

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Jonathan Donnell Rhodes, #343817,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2021-CP-23-02556
)

) **ORDER OF DISMISSAL**
) **WITH PREJUDICE**
)

FILED: 26SEP25PM1:37
COC JAY GRESHAM GUL SC

This matter comes before the Court pursuant to an application for post-conviction relief (“PCR”) filed by Jonathan Donnell Rhodes (“Applicant”) on May 27, 2021. Respondent filed its Return, requesting that an evidentiary hearing be held on the allegations. On February 4, 2026, an evidentiary hearing was held at the Greenville County Courthouse before the Honorable Walton J. McLeod, IV. Applicant was present and represented by Sarah M. Henry, Esquire. Assistant Attorney General Sydney N. Willingham represented Respondent. Applicant proceeded on the allegation in his *amended* application. In support of his claims, Applicant testified on his own behalf and presented testimony from trial counsel, Jake Erwin, Esquire, and Randall Tyler.

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. During its May of 2013 term, the Greenville County Grand Jury indicted Applicant for two counts of murder (2013-GS-23-004262; -004263), two counts of kidnapping (2013-GS-23-004260; -

004261), first-degree burglary (2013-GS-23-004264) and four counts of possession of a weapon during the commission of a violent crime (2013-GS-23-004262; -004263; -004260; -004261). On November 30, 2015, through December 3, 2015, Applicant proceeded to a jury trial with the Honorable John C. Hayes, III, presiding. Jake Erwin, Esquire, and Stuart Sarratt, Esquire, represented Applicant. Thirteenth Circuit Solicitor William Walter Wilkins, III, and then-Deputy Solicitor Betty C. Strom prosecuted the case. At the conclusion of trial, the jury found Applicant guilty as indicted. Judge Hayes sentenced Applicant as follows: for each count of murder, to life imprisonment; for burglary, to life imprisonment; and for each count of possession of a weapon during the commission of a violent crime, to imprisonment for five years; with all sentences running concurrently; and with no sentence for kidnapping due to the life sentences for murder. Judge Hayes also made a finding that there was no evidence of sexual assault.

Jake Erwin filed a timely Notice of Appeal. Appellate Defender Lara M. Caudy of the South Carolina Commission of Indigent Defense represented Applicant on appeal. Assistant Attorney General Susannah R. Cole of the South Carolina Attorney General's Office represented Respondent. Appellate counsel argued that Judge Hayes erred in (1) denying the defense's motion to suppress Applicant's phone records because they were illegally obtained and (2) admitting expert testimony that Applicant's phone was at or near the crime scene at the time of the murders. The South Carolina Court of Appeals affirmed in an unpublished opinion. State v. Rhodes, Op. No. 2019-UP-361 (Ct. App. filed November 6, 2019). On November 21, 2019, Appellate Defender Victor R. Seeger filed a petition for rehearing. The Court of Appeals denied that petition for rehearing. State v. Rhodes, S.C. Ct. App. Order filed December 13, 2019.

Appellate Defender Victor R. Seeger filed a petition for writ of certiorari in the South Carolina Supreme Court, arguing that the Court of Appeals erred in (1) holding that the good faith

exception applied when law enforcement officers obtained Applicant's phone records without a warrant and (2) holding that Judge Hayes' error in admitting expert testimony that Applicant's phone was at or near the crime scene at the time of the murders was harmless. Assistant Attorney General Tommy Evans, Jr., represented Respondent. The Supreme Court granted Applicant's petition for writ of certiorari but later dismissed the writ as improvidently granted. The remittitur was issued on March 10, 2021.

SUMMARY OF FACTS GIVING RISE TO THE CONVICTION

The following facts are adopted from Respondent's Final Brief in Applicant's direct appeal action:

Douglas Doughty was helping his father-in-law in the yard one October morning on Terramont Drive in Greenville, South Carolina, when his neighbors' housekeeper, Shirley Rogers, approached him and asked for help. (R. pp. 118-120.) Rogers worked for the Wells, who lived next door. (R. p. 120, lines 1-11.) Rogers led Doughty to the back of the Wells home and told him to look in a window. (R. pp. 120-124.) Doughty saw what appeared to be the foot of a man lying on the floor, so he pounded on the windows to get the attention of anyone in the home. (R. p. 124, lines 6-18.) Doughty tried the back doors to the house, but they were locked, so he went around to the front door, which was closed but unlocked. (R. p. 125, lines 5-20.) Doughty walked into the house and down a hallway, with Rogers following behind him, and found the body of Mr. Wells on the floor of his office. (R. p. 125, line 18 - p. 126, line 10.) Doughty realized he could not help the victim, so he told Rogers they needed to leave and call the police. (R. p. 126, lines 12-17.) Rogers asked about Mrs. Wells, and Doughty told her to wait outside while he looked through the house. (R. p. 126, lines 19-22.) Doughty found the body of Helen Wells in a bedroom at the end of the hall. (R. p. 126, line 23-p. 127, line 3.)

