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June 23, 2014

RECEIVED

JUN 25 2014

S.C. SUPREME COURT

South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Terrance Goodman, 351723 v State of South Carolina
2012-CP-43-2186

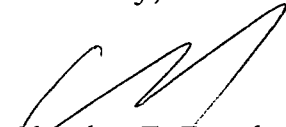
Dear Sir or Madam:

Enclosed herewith you will find the **Notice of Appeal, Order of Dismissal**, along with a **Proof of Service** in reference to the above named Applicant.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,



Charles T. Brooks, III
CTB/srw

Enclosed as stated

cc: Daniel Gourley, Office of Attorney's General
South Carolina Office of Appellate Defense
Terrance Goodman, 351723

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
Honorable George C. James, Jr., Circuit Court Judge

Case No: 2012-CP-43-2186

Terrance Goodman.....Appellant
S.C.D.C. 351723
v.
The State Respondent

NOTICE OF APPEAL

Terrance Goodman, appeals his Denial for Post Conviction Relief in this case. The order of Dismissal was imposed and signed by the Honorable George C. James, Jr., June 6, 2014, which I, Charles T. Brooks, III, received on June 19, 2014.

RECEIVED

JUN 25 2014

S.C. SUPREME COURT



Charles T. Brooks, III
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Attorney for Appellant

Other Counsel on Record:
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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
Honorable George C. James, Jr., Circuit Court Judge

Case No: 2012-CP-43-2186

Terrance Goodman.....Appellant
S.C.D.C. 351723
v.
The State.....Respondent

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 24th day of June, 2014, I served the foregoing **Notice of Appeal, Order of Dismissal**, as well as **Proof of Service** in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on June 24, 2014, addressed to the following as indicated below:


South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

South Carolina Office of Appellate Defense
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29211-1589

Office of Attorney's General
Attn: Daniel Gourley, Esquire
Post Office Box 11549
Columbia, South Carolina 29211-1549

Terrance Goodman, 351723
Lee Correctional Institution
990 Wisacky Hwy
Bishopville, S. C. 29010

Dated: June 24, 2014


Charles T. Brooks, III
Attorney for the Appellant
309 Broad Street
Sumter, South Carolina 29150
(803) 418-5708

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED

2014 JUN 16 AM 11:23

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Terrance Goodman, #351723

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Case No. 2012-CP-43-2186

CERTIFIED TRUE COPY
OF ORIGINAL FILED

[Signature]
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on November 9, 2012. Respondent made its return on March 22, 2103. An evidentiary hearing into the matter was convened on February 26, 2014, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. Applicant was true bill indicted during the January 2012 term of the Sumter County Grand Jury under a four count indictment (2012-GS-43-0217) for Discharging a Firearm into Occupied Conveyance, Armed Robbery, Attempted Armed Robbery, and Attempted Murder. Applicant was represented by Tiffany Butler, Esquire. On July 23, 2012, the Applicant pled guilty pursuant to Alford¹ to Discharging a Firearm into an Occupied Automobile, Armed Robbery, and Attempted Armed Robbery before the Honorable R. Ferrell Cothran, Jr. Judge

¹ 91 S.Ct. 160, 400 U.S. 25 (2000)

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testimony from plea counsel, Tiffany Butler, Esquire (Counsel). This Court also had before it a

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Cothran sentenced Applicant to a negotiated sentence of ten years imprisonment for Discharging a Firearm into an Occupied Automobile, fifteen years imprisonment for Armed Robbery, and fifteen years for Attempted Armed Robbery with the sentences to be served concurrently. The remaining charge was *nolle prossed* pursuant to the plea. Applicant did not appeal his guilty plea or sentence.

ALLEGATIONS

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

1. Ineffective Assistance of Counsel;
 - a. "I never received all evidence against me in my motion of discovery from the state."
 - b. "Victim Cory Jones gave false allegation to law enforcement."
 - c. "I was assigned [sic] a new public defender witch [sic] she misrepresented me."
 - d. "I never received none of the statements from the victims neither the witnesses."
 - e. "In my motion for discovery it states that witnesses also victims wrote statements that I didn't receive."
 - f. "Phone records for victim Corey Jones cell phone that was recovered and support the fact that Cory Jones did in fact speak with these defendants before this incident took place."
 - g. "Public Defender David Sullivan was assigned [sic] as my Public Defender until he was fired. I was then assigned [sic] Tiffany Butler witch [sic] she didn't know much about my case at the time before I went to Court for trial [sic]. We went over small details about my case. At the time I was sentenced I feel as if my Public Defender misrepresented I, Terrance Goodman."

