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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BERKELEY COUNTY
Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge

Case No.: 2026-CP-08-00724

JayQuan Washington, #396877 ..... Appellant

v.

State of South Carolina ..... Respondent

NOTICE OF APPEAL

The Appellant, JayQuan Washington filed the belated appeal of the attached May 23, 2025 criminal conviction on via the attached order granting him the right to file a belated appeal dated October 26, 2026.

November 4, 2026

/s/Christopher L. Murphy
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STATE OF SOUTH CAROLINA COUNTY OF BERKELEY	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT
JayQuan T. Washington, #396877 Applicant, v. State of South Carolina, Respondent.	)	CASE NO. 2026-CP-08-00724 **ORDER**

FILED
2026 OCT 26 AM 10:58
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

This matter came before the court by way of an application for post-conviction relief (PCR) filed by JayQuan T. Washington. On October 26, 2026, Applicant appeared before the Honorable R. Keith Kelly at the Berkeley County Courthouse. Christopher L. Murphy, Esquire represented Applicant. Assistant Attorney General Kylee M. Kanealey represented Respondent.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. In August 2022, the Charleston County Grand Jury indicted Applicant for 3 counts of murder (2022-GS-08-01815; -01815; -01817), and 3 counts of possession of a weapon during the commission of a violent crime (2022-GS-08-01818; -01819; -01820). In May 2025, Applicant proceeded to a jury trial before the Honorable Dale E. Van Slambrook. Applicant was represented by Ashley Cornwell, Esquire. Assistant Solicitor Stephanie Linder prosecuted the case. The jury found Applicant guilty as indicted on all counts. On May 23, 2025, Judge Van Slambrook sentenced Applicant to concurrent life sentences for each murder charge, and five years concurrent for each weapons charge.

Applicant, through counsel, filed a notice of appeal on May 29, 2025. The appeal was dismissed for failing to provide proof of service and provide proof of filing the notice of appeal

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with the circuit court clerk, as required by Rule 262 SCACR, and as directed by the Court's letter of June 3, 2025. The remittitur was issued on July 18, 2025.

CURRENT PCR APPLICATION

On March 5, 2026, Applicant timely filed this PCR action alleging Counsel failed to timely file a notice of appeal.

BELATED APPEAL PURSUANT TO WHITE V. STATE

Based upon its review of the records, this Court finds Applicant is entitled to petition to the South Carolina Supreme Court for a belated appeal of his direct appeal issues. "Following a trial, counsel must make certain the defendant is made fully aware of the right to appeal." Simuel v. State, 390 S.C. 267, 270, 701 S.E.2d 738, 739 (2010) (internal citations omitted). "To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal." Wilson v. State, 348 S.C. 215, 217, 559 S.E.2d 581, 582 (2002) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)). Where an accused establishes in a PCR hearing that he was unconstitutionally deprived of his statutory right to a direct appeal, the South Carolina Supreme Court, upon an appeal of the PCR decision, will review the trial record and pass upon all issues properly raised and argued as if the direct appeal had been perfected. White v. State, 263 S.C. 110, 119, 108 S.E.2d 35, 39-40 (1974).

Applicant alleges Counsel failed to timely file a notice of appeal. The record reflects that the appeal was dismissed for failing to provide proof of service and provide proof of filing the notice of appeal with the circuit court clerk, as required by Rule 262 SCACR, and as directed by the Court's letter of June 3, 2025. Here, both Applicant and Respondent agree that Applicant was denied an opportunity of a direct appeal.

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CONCLUSION

Based on the foregoing, this Court finds Applicant is entitled to petition the South Carolina Supreme Court for a belated appeal of his direct appeal issues pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).

This Court notes that Applicant must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), 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. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

THEREFORE, IT IS ORDERED

1. This Court finds Applicant is entitled to petition to the South Carolina Supreme Court for a belated appeal of his direct appeal issues pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974);

2. That all other potential allegations are waived and dismissed with prejudice;

3. That Applicant remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 26 **day of** October, **2026.**

R. KEITH KELLY
Presiding Judge
Ninth Judicial Circuit

Berkeley County, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF BERKELEY STATE OF SOUTH CAROLINA, vs. JAY QUAN TYHEIM WASHINGTON *Defendant.*	IN THE COURT OF GENERAL SESSIONS FOR THE NINTH JUDICIAL CIRCUIT Indictment No(s): 2022-GS-08-01815 2022-GS-08-01816 2022-GS-08-01817 2022-GS-08-01818 2022-GS-08-01819 2022-GS-08-01820

FILED
MAY 23 2025
CASE NO
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

VERDICT FORM

I. MURDER

As to the offenses of Murder, we the jury unanimously find the Defendant:

A. As to Malik Gibbs (2022-GS-08-01815):

1) _____ Not Guilty

2) ✓ Guilty

B. As to Martice Green (2022-GS-08-01816):

1) _____ Not Guilty

2) ✓ Guilty

C. As to Desmond Williams (2022-GS-08-01817):

1) _____ Not Guilty

2) ✓ Guilty

II. POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

As to the offenses of Possession of a Weapon During the Commission of a Violent Crime, we the jury unanimously find the Defendant:

A. As to Malik Gibbs (2022-GS-08-01818):

3) _____ Not Guilty

4) ✓ Guilty

B. As to Martice Green (2022-GS-08-01819):

3) _____ Not Guilty

4) ✓ Guilty

C. As to Desmond Williams (2022-GS-08-01820):

D. _____ Not Guilty

E. ✓ Guilty

THE VERDICT MUST BE UNANIMOUS. Please notify the Bailiff upon reaching a verdict.

Sabrina Perkins

Foreperson Signature

23rd Day of May, 2025

Berkeley County, South Carolina