Law enforcement found two newspapers in the Wells' driveway. (R. p. 141, line 20 – p. 142, line 20.) A telephone resting on a chair by the front door had blood on it and the back of the phone had been removed. (R. p. 144, lines 3-7.) Bloody footprints left impressions at different angles on the carpet leading down the hallway. (R. p. 145, lines 1-4.) There was blood on the doors to the bedroom and office and on the light switch to the room. (R. p. 145, lines 5-12.) Investigators noted fabric impressions on the light switches, which indicates someone touched the switch with hands covered in fabric. (R. p. 169, line 14– p. 170, line 2.) Gary Wells was found lying on his back with a pool of blood beneath his body and wounds to his abdomen, legs, hands, and head. (R. p. 145, line 19 – p. 146, line 6.) Wells had a total of at least forty-four stab wounds or cuts to his body, with approximately half of those delivered anti-mortem and the rest post- mortem. (R. p. 246, lines 4-23.) The fatal wound was a three-inch-long incision that sliced through the femoral artery in Wells' groin. (R. p. 247, lines 2-12.) He also had defensive injuries to his hands, including a wound between his fingers that sliced him nearly to the wrist. (R. p. 247, lines 13-21.) The contents of his wallet appeared to be strewn about the room, and on a chair nearby there were opened jewelry boxes and a bloody knife. (R. p. 146, lines 1-24.)

Across the hall in another bedroom lay the body of Helen Wells. The room was in disarray, with the bed pulled from the wall, the rug pushed aside, and a bloody knife lying on the floor. (R. p. 147, lines 2-21.) Mrs. Wells was lying on her side, with wounds to her leg, shoulder, and head. She also had gunshot wounds to her cheek, shoulder, and right arm. (R. p. 148, lines 1-6.) She was shot at close range, but the wounds would not have been fatal. (R. p. 251, lines 4-20.) She also had seventy anti-mortem wounds, twenty-seven of which were lacerations, as if she was struck with a heavy cylindrical object. (R. p. 254, line 3 – p. 255, line 12.) The knife wounds were located on her thighs, hands, and torso, with the fatal wounds puncturing her lungs and liver. (R. p. 256, lines

3-25.) The autopsy would reveal eleven more stab wounds delivered to her face after she was dead. (R. p. 257, lines 15-24.) On the bed was a box containing banking items, including a checkbook and deposit slips. (R. p. 148, lines 19-24.) A pillow near her body was so saturated with blood, the original color of the pillow was undeterminable. (R. p. 149, lines 2-6.) Investigators also found shell casings and a live .32 caliber round in the room, and they were able to recover a projectile from the blood-spattered baseboard of the bedroom wall. (R. p. 150, line 15 – p. 155, line 1.) The bloody knives found near the bodies appeared to be from the same knife set found in the victims' kitchen. (R. p. 159, line 15 – p. 161, line 7.)

After the crime scene was secured, investigators transported the on-scene witnesses to the law enforcement center to take their statements. (R. p. 258, lines 4-11.) While Rogers was being questioned, investigators learned she was currently under investigation of identity theft involving Helen and Gary Wells. (R. p. 194, lines 12-19.) That investigation had been initiated by Branch Banking & Trust Bank (BB&T). At trial, employees from BB&T described the emotional confrontation between Mrs. Wells and Shirley Rogers when Rogers met Mrs. Wells at the bank days before the murder to discuss the fraudulent charges made to the Wells' account. (R. pp. 223-229.) Mrs. Wells asked Rogers how she could steal from them after they were good to her, and Rogers claimed she took the Wells' bankcard by mistake, saying she would pay the money back. (R. p. 230, lines 10-25.) Rogers began "yelling" at Mrs. Wells, and the branch banker asked Rogers to leave. (R. p. 234, lines 7-11.) BB&T's employees advised Mrs. Wells to refrain from any contact from Rogers and change the locks on her doors at her home. (R. p. 235, lines 11-14.)