At the PCR hearing, Applicant proceeded on only the allegation that his plea was involuntary.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from plea counsel, Tiffany Butler, Esquire (Counsel). This Court also had before it a



copy of plea transcript, the Sumter County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

During the evidentiary, Applicant testified that he understood the PCR process and was asking the Court to grant him a new trial. Applicant stated that he has a tenth grade education. Applicant stated at the time of his plea he was young, scared, and did not fully understand what he was doing. Applicant stated he asked Counsel for a plea deal of eleven years, but Counsel could not get the Assistant Solicitor to agree. Applicant stated that he did not understand the plea process and only pled guilty because he was scared he would receive significantly more time if he went to trial. Applicant further alleged that Counsel coerced him into pleading guilty but could not recall what she said. Applicant stated that he met with Counsel twice prior to entering his guilty plea. Applicant stated he did not review any discovery material with Counsel prior to his plea. Applicant stated that he discussed various defenses with Counsel. Applicant stated he gave Counsel various witnesses to investigate. Applicant recalled telling the plea judge that he was satisfied with Counsel's services. Applicant recalled telling the plea judge that no one had promised or threatened him in an effort to get him to plead guilty. Applicant stated that he pled guilty under North Carolina v. Alford, 91 S.Ct. 160, 400 U.S. 25 (2000). Applicant stated as part of his plea negotiations that the State *nolle prosequed* an Attempted Murder charge and asked the plea court to run the sentences concurrently. Applicant stated that he entered the Alford plea to avoid a harsher sentence.

Following Applicant's testimony, Tiffany Butler (Counsel), Esquire was called to testify by the State. Counsel stated she was appointed to represent Applicant and met with him three or four times prior to his Alford plea. Counsel stated she filed both Brady and Rule 5 motions. Counsel stated she reviewed all discovery material with Applicant prior to his Alford plea.

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Counsel stated she discussed Applicant's right to a trial and they had selected a jury prior to Assistant Solicitor, Jason Corbett, Esquire, making a plea offer of fifteen years with all sentences running concurrently. Counsel stated Applicant originally wanted eleven or twelve years, but ultimately chose to accept the fifteen year plea offer.

Counsel stated she discussed Applicant's version of facts and any possible defenses. Specifically, Counsel stated if Applicant had elected to proceed to trial she was going to attempt to "poke holes" in the State's evidence. However, Counsel testified that the State had "overwhelming" evidence against Applicant. Counsel stated the Victim had positively identified Applicant and the Victim's cell phone was found on the ground ^{beside (D?)} by Applicant when he was arrested. Counsel further stated that there were three individuals involved in the crime. Counsel stated there were shots fired into the Victim's car. Counsel stated Applicant requested that she interview Mr. Quinton Singleton, as a potential witness, but she was not able to contact him. Counsel stated she reviewed Applicant's constitutional rights.

INVOLUNTARY GUILTY PLEA

The voluntariness of a guilty plea is determined in light of the entire record before the court. Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012) (citing Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000)). "To knowingly and voluntarily enter a plea of guilty, all that is required is that a defendant have a full understanding of the consequences of his plea and of the charges against him." Simpson v. State, 317 S.C. 506, 508, 455 S.E.2d 175, 176 (1995) (citing Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991)). Furthermore, a defendant must only be informed of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Roddy, 339 S.C. at 33, 528 S.E.2d at 421 (citing Boykin v. Alabama, 395 U.S. 238 (1969)). "When attempting to determine the voluntary and intelligent nature of a

plea, the plea colloquy ordinarily serves as confirmation that a criminal defendant is waiving the right to raise certain constitutional claims by pleading guilty.” Hyman, 397 S.C. at 44, 723 S.E.2d at 379 (citing Rivers v. Strickland, 264 S.C. 121, 213 S.E.2d 97, 98 (1975)). However, the plea judge need not provide an “enumeration of specific rights waived ... where the record otherwise reveals affirmative awareness of the consequences of a guilty plea.” State v. Lambert, 266 S.C. 574, 579, 225 S.E.2d 340, 342 (1976) (citing Stinson v. Turner, 473 F.2d 913 (10th Cir. 1973)). Furthermore, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant. 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 (1977)). 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 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). Pleading guilty to avoid a possibly greater sentence, without more, does not render a guilty plea involuntary. Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463, 25 L.Ed. 2d 747 (1970); Wicker v. State, 310 S.C. 8, 12, 425 S.E.2d 25, 27 (1992).

