sumter County. (PCR Tr. p. 70). Additionally, Counsel Spradley explained that first-degree burglary carries a maximum sentence of life without parole on its own. (PCR Tr. p. 70). Counsel Spradley testified that this information was relayed to Applicant several times. (PCR Tr. p. 70).

Counsel McElveen testified he represented Applicant primarily on the attempted murder charge out of Sumter County. (PCR. Tr. 81). Counsel McElveen testified he explained to Applicant that the State had "two pretty big swings at [Applicant]" based on both sets of charges. Counsel McElveen explained that Applicant was facing life without parole on the first-degree burglary charge alone, and the attempted murder charge carried a maximum of thirty years' imprisonment. (PCR Tr. 83-84). Additionally, Counsel McElveen explained to Applicant that if he was convicted on his Saluda County charges, he would be facing mandatory life without parole on his Sumter County charges. (PCR Tr. pp. 83-84). Counsel McElveen explained that it was ultimately Applicant's decision to plead guilty. (PCR Tr. p. 88).

Counsel Garrett testified that Applicant contacted him regarding the Sumter County charges. Counsel Garrett explained it became evident very quickly Applicant need an attorney to

represent him “solidly on the Saluda case and then solidly on the Sumter case,” so Counsel Spradley was retained on the Saluda case and Counsel McElveen was retained on the Sumter case. (PCR Tr. p. 90-91). Counsel Garrett was the lead attorney for both of the cases. Counsel Garrett testified the prosecutor was very clear that if Applicant was convicted of the Saluda County charges, she was going to seek mandatory life without parole on the Sumter County charges. (PCR Tr. p. 96). Counsel Garrett testified he fully explained the potential sentences he was facing on both the Saluda County and Sumter County charges. (PCR Tr. pp. 97-98). Counsel Garrett testified he never guaranteed Applicant that he would receive a life without parole sentence if he rejected the plea offer. (PCR Tr. p. 100). Counsel Garrett testified he was able to secure a global plea offer of eleven years’ imprisonment on the Sumter County charges, with the burglary charge in Saluda County to be dismissed. (PCR Tr. p. 101). Counsel Garret testified him and his co-counsels explained to Applicant this was the best offer he would receive. (PCR Tr. p. 101). However, Counsel Garrett informed Applicant this was his decision and he was prepared to try both cases. (PCR Tr. p. 101). Counsel Garrett reiterated it was ultimately Applicant’s decision to plead guilty. (PCR Tr. p. 106).

This Court finds Counsels’ properly advised Applicant of the potential sentences he faced, including the possibility of a life without parole sentence. This Court finds Counsels’ testimony on this issue to be credible. All three of Applicant’s counsels testified at the evidentiary hearing that they advised Applicant that he faced the possibility of a life without parole sentence and explained the specific circumstances under which such a sentence could be imposed. Specifically, Applicant faced a potential life without parole sentence based solely on the first-degree burglary charge. Additionally, if Applicant were convicted of first-degree burglary, the State could notice him for mandatory life without parole prior to trial on the attempted murder charge, and, if he were

subsequently convicted of attempted murder, he would receive a mandatory life without parole sentence pursuant to the recidivist statute¹. This Court finds Counsels' adequately explained these consequences to Applicant and that Applicant was fully aware of them prior to the plea. Therefore, this Court finds Counsels' were not deficient for failing to explain how he could receive a life without parole sentence.

Furthermore, this Court finds Applicant cannot demonstrate prejudice, as he testified he took the plea to avoid a potential life without parole sentence. Because Applicant accepted the plea to avoid a sentence that was an entirely possible outcome, this Court finds that he has failed to prove he would have proceeded to trial even if Counsels had further explained the potential for a life without parole sentence. This Court further finds that, based on Counsels credible testimony, Applicant's decision to plead guilty was ultimately his own choice and was made freely, without coercion or misadvice on the part of Counsels.

Accordingly, this Court finds this allegation is DENIED.

Counsel's Alleged Failure to Retain a Forensic Expert

Applicant alleges Counsel was ineffective for failing to hire a forensic expert to show that his blood alcohol level was only .02. This Court finds this allegation is wholly without merit.

A forensic expert did not testify at the PCR hearing, nor was an expert opinion introduced into evidence in any other fashion. Accordingly, as a matter of law, Applicant has not met his burden of proving prejudice from Counsel's failure to present expert witness testimony. *See, e.g., Martin v. State*, 427 S.C. 450, 455, 832 S.E.2d 277, 279–80 (2019) (holding a PCR applicant who claims trial counsel was ineffective for failing to call certain witnesses must produce those witnesses or their testimony at the PCR hearing). Additionally, the record is completely devoid of

¹ See S.C. Code § 17-25-45.

any evidence, besides Applicant's own self-serving testimony, to suggest he was not under the influence of alcohol at the time he committed the attempted murder.