Law enforcement quickly zeroed in on Rogers as the prime suspect and began investigating Rogers' background and her known associates. (R. p. 195, lines 3-14.) Rogers' phone records revealed frequent contact around the period of the murders with one particular number registered

to a Sprint serviced phone. (R. p. 196, lines 4-12; p. 331, lines 21-23.) When investigators called the number and asked the man who answered if he knew Shirley Rogers, the man denied knowing her and hung up on the investigator. They called back, and the call was transferred to a voice mail box in the name of “Really Real.” (R. p. 329, line 19 – p. 330, line 19.) After calling other numbers associated with Rogers’ phone, investigators learned from another friend of Shirley Rogers that the man known as Really Real was Rogers’ boyfriend. (R. p. 331, lines 3-16.) Investigators then submitted to Sprint a records request for that cell phone number, citing to a double homicide with a suspect still at large. (R. p. 331, lines 16-25; p. 596.) The records showed the phone was registered to Eric Cade, or Appellant’s roommate at the time. (R. p. 196, lines 19-24; p. 331, lines 23-25.)

Eric Cade, who heard the police wanted to talk to him, appeared at the law enforcement center and asked to speak to one of the investigators assigned to the case. (R. p. 197, lines 6-11.) Appellant accompanied Cade to the meeting. (R. p. 197, lines 6-7.) Cade had a close relationship with Appellant; he allowed Appellant to live with him, added a cell phone to his plan for Appellant, and allowed Appellant use of his car while he was at work. (R. pp. 294-298.) On the evening before the murder, Appellant told Cade he was going to a friend’s house to return something to her. After several hours, Cade began to worry and became upset because Appellant was not returning his calls or texts. (R. pp. 302-303.) Appellant returned to their apartment sometime around 3:00 am. (R. p. 306, lines 13-16.) Appellant told Cade he was with his friend Tyrone, whom Cade did not know. (R. p. 307, lines 1-11.) Appellant later changed his story and told Cade he was at his friend Brian’s house, and then later changed his story again and said he went to Shirley Rogers’ house and fell asleep, but he did not answer his phone because he left it in the car. At the time he told Cade he was with Rogers, Appellant was aware the police had information on the location of his

phone from the cell towers. (R. p. 315, line 12 – p. 316, line 21.) Cade testified he voluntarily turned over his phone and car to the police for their investigation, but police later obtained a warrant to search the contents of Cade's.¹ (R. p. 197, lines 12-21; p. 309, line 17 – p. 310, line 17.)

When investigators showed Cade pictures of Shirley Rogers exiting a Mini Cooper at a TD Bank, Cade identified the car as his. (R. p. 312, line 14 – p. 313, line 6; State's Ex. 150.) Blood from Gary and Helen Wells was found on the center console, the interior passenger side door, and driver's front seat of Cade's Mini Cooper. (R. p. 434, line 10 – p. 435, line 20; p. 437, lines 7-12; p. 441, lines 1-20; p. 469, lines 2-18.) Analysts found a trace amount of DNA from Jonathan Rhodes mixed in with the DNA of Helen and Gary Wells when they tested the swabs from the interior of the car. (R. pp. 472, line 3-p. 473, lines 10.)

Following Rhodes' arrest, he was detained at Perry Correctional Institution. Curtis McLeod was an inmate at Perry and working in the cafeteria with Rhodes. (R. pp. 490-499.) The men worked for approximately eight-hour shifts preparing food and washing dishes. (R. p. 500, lines 1-25.) Rhodes told McLeod he was in a relationship with an older woman named Shirley who had a grudge against her former employers. (R. p. 502, lines 1-12.) Rhodes told McLeod he used his roommate's Mini Cooper and picked up Rogers, and they went to the victims' house. (R. p. 503, lines 1-8.) McLeod said Rogers talked to the victims about trying to pay back the money she stole, but they were not interested in discussing it. (R. p. 504, lines 2-5.) McLeod recounted that Mrs. Wells asked Rogers how she could steal from them when they had been good to her. (R. p. 503, line 22-p. 504, line 5.) Rhodes hid from their view during the conversation so that the Wells would not know Rogers brought a male with her. (R. p. 504, lines 6-11.) The argument escalated and they

¹ According to the testimony, the investigator actually received the cell phone from Appellant. In effect, both men consented to the search of the phone. (R. p. 197, lines 6-15.)

forced themselves inside. (R. p. 504, lines 12-18.) McLeod said Rhodes described how they separated the victims into different rooms. Rhodes and Rogers were armed with knives and a pearl handled .32 caliber gun and they began cutting the victims. (R. p. 504, lines 15-23.) Rhodes described the violence as messy because there was a lot of blood everywhere. (R. p. 506, lines 1-4.) Rhodes also told McLeod they shot the female victim to make sure she was dead and then they stole jewelry, credit cards, and money. (R. p. 506, lines 11-15.) Rhodes and Rogers disposed of the gun and then went to Rogers' house to clean up. (R. p. 506, lines 18-23.) McLeod also testified that Rhodes said his roommate needed his car back to go to work in the morning, so he continuously called Rhodes during the murders. (R. p. 507, line 20 – p. 508, line 9.) McLeod's testimony was consistent with the cell phone records, the testimony of Eric Cade, the testimony of the pathologist, and the crime scene photos.