The Court finds Applicant failed to demonstrate his plea was not knowingly and voluntarily entered. This Court further finds Counsel’s testimony to be credible and Applicant’s testimony not credible. During the evidentiary hearing, Applicant testified that his guilty plea was involuntary because he was young at the time of the plea, did not know what he was doing, could not read or write, and could not comprehend anything. Applicant further testified that Counsel “did not know what she was doing.” Applicant stated that he met with Counsel twice prior to his plea. Applicant stated that he could not read or write, could not recall any defenses he discussed with Counsel, and that he told the plea judge he was satisfied with her services

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because he did not understand what he was doing. Applicant further claimed that Counsel talked him into pleading guilty or scared him into pleading guilty. Applicant could not recall what Counsel said or did to coerce Applicant into pleading guilty. Applicant stated that he accepted the fifteen year offer due to Counsel's failure to obtain an eleven year plea offer per his request. Applicant further admitted to pleading guilty to avoid a harsher sentence.

Counsel stated she was appointed to represent Applicant and met with him three or four times before his Alford plea. Counsel stated she filed both a Brady and Rule 5 motion. Counsel stated she reviewed all discovery material with Applicant prior to his Alford plea. Counsel stated she discussed Applicant's right to a trial and had selected a jury prior to Assistant Solicitor, Jason Corbett, Esquire, making a plea offer of fifteen years with all sentences running concurrently. Counsel stated Applicant originally wanted eleven or twelve years, but ultimately chose to accept the plea offer.

In Counsel's testimony at the evidentiary hearing, Counsel stated she discussed Applicant's version of facts and any possible defenses. Specifically, Counsel stated if Applicant had elected to proceed to trial she was going to attempt to "poke holes" in the State's evidence. However, Counsel testified that the State had "overwhelming" evidence against Applicant. Specifically, Counsel stated the Victim had positively identified Applicant and the Victim's cell phone was found on the ground by Applicant when he was arrested. Counsel further stated there were three individuals involved in the crime. Counsel stated there were several shots fired into the Victim's car. Counsel stated Applicant requested that she interview Mr. Quinton Singleton, as a potential witness, but she was not able to contact him. Counsel stated she reviewed Applicant's constitutional rights. Counsel stated initially Applicant wanted to proceed to trial, there was no plea offer, and she began to prepare for trial. During a recess for lunch the day of



the trial, Assistant Solicitor Corbett contacted Counsel and offered a fifteen year negotiated sentence should the defendant plead guilty. Counsel stated she relayed the plea offer, and Applicant ultimately chose to accept the plea offer.

This Court finds Applicant has failed to demonstrate that his plea was not freely and voluntarily entered. As the record reveals, the Applicant's plea was given freely, voluntarily, and intelligently entered. This Court notes that nothing in the record reveals that Applicant did not understand what he was doing, or that he was dissatisfied with Counsel, or that he was pressured into pleading guilty. Applicant admitted that he was willing to accept an eleven year plea offer; it does not stand to reason that he was competent enough to contemplate and demand an eleven year deal but that he was unable to understand and competently accept a fifteen year deal. Applicant simply did not get the deal that he wanted and his testimony that he was forced into pleading guilty is not credible in the least. Accordingly, this Court finds Applicant's plea was knowingly and voluntarily entered. Therefore, this allegation should be denied and dismissed with prejudice.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present sufficient evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Plea counsel rendered effective assistance and Applicant's plea was knowingly and voluntarily



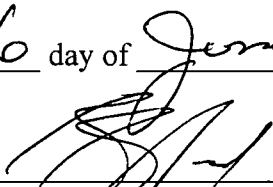
entered. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant 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 Respondent.

AND IT IS SO ORDERED this 6 day of June, 2014.



GEORGE C. JAMES, JR.
Presiding Judge
Third Judicial Circuit


_____, South Carolina

