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SEP 09 2019

S.C. SUPREME COURT

September 06, 2019

Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

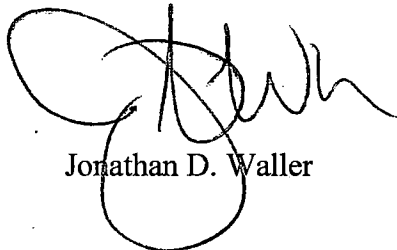
Re: Ravon D. Hamer vs. State of South Carolina
C/A No: 2017-CP-21-3305

Dear Mr. Shearouse:

Please find enclosed one (1) original and one (1) copy each of Applicant's Notice of Appeal and Certificate of Service in the above referenced case. I would appreciate you filing the original and returning the clocked copies in the enclosed envelope.

I was appointed to represent Mr. Hamer in this matter and am also enclosing a copy of the Order of Dismissal. If you have any questions, please do not hesitate to ask. My telephone number is 803-520-7278.

Sincerely,



Jonathan D. Waller

Cc: Brianna L. Schill, South Carolina Office of Attorney General

Enclosures

Waller Law Group
1116 Blanding Street, Suite 2B
Columbia, SC 29201

803-520-7278
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jonathan@wallergroupsc.com

STATE OF SOUTH CAROLINA
In The Supreme Court

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SEP 09 2019

APPEAL FROM FLORENCE COUNTY
William H. Seals, Jr., Circuit Court Judge

S.C. SUPREME COURT

2017-CP-21-3305

Ravon D. Hamer, # 328149,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Ravon D. Hamer, # 328149, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed September 4, 2019, issued by the Honorable William H. Seals, Jr., Presiding Judge, Twelfth Judicial Circuit.



Jonathan D. Waller

Waller Law Group
SC Bar No.: 76290
1116 Blanding Street
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Columbia, SC 29201
803-520-7278 (phone)
jonathan@wallergroupsc.com
ATTORNEY FOR PETITIONER

September 06, 2019

Other Counsel of Record:
Lindsey A. McCallister, Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3319

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

SEP 09 2019

APPEAL FROM FLORENCE COUNTY
William H. Seals, Jr., Circuit Court Judge

S.C. SUPREME COURT

2017-CP-21-3305

Ravon D. Hamer, # 328149,

Appellant,

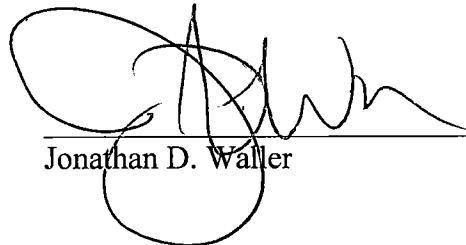
v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Appellant's Notice of Appeal in the above-entitled case has been served upon opposing counsel, Brianna L. Schill, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this day, to her office located at P.O. Box 11549, Columbia, SC 29211.



Jonathan D. Waller

September 06, 2019

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE
IN THE COURT OF COMMON PLEAS

FILED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP2103305

Ravon D Hamer

2019 SEP -4 PM 1:03

South Carolina State Of

PLAINTIFF(S)

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

9/4/2019

Date

For Clerk of Court Office Use Only

This judgment was entered on September 4, 2019, and a copy mailed first class or placed in the appropriate attorney's box on September 4, 2019, to attorneys of record or to parties (when appearing pro se) as follows:

CERTIFIED: A TRUE COPY
Clerk of Court
C.P. & G.S.
FLORENCE COUNTY, S.C.

Jonathan D Waller 1116 Blanding Street Suite 2B
Columbia, SC 29201

Samuel Leonard Key Rembert C. Dennis Building 1000
Assembly Street Columbia, SC 29201
Hand Delivered- 09/04/2019

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Doris P. O'Hara

Court Reporter

Doris Poulos O'Hara - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Ravon D. Hamer, #328149,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
OF THE TWELFTH JUDICIAL CIRCUIT

Case No.: 2017-CP-21-3305

ORDER OF DISMISSAL

FILED
2019 SEP -4 AM 11:23
FLORENCE COUNTY, S.C.