CURRENT ALLEGATIONS & RELIEF SOUGHT

Applicant filed this application for post-conviction relief on May 27, 2021, alleging the following grounds for relief:

1. Applicant's lawyers were constitutionally ineffective for not moving to suppress the evidence on the basis that law enforcement officers lacked probable cause and did not have reasonable suspicion supported by articulable facts that an emergency may have been afoot.
2. Applicant's lawyers were ineffective for not objecting to the evidence of prior bad acts and evidence of moral turpitude.
3. Applicant's lawyers were ineffective for not objecting to the State offered evidence that another committed a crime because that evidence implied that Applicant was guilty too.
4. Applicant's lawyers were ineffective for not arguing that text messages between Amber McDaniels, Shirley Rogers, and Applicant could not have shown or proven that murder was committed at the time.
5. Applicant's lawyers were ineffective for not moving for a directed verdict on the basis that the indictment alleged that Applicant was guilty as a principal and not as an aider or abettor.
6. Applicant's lawyers were ineffective for not challenging the knowing and voluntary nature of Applicant's statements to law enforcement officers.

7. Applicant's lawyers were ineffective for not challenging the State's primary interview with Curtis McLeod, which violated Applicant's confrontation and due process rights.
8. Applicant's lawyers were ineffective for not conducting an adequate pre-trial investigation.
9. Applicant's lawyers were ineffective for not discovering a witness that is similar to an alibi witness against McLeod.
10. Applicant's lawyers were ineffective for not discovering evidence that McLeod committed perjury.

An Amended Application for Post Conviction Relief was filed on January 30, 2026, alleging that:

"Trial Counsel failed to request a continuance to investigate the jail house snitch, failed to investigate the jail house snitch, and failed to effectively impeach Curtis McLeod, including failing to call witness Randall Tyler."

Applicant prays that the Court would grant him relief by vacating his convictions, or, in the alternative, remanding for a new trial.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act² (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based upon the following types of allegations:

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

² S.C. Code Ann. §§ 17-27-10 to -160.

S.C. Code Ann. § 17-27-20(A).

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

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland v. Washington to determine whether counsel's conduct “was so [ineffective] as to require reversal” of the applicant's conviction. 466 U.S. 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; accord, Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that “[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable” (citation and internal quotation marks omitted)).

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to a Sprint serviced phone. (R. p. 196, lines 4-12; p. 331, lines 21-23.) When investigators called the number and asked the man who answered if he knew Shirley Rogers, the man denied knowing her and hung up on the investigator. They called back, and the call was transferred to a voice mail box in the name of “Really Real.” (R. p. 329, line 19 – p. 330, line 19.) After calling other numbers associated with Rogers’ phone, investigators learned from another friend of Shirley Rogers that the man known as Really Real was Rogers’ boyfriend. (R. p. 331, lines 3-16.) Investigators then submitted to Sprint a records request for that cell phone number, citing to a double homicide with a suspect still at large. (R. p. 331, lines 16-25; p. 596.) The records showed the phone was registered to Eric Cade, or Appellant’s roommate at the time. (R. p. 196, lines 19-24; p. 331, lines 23-25.)

Eric Cade, who heard the police wanted to talk to him, appeared at the law enforcement center and asked to speak to one of the investigators assigned to the case. (R. p. 197, lines 6-11.) Appellant accompanied Cade to the meeting. (R. p. 197, lines 6-7.) Cade had a close relationship with Appellant; he allowed Appellant to live with him, added a cell phone to his plan for Appellant, and allowed Appellant use of his car while he was at work. (R. pp. 294-298.) On the evening before the murder, Appellant told Cade he was going to a friend’s house to return something to her. After several hours, Cade began to worry and became upset because Appellant was not returning his calls or texts. (R. pp. 302-303.) Appellant returned to their apartment sometime around 3:00 am. (R. p. 306, lines 13-16.) Appellant told Cade he was with his friend Tyrone, whom Cade did not know. (R. p. 307, lines 1-11.) Appellant later changed his story and told Cade he was at his friend Brian’s house, and then later changed his story again and said he went to Shirley Rogers’ house and fell asleep, but he did not answer his phone because he left it in the car. At the time he told Cade he was with Rogers, Appellant was aware the police had information on the location of his

phone from the cell towers. (R. p. 315, line 12 – p. 316, line 21.) Cade testified he voluntarily turned over his phone and car to the police for their investigation, but police later obtained a warrant to search the contents of Cade's.¹ (R. p. 197, lines 12-21; p. 309, line 17 – p. 310, line 17.)

When investigators showed Cade pictures of Shirley Rogers exiting a Mini Cooper at a TD Bank, Cade identified the car as his. (R. p. 312, line 14 – p. 313, line 6; State's Ex. 150.) Blood from Gary and Helen Wells was found on the center console, the interior passenger side door, and driver's front seat of Cade's Mini Cooper. (R. p. 434, line 10 – p. 435, line 20; p. 437, lines 7-12; p. 441, lines 1-20; p. 469, lines 2-18.) Analysts found a trace amount of DNA from Jonathan Rhodes mixed in with the DNA of Helen and Gary Wells when they tested the swabs from the interior of the car. (R. pp. 472, line 3-p. 473, lines 10.)

Following Rhodes' arrest, he was detained at Perry Correctional Institution. Curtis McLeod was an inmate at Perry and working in the cafeteria with Rhodes. (R. pp. 490-499.) The men worked for approximately eight-hour shifts preparing food and washing dishes. (R. p. 500, lines 1-25.) Rhodes told McLeod he was in a relationship with an older woman named Shirley who had a grudge against her former employers. (R. p. 502, lines 1-12.) Rhodes told McLeod he used his roommate's Mini Cooper and picked up Rogers, and they went to the victims' house. (R. p. 503, lines 1-8.) McLeod said Rogers talked to the victims about trying to pay back the money she stole, but they were not interested in discussing it. (R. p. 504, lines 2-5.) McLeod recounted that Mrs. Wells asked Rogers how she could steal from them when they had been good to her. (R. p. 503, line 22-p. 504, line 5.) Rhodes hid from their view during the conversation so that the Wells would not know Rogers brought a male with her. (R. p. 504, lines 6-11.) The argument escalated and they

¹ According to the testimony, the investigator actually received the cell phone from Appellant. In effect, both men consented to the search of the phone. (R. p. 197, lines 6-15.)

forced themselves inside. (R. p. 504, lines 12-18.) McLeod said Rhodes described how they separated the victims into different rooms. Rhodes and Rogers were armed with knives and a pearl handled .32 caliber gun and they began cutting the victims. (R. p. 504, lines 15-23.) Rhodes described the violence as messy because there was a lot of blood everywhere. (R. p. 506, lines 1-4.) Rhodes also told McLeod they shot the female victim to make sure she was dead and then they stole jewelry, credit cards, and money. (R. p. 506, lines 11-15.) Rhodes and Rogers disposed of the gun and then went to Rogers' house to clean up. (R. p. 506, lines 18-23.) McLeod also testified that Rhodes said his roommate needed his car back to go to work in the morning, so he continuously called Rhodes during the murders. (R. p. 507, line 20 – p. 508, line 9.) McLeod's testimony was consistent with the cell phone records, the testimony of Eric Cade, the testimony of the pathologist, and the crime scene photos.

CURRENT ALLEGATIONS & RELIEF SOUGHT

Applicant filed this application for post-conviction relief on May 27, 2021, alleging the following grounds for relief:

1. Applicant's lawyers were constitutionally ineffective for not moving to suppress the evidence on the basis that law enforcement officers lacked probable cause and did not have reasonable suspicion supported by articulable facts that an emergency may have been afoot.
2. Applicant's lawyers were ineffective for not objecting to the evidence of prior bad acts and evidence of moral turpitude.
3. Applicant's lawyers were ineffective for not objecting to the State offered evidence that another committed a crime because that evidence implied that Applicant was guilty too.
4. Applicant's lawyers were ineffective for not arguing that text messages between Amber McDaniels, Shirley Rogers, and Applicant could not have shown or proven that murder was committed at the time.
5. Applicant's lawyers were ineffective for not moving for a directed verdict on the basis that the indictment alleged that Applicant was guilty as a principal and not as an aider or abettor.
6. Applicant's lawyers were ineffective for not challenging the knowing and voluntary nature of Applicant's statements to law enforcement officers.

7. Applicant's lawyers were ineffective for not challenging the State's primary interview with Curtis McLeod, which violated Applicant's confrontation and due process rights.
8. Applicant's lawyers were ineffective for not conducting an adequate pre-trial investigation.
9. Applicant's lawyers were ineffective for not discovering a witness that is similar to an alibi witness against McLeod.
10. Applicant's lawyers were ineffective for not discovering evidence that McLeod committed perjury.

An Amended Application for Post Conviction Relief was filed on January 30, 2026, alleging that:

"Trial Counsel failed to request a continuance to investigate the jail house snitch, failed to investigate the jail house snitch, and failed to effectively impeach Curtis McLeod, including failing to call witness Randall Tyler."