Accordingly, this Court finds this allegation is DENIED.

Counsel's Alleged Failure to Prepare the Case for Trial

Applicant alleges Counsels' were ineffective for failing to prepare the case for trial. Applicant alleges Counsels never did any investigative work on the case. This court finds this allegation is without merit.

This Court finds Counsels were not deficient in their preparation for trial. At the evidentiary hearing, Applicant claimed that Counsels should have further investigated the case. Specifically, Applicant testified that Counsels should have hired forensic experts, further investigate hospital records purportedly demonstrating his daughter's life was not in danger, and further investigate his urine sample showing he only had .02 blood alcohol level.

Counsel McElveen testified he met with Applicant on multiple occasions. Counsel McElveen testified that the Saluda County charges were to be tried first, so they had not yet reached the point of "intensive trial preparation." (PCR. Tr. p. 83). Counsel McElveen testified he met with Applicant's wife who insisted her children were going to testify against Applicant at a trial. (PCR Tr. p. 86-87). Counsel McElveen explained that after hearing Applicant's daughter speak at the guilty plea, it gave him more confidence she would have testified against him at trial. (PCR Tr. p. 87).

Counsel Garrett testified he was the lead attorney in Applicant's case. (PCR Tr. p. 91). Counsel Garrett testified he met with Applicant on multiple occasions. Counsel Garrett testified he had full access to Applicant once he was in the McCormick detention center. (PCR Tr. p. 93). Counsel Garrett explained that every time he received a document from discovery he made sure

Applicant got all of it. Applicant would review discovery, mark it with tabs, and then Counsel Garrett would meet with him to discuss it “in great detail.” (PCR Tr. p. 93). Counsel Garrett testified that regarding the forensics, they had not yet reached that part of the case. (PCR Tr. p. 98).

This Court finds Counsels’ testimony credible as to this issue. This Court finds Counsels met with Applicant several times in which they reviewed the discovery and answered all Applicant’s questions. Counsels credibly testified that, because the State intended to try the Saluda County charges first and Applicant accepted the plea prior to that trial, Counsels had not yet reached the stage of “intensive trial preparation” with respect to the Sumter County charges. This Court further finds that Counsels successfully negotiated a remarkably favorable plea offer of eleven years on the Sumter County charges, with the Saluda County charges being dismissed. Therefore, this Court finds Applicant has failed to prove Counsels’ performance in preparing for trial or discussing the case with him was inadequate.

Moreover, Applicant has failed to present any evidence establishing what additional evidence or defenses might have been developed had Counsels further investigated his case. 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 only evidence Applicant offered was his own self-serving testimony that Counsels should have investigated forensic experts, hospital records, and urine samples. This Court finds Applicant's testimony on these issues not to be credible. Applicant presented no evidence demonstrating that any such evidence would have been favorable to his defense. Accordingly, Applicant's unsupported and self-serving assertions amount to mere speculation and conjecture, which are insufficient to establish prejudice.

Furthermore, Applicant's testimony at the PCR evidentiary hearing is directly contrary to, and undermined by, his sworn testimony during his guilty plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed." *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977); see also *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014)). Admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements. *Id.* at 137–38, 654 S.E.2d at 874; see also *Blackledge*, 431 U.S. at 73–74 (pointing out that representations made by a defendant, his lawyer, and the prosecutor at a guilty plea hearing, as well as any findings made by the judge accepting the plea, constitute a "formidable barrier in any subsequent collateral proceedings"). At the time of his plea, Applicant asserted he discussed this case with his attorneys, they answered all his questions, and he was satisfied with the services of his attorneys. (Guilty Plea Tr. p. 7). Additionally, following the Attorney General's recitations of the facts, Applicant affirmed he agreed with the general nature of the allegations as recited by the prosecutor. (Guilty Plea Tr. p. 18). This Court finds Applicant has failed to present valid reasons

why he should be allowed to depart from the truth of his statements made at the guilty plea.

Accordingly, this allegation is DENIED.