2019 SEP -4 AM 11:23

FILED

This matter comes before the Court by way of Applicant's post-conviction relief (PCR) application filed December 4, 2017. Respondent made its return April 5, 2018. On June 14, 2019, Applicant filed an Amended PCR Application. An evidentiary hearing on the matter was convened on June 24, 2019, at the Florence County Courthouse before the undersigned. Jonathan D. Waller, Esquire, represented Applicant. Brianna L. Schill, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

At the hearing, Applicant testified on his own behalf. William Vickery Meetze, Esquire, Applicant's plea counsel (Counsel), also testified. At the conclusion of the hearing, this Court took the matter under advisement to review all of the relevant documentation. For the reasoning below, this Court now denies and dismisses the application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. In September 2015, the Florence County Grand Jury indicted Applicant for four counts of first degree burglary (2015-GS-21-0883). Assistant Public Defender William Vickery Meetze, Esquire, represented Applicant. Assistant Solicitor David Richardson, Jr., Esquire, initially prosecuted the case. However, Applicant's case

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Clerk of Court C.P. & G.S.
FLORENCE COUNTY, S.C.
David Richardson, Jr.

was reassigned to Assistant Solicitor John Holt, who ultimately represented the State at Applicant's guilty plea hearing. On December 7, 2016, Applicant pleaded guilty as indicted to all charges before the Honorable D. Craig Brown. Judge Brown sentenced Applicant to imprisonment for concurrent terms of twenty years for each count of first degree burglary, along with credit for time served of 647 days. Applicant did not appeal his conviction or sentence.

Applicant timely filed an application for post-conviction relief December 4, 2017.

SUMMARY OF FACTS ADDUCED AT APPLICANT'S GUILTY PLEA HEARING

On February 22, 2014, Ms. Tinesia Williams returned to her home in Florence to discover pry marks near the dead bolt of her door, indicating that someone had unlawfully entered her home. (GP Tr. 20). Ms. Williams discovered her black PlayStation 4 and an iPhone 5 were taken from her living room. (GP Tr. 20). Additionally, Ms. Williams discovered a PlayStation 3 gaming system along with twenty video games were stolen from her son's bedroom. (GP Tr. 20). Furthermore, the perpetrator stole a Wii U Nintendo gaming system, a pair of Nike Air Mission shoes, two laptops, and cameras. (GP Tr. 20). Fingerprints were located at the scene, which were evaluated and ultimately found to belong to Applicant. (GP Tr. 13).

On February 28, 2014, Betnia Thomas returned home after work to discover that her front door was "shaky" and her doorframe had been "kicked in." (GP Tr. 14). Ms. Thomas entered her home and noticed her sixty inch television was missing along with the corresponding remote controls. (GP Tr. 14). Additionally, the fifty inch television in her spare bedroom had been "tampered with." (GP Tr. 17). Once again, the perpetrator left fingerprints, which were ultimately evaluated and found to match Applicant. (GP Tr. 17).

On May 3, 2014, Mr. David Easler contacted police to inform them that someone had burglarized his home. (GP Tr. 13). The back door of Mr. Easler's home had been forced open

and many of his belongings were scattered about his bedroom. (GP Tr. 18). It was eventually determined that several thousand dollars' worth of goods - guns, a Rolex watch, a television, a Nikon D710 camera, camera lenses, and an engagement ring were missing. (GP Tr. 13). A t-shirt containing fecal matter was found "outside the back door" of Mr. Easler's home. (GP Tr. 13-14). The fecal matter was tested for DNA and ultimately matched Applicant. (GP Tr. 14).

On May 30, 2014, Ms. Amelia returned home after work to discover that her home had been burglarized and several items were missing. (GP Tr. 14). A "flat chisel type tool" had been used to gain entry into the residence. (GP Tr. 22). Two televisions, a money clip, several pieces of jewelry, and a handgun and ammunition were stolen from Ms. Mathews' home. (GP Tr. 22). The perpetrator left blood DNA evidence on the chisel tool that was used to gain entry into the home. This DNA evidence was tested and ultimately matched Applicant. (GP Tr. 14).

ALLEGATIONS

Applicant's original PCR application alleged the following claims:

- (1) "Ineffective Assistance of Counsel"
 - a. "Conduct as counsel was malicious, sadistic"
 - b. "Counsel conspired with Assistant Solicitor David A. Richardson Jr. and denied petitioner the results of his DNA test results."
 - c. "Codefendant's written statement, counsel also conspired with Assistant Solicitor David A. Richardson Jr.'s malicious mindset to not present statement"
 - d. "Failed to notify petitioner of right to direct appeal"
 - e. "Counsel only saw petitioner twice and after plea wasn't informed of right to appeal the 20 year sentence given instead of 15 years promised before counsel and assistant solicitor."
 - f. "Failed to obtain witnesses for defendant"
 - i. "Counsel never contacted them"
 - g. "Plea deal violation: Counsel did conspire with assistant solicitor David A. Richardson, promise petitioner 15 years; however petitioner was sentenced to 20 years."
 - h. "Assistant solicitor did promise petitioner 15 years if he plead guilty, petitioner was coerced to plea and got 20 years."
 - i. "Illegal Sentence"
 - i. "Petitioner was not convicted on a grand jury indictment."

- ii. "All four counts of first degree burglary on different dates are all on single count indictment, none is a lesser included offense."
- j. "Invalid Indictment"
 - i. "