Applicant prays that the Court would grant him relief by vacating his convictions, or, in the alternative, remanding for a new trial.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act² (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based upon the following types of allegations:

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

² S.C. Code Ann. §§ 17-27-10 to -160.

S.C. Code Ann. § 17-27-20(A).

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

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland v. Washington to determine whether counsel's conduct “was so [ineffective] as to require reversal” of the applicant's conviction. 466 U.S. 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; accord, Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that “[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable” (citation and internal quotation marks omitted)).

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

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

Beyond satisfying the burden required by the deficiency prong, an applicant also bears the burden of establishing prejudice in order to be entitled to relief as "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." Strickland, 466 U.S. at 691. To meet this burden,

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counsel's deficient performance must have prejudiced the applicant to such an extent, there is a reasonable probability the result of the proceeding would have been different but for counsel's unprofessional errors. Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625; see Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (“To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel’s representation fell below an objective standard of reasonableness and, but for counsel’s errors, there is a reasonable probability the result at trial would have been different.”). Importantly, “[t]he likelihood of a different result must be *substantial*, not just conceivable.” Richter, 562 U.S. at 112.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

INITIAL FINDINGS

This Court finds applicable the strong presumption that at all stages of Trial Counsel’s representation of Applicant, he rendered adequate assistance and exercised reasonable professional judgment in his representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, *supra*). The United States Supreme Court has cautioned that “every effort be

made to eliminate the distorting effects of hindsight” and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant alleges Trial Counsel was constitutionally ineffective for failing to request a continuance to investigate the jail house snitch (“Curtis McLeod”), failing to investigate the jail house snitch, failing to impeach the jail house snitch, and failing to call witness Randall Tyler (“Ghost”). Specifically, Applicant alleges Trial Counsel was constitutionally ineffective for failing to request a continuance to further investigate McLeod and call Tyler as a witness to impeach the credibility of McLeod. Applicant alleges Tyler’s testimony would attack McLeod’s credibility by showing that McLeod tampered with Applicant’s discovery—ultimately leading to McLeod having knowledge of the facts of the case and testifying at Applicant’s trial. Applicant alleges that had Tyler testified at trial, the Court of Appeals would not have found harmless error in its Opinion. This argument is without merit because Tyler’s testimony would not have changed the outcome of the trial nor the outcome of the appeal; Tyler’s testimony is to a collateral matter; and Applicant critically fails to consider the overwhelming evidence in this case wholly apart from the testimony of McLeod.

I. Failing to call witness Randall Tyler:

In order to show prejudice from the failure to contact an allegedly favorable witness, a PCR applicant must present the testimony of that witness at the PCR hearing. Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). The applicant’s mere speculation as to what a witness’s’ testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993).

At the evidentiary hearing, Applicant presented the testimony of Randall Tyler (“Ghost”). Tyler testified that he was in prison for murder and had been at Perry Correctional from December 2013-2021. (PCR Tr. p. 61). Tyler testified he had worked in the law library which led to him helping inmates draft and review legal documents. (PCR Tr. p. 62). Tyler testified inmates lie, therefore, he requests they provide him with their legal paperwork to assist them. (PCR Tr. p. 63). Tyler testified he talked to Applicant about his case and that he needed to see his discovery. (PCR Tr. p. 64). Tyler testified he told Applicant to find somebody to transport the paperwork to him and McLeod was the transporter. (PCR Tr. pp. 64-65). Tyler testified he did not personally know Applicant or McLeod. (PCR Tr. p. 65).

Applicant has failed to overcome his burden in proving Trial Counsel’s representation was deficient by not calling Tyler as a witness at trial, and any resulting prejudice from that alleged deficiency. See Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). This Court finds that had Tyler been called as a witness, it would not have affected the outcome of trial. Tyler merely testified that he assisted other inmates with legal documents. Further, Tyler testified that he did not personally know the Applicant or McLeod. Tyler could not testify to the facts of the case, nor could he testify that he was aware of McLeod tampering with Applicant’s discovery in any way. Notably, the record is clear that Trial Counsel made a commendable attempt to question McLeod about his access to information about the case during McLeod’s cross-examination. (PCR Tr. pp. 21; 25; 32). At trial, Counsel asked McLeod during cross-examination if Applicant ever gave him information on the case, “to pass on to a legal person.” (Trial Tr. p. 598). McLeod testified that he had a kite³ that was wrapped up and folded with tape to be passed to *another person* and that the

³ “Kite” is slang for a written note or message, often passed between inmates. Applicant testified at the PCR evidentiary hearing he gave McLeod a kite.

only information he knew about the case was what he heard directly from Applicant. (Trial Tr. pp. 598-599).

Applicant alleges Tyler should have been called as a witness to testify to the fact that McLeod had in fact seen Applicant's discovery. See State v. Brock, 130 S.C. 252, 126 S.E. 28 (1925) (finding a generally approved test to determine whether a question is collateral to the issues is: "Would the cross-examining party be entitled to prove the fact as a part of, and as tending to establish, his case? If he would be allowed to do so, the matter is not collateral; but, if he would not be allowed to do so, it is collateral. Collateral matters, in this sense, are such as to afford no reasonable inference as to the principal matter in dispute.") "The general rule that "the cross-examining party is concluded by the answer which a witness gives to a question concerning a collateral matter, and *no contradiction will be allowed even for the purpose of impeaching a witness*," has been frequently recognized and applied in this state." State v. Brock, 130 S.C. 252, 126 S.E. 28, 28 (1925) (emphasis added)). Therefore, this Court finds Trial Counsel could not have been deficient for failing to call this witness to testify to the fact that McLeod had viewed Applicant's discovery because the witness's testimony would likely not have been admissible at trial.

The testimony of Randall Tyler is to a collateral matter—whether Curtis McLeod tampered with Applicant's discovery. What is considered "collateral matters and the nature of the inquiry, the relevancy of the evidence—is one which considerable latitude must of necessity be accorded the trial court." Brock, *supra*. Assuming *arguendo*, Tyler's testimony would have been admissible at trial, Applicant has failed to show how Trial Counsel was deficient for not calling the witness Randall Tyler under the standard of prevailing professional norms. Applicant bears

the burden to show counsel's performance was deficient as measured by the standard of reasonableness under *prevailing professional norms*. Strickland, *supra* (emphasis added).

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Trial Counsel failed to render adequately effective assistance of counsel under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

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

II. Failing to effectively impeach Curtis McLeod:

The approach and scope of cross-examination should not be second-guessed. See Sallie v. North Carolina, 587 F.2d 636, 640 (4th Cir. 1978) (Marzullo not intended to promote judicial second-guessing on questions of strategy as basic as handling of a witness); see also Dunham v. Travis, 313 F.3d 724, 732 (2d Cir. 2002) (“Decisions about ‘whether to engage in cross-examination, and if so to what extent and in what manner, are ... strategic in nature’ and generally will not support an ineffective assistance claim.” (quoting United States v. Nersesian, 824 F.2d 1294, 1321 (2d Cir. 1987)); Johnson v. Hofbauer, 159 F.Supp.2d 582, 607 (E.D.Mich. 2001) (“Impeachment strategy is a matter of trial tactics, and tactical decisions are not ineffective assistance of counsel simply because in retrospect better tactics may have been available.”) (citing Gallo v. Keman, 933 F.Supp. 878, 881 (N.D.Cal.1996); aff’d 141 F.3d 1175 (9th Cir. 1998); cert. den. 525 U.S. 856 (1998)).

At the evidentiary hearing, Trial Counsel testified it is not uncommon for jailhouse

“snitches” to testify, and he has a standard practice for how he approaches and questions these witnesses. (PCR Tr. p. 31). Trial Counsel testified he has never called another prisoner as a witness to rebut a jailhouse “snitch.” Applicant testified at the evidentiary hearing that he never confessed to McLeod. (PCR Tr. p. 38). Applicant testified that he gave a packet of legal paperwork to McLeod to give to the “law man” or “Ghost.” (PCR Tr. p. 40). On cross-examination, Applicant testified he did not know McLeod was intending to “steal information.” (PCR Tr. p. 59).

This Court finds that Applicant has failed to overcome the “strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case.” Ard v. Catoe, *supra*. First, the record reflects that Trial Counsel questioned McLeod on cross-examination about his criminal record and access to news articles. (Trial Tr. pp. 591-599). Second, cross-examination is a matter of trial strategy and Trial Counsel articulated a reasonable trial strategy. (PCR Tr. p. 21). Third, McLeod was facing federal felony charges at the time of Applicant’s trial. (Trial Tr. pp. 497-498). A circuit court solicitor has no control of federal cases. McLeod received no benefit or promises in lieu of his testimony at Applicant’s trial. Fourth, McLeod’s testimony was corroborated by other evidence. McLeod testified that Applicant told him after him and Shirley Rogers left the victims’ house, they left and proceeded to Ms. Rogers’ house to clean up. (Trial Tr. pp. 582-588). This matched the tower pings and Applicant’s phone location near Ms. Rogers’ residence. (Trial Tr. p. 487).

Applicant alleges that the Court of Appeals significantly relied on Curtis McLeod’s testimony in its harmless error analysis, and therefore, Trial Counsel was ineffective for failing to impeach him [and failing to call witness Randall Tyler]. Further—and critically—the Court of Appeals found that although the trial court erred in establishing the reliability of PCMD, the error was harmless due to other evidence. Applicant alleges this evidence hinges merely on the

testimony of McLeod but fails to consider the other evidence relied on by the Court of Appeals in its opinion including—the more general CSLI placing Applicant’s phone within the vicinity of the murders, repeated contact between Rogers and Applicant, and inconsistent statements by Applicant to his roommate Eric Cade concerning his whereabouts. Additionally, the jury considered the following evidence at trial: the nature of the crime scene giving rise to the inference of two killers, the development of Shirley Rogers with motive and Applicant as her only likely accomplice, trace amount of DNA from Applicant mixed in with the DNA of both victims in the interior of Eric Cade’s car, and the testimony of Eric Cade.

This Court finds Applicant’s assertion that the Court of Appeals opinion would have been different if Trial Counsel effectively impeached McLeod [and called Randall Tyler as a witness] is mere speculation, and there is not a reasonable probability the outcome would have been different, especially considering the Court of Appeals relied on ample other evidence in its opinion. Notably, this Court highlights that Applicant has failed to produce McLeod for the additional question that Applicant alleges should have been asked during cross-examination. See Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998). This Court cannot speculate as to how McLeod would have responded to any additional questions Applicant asserts Trial Counsel should have asked during cross-examination. See Glover v. State, 284 S.C. 152, 326 S.E.2d 150 (1985) (finding applicant’s mere speculation about what the witnesses’ testimony would have been cannot, by itself, satisfy the applicant’s burden of showing prejudice.) Further, Applicant failed to prove that further cross-examination of McLeod would have had a reasonable probability of changing the outcome of trial.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Trial Counsel failed to render

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

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

III. Failing to move for a continuance and failing to investigate the jailhouse “snitch.”

In order to show that counsel was ineffective for failing to move for a continuance, applicant must show what benefits would accrue from additional preparation. See, Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial). In Skeen, the Supreme Court found that applicant failed to meet his burden of proof that counsel was ineffective for failing to request a continuance where he offered no evidence as to what benefits additional preparation would have yielded. Id.

To prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defense applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377

S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Trial Counsel testified he did not recall exactly when the State informed him about McLeod. (PCR Tr. pp. 18-19). Trial Counsel testified he could have been informed a month, week, or day prior to McLeod's testimony. (PCR Tr. pp. 18-19). Trial Counsel testified he reviewed McLeod's record and statements to law enforcement prior to his testimony at trial. (PCR Tr. p. 20). Trial Counsel testified it is not uncommon for jailhouse "snitches" to testify, and he has a standard practice for how he approaches and questions these witnesses. (PCR Tr. pp. 20-21). Trial Counsel testified he discussed McLeod with Applicant prior to his testimony at trial. (PCR Tr. p. 21).

This Court finds that Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, *supra*. Applicant has not met his burden to show how Trial Counsel was ineffective for failing to request a motion for continuance. Further, Applicant has failed to show what benefits would accrue from additional preparation. See, Skeen, *supra*. Notably, McLeod testified on the last day of a four-day trial. Trial Counsel testified if Applicant told him there was a witness to impeach McLeod, then he would have done some sort of calculus as to how much bandwidth there was to investigate the issue and whether it was a prudent use of resources. (PCR Tr. pp. 23-24). See Abney v. State, 408 S.C. 41, 48, 757 S.E.2d 544, 547 (Ct. App. 2014) ("*What motions to file and whether to put on evidence so as to preserve the final word in closing argument are... strategic and tactical decisions to be made by trial counsel.*") (internal citations omitted) (emphasis added). Trial Counsel testified he has dealt with jail house "snitches" before and that he had time to discuss McLeod's testimony with Applicant. (PCR Tr. pp. 20-21). Applicant did not prove Trial Counsel was deficient for failing to request a

continuance, and further Applicant did not prove there is a reasonable probability the outcome of trial would have been different had Trial Counsel done so.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Trial Counsel failed to render adequately effective assistance of counsel under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Trial Counsel committed either errors or omissions to prove the second prong of Strickland—that he was prejudiced by Trial Counsel's performance.

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

[CONCLUSION PAGE TO FOLLOW]

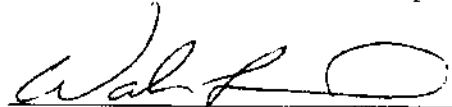
CONCLUSION

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

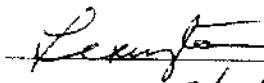
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991),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

IT IS THEREFORE ORDERED:

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



WALTON J. MCLEOD, IV
Presiding Judge
Thirteenth Judicial Circuit


9/9/2026, South Carolina.