Counsels Alleged Ineffectiveness Regarding the Solicitor's Office Being Conflicted Out

Applicant alleges that Counsel Garrett hired two additional attorneys which resulted in the Third Circuit Solicitor's Office being conflicted out and the case transferred to the Attorney General's Office. Additionally, Applicant alleges he did not understand the change of venue from Sumter to McCormick. This Court finds these allegations are without merit. First, the record from Applicant's plea reflects that Applicant signed a waiver of venue prior to the plea. (Guilty Plea Tr. p. 3). Thus, this Court finds Applicant freely and voluntarily waived venue. Furthermore, this Court finds Applicant has totally failed to demonstrate how either of these actions affected his decision to plead guilty. Therefore, Applicant has failed to prove he was prejudiced as to these allegations.

Accordingly, this Court finds these allegations are DENIED.

Applicant's Allegations of Actual Innocence

Applicant alleges his plea was involuntary because he was innocent of his charges. At the evidentiary hearing, much of Applicant's testimony related to his alleged innocence. This Court finds these allegations do not support a cognizable claim for post-conviction relief. Applicant waived his right to raise innocence as a defense when he pled guilty and waived his right to a jury trial. Therefore, the plea waives any non-jurisdictional defects and defenses, including challenges to the sufficiency of the evidence. *Whetsell v. State*, 276 S.C. 295, 277 S.E.2d 891 (1981); *Rivers v. Strickland*, 264 S.C. 121, 213 S.E.2d 97 (1975).

Insufficient evidence of guilt is not a valid claim to overturn a guilty plea. "Where a defendant voluntarily, intelligently, and understandingly enters a plea of guilt, this makes it

unnecessary for the State to offer evidence to prove the offense charged in the warrant or indictment.” *State v. Allen*, 261 S.C. 448, 451, 200 S.E.2d 684, 686 (1973). This is because the guilty plea “admits all matter of fact averments of the accusation.” *Id.* The defendant admits all circumstances described in the indictment, leaving only sufficiency of the indictment for review and waiving all other defenses. *State v. Thomason*, 341 S.C. 524, 526, 534 S.E.2d 708, 710 (2000). Additionally, PCR is not a proper avenue to challenge the sufficiency of evidence. *Simmons v. State*, 264 S.C. 417, 215 S.E.2d 883 (1974); S.C. Code Ann. § 17-27-20(a)(6); *see also State v. Munsch*, 287 S.C. 313, 314, 338 S.E.2d 329, 330 (1985) (quoting *United States v. Broce*, 488 U.S. 563, 569 (1989)) (“[W]hen the judgment of conviction upon a guilty plea has become final and the offender seeks to reopen the proceeding, the inquiry is ordinarily confined to whether the underlying plea was both counseled and voluntary. If the answer is in the affirmative then the conviction and the plea, as a general rule, foreclose the collateral attack.”). Because this Court finds Applicant’s guilty plea was entered freely and voluntarily, an allegation of alleged innocence is not a cognizable post-conviction relief claim.

For these reasons and pursuant to Rule 12(b)(6), SCRPC, this Court finds this allegation is dismissed for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

Involuntary Guilty Plea

Applicant alleges his guilty plea was not freely, voluntarily, knowingly, or intelligently given. “[I]t is the prerogative of any person to waive his rights, confess, and plead guilty, under judicially defined safeguards, which are adequately enforced.” *Reed v. Becka*, 333 S.C. 676, 685, 511 S.E.2d 396, 401 (Ct. App. 1999). Because a criminal defendant waives several constitutional rights by pleading guilty, the Due Process Clause requires that guilty pleas are entered into

voluntarily, knowingly, and intelligently. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Pittman v. State*, 337 S.C. 597, 524 S.E.2d 623 (1999). To be intelligent, a plea must be made by a mentally competent defendant who understands both the charges against him and the consequences of his plea. *Brady v. United States*, 397 U.S. 742, 748 (1970). To be voluntary, a plea must be free of threats or other coercion that would impermissibly distort the defendant's choice. *Id.* at 755; *see also United States v. Smith*, 440 F.2d 521, 528–529 (7th Cir. 1971) (Stevens, J., dissenting) (explaining that voluntariness relates to the trustworthiness of the admission of guilt and binding character of the waiver of the constitutional protections which would be available to the accused if he elected to stand trial).

Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he or she is waiving; 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. Additionally, the defendant "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*, 337 S.C. at 599, 524 S.E.2d at 624.

The defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993); *see generally Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997) (guilty plea not involuntary where the colloquy demonstrated the trial judge asked defendant twice whether he understood there were no promises and that no sentencing recommendations were binding on the judge). To ensure the defendant understands the consequences of his guilty plea, the plea judge "usually questions the defendant about the facts surrounding the crime and

punishment that could be imposed.” *Dover v. State*, 304 S.C. 433, 434–35, 405 S.E.2d 391, 392 (1991). However, the plea judge “does not have to direct the defendant’s attention to every consequence of his plea provided the record reveals affirmative awareness of the consequences of a guilty plea.” *Carter v. State*, 329 S.C. 355, 362, 495 S.E.2d 773, 776 (1998).

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed.” *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977); see also *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014) (observing that “guilty plea[s] must be treated as final in the vast majority of cases” and instructing that caution must be exercised so as not to “undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea”); cf. *United States v. Broce*, 488 U.S. 563, 569 (1989) (“A plea of guilty and the ensuing conviction comprehend all of the factual and legal elements necessary to sustain a binding, final judgment of guilty and a lawful sentence. Accordingly, when the judgment of conviction upon a guilty plea has become final and the offender seeks to reopen the proceeding, the inquiry is ordinarily confined to whether the underlying plea was both counseled and voluntary. If the answer is in the affirmative then the conviction and the plea, as a general rule, foreclose the collateral attack.”).

Indeed, admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements.” *Dalton*, 376 S.C. at 137–38, 654 S.E.2d at 874 (internal citations and quotation marks omitted); cf. *Blackledge*, 431 U.S. at 73–74 (pointing out that representations made by a defendant, his lawyer, and the prosecutor at a guilty plea hearing, as well as any findings made by the judge accepting the plea, constitute a “formidable barrier in any subsequent collateral proceedings”).

"What is at stake in this phase of the case is not the integrity of the state convictions obtained on guilty pleas, but whether, years later, defendants must be permitted to withdraw their pleas, which were perfectly valid when made, and be given another choice between admitting their guilt and putting the State to its proof." *McMann v. Richardson*, 397 U.S. 759, 773 (1970) (noting the compelling interests in maintaining the finality of guilty-plea convictions validly obtained). "Furthermore, there must be some consequence attached to the decision to plead guilty." *People v. Schneider*, 25 P.3d 755, 761 (Colo. 2001) (*cited with approval in Jamison*, 410 S.C. at 469, 765 S.E.2d at 129) ("A defendant who voluntarily and knowingly enters a plea accepting responsibility for the charges is properly held to a higher burden in demonstrating to the court that newly discovered evidence should allow him to withdraw that plea.").

Applicant alleges his plea was involuntary because he was forced to sign the indictments and accept responsibility for the crimes he did not commit. This Court finds Applicant has failed to prove his plea was entered involuntarily. The record fully supports the knowing and voluntary nature of Applicant's plea. Applicant indicated he understood the potential sentences for all indicted offenses. Applicant further indicated he understood all of his constitutional rights, including his right to a trial by jury. He also informed the plea court he was pleading guilty freely and voluntarily. Applicant informed the plea court nobody has forced, threatened, or coerced him into pleading guilty. Applicant has failed to offer any evidence to suggest his plea was forced in any way. Additionally, the record reflects Applicant freely and voluntarily waived his right to presentment to a grand jury on the first-degree assault and battery charges. Therefore, this Court finds Applicant's guilty plea was freely, knowingly, and voluntarily entered.

Accordingly, this allegation is DENIED.

CONCLUSION

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. This Court finds Applicant freely, knowingly, and voluntarily pleaded guilty. Thus, this application 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 the right to an appellate counsel's assistance in seeking review of the denial of PCR. Pursuant to Rule 71.1(g), SCRCP, if an applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant must remain in the custody of the State.

AND IT IS SO ORDERED THIS 9 day of September, 2026.


H. S. DEBERRY, IV
Presiding Judge
Third Judicial Circuit

Florence, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS FOR THE THIRD JUDICIAL CIRCUIT

JEREMIAH C. OWINGS,

Applicant,

v.

STATE OF SOUTH CAROLINA,

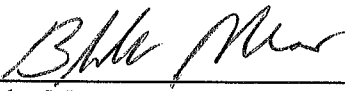
Respondent.

AFFIDAVIT OF SERVICE

The undersigned hereby certifies that a true copy of the filed Order of Dismissal has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

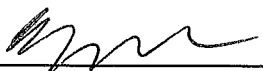
Tommy Arthur Thomas, Esquire
PO Box 88
Irmo, SC 29063

This 15th day of September, 2026.



Blake Means
Legal Assistant for Respondent

SWORN to before me this 15th day of September, 2026.



Notary Public for South Carolina.
My Commission Expires: 10/30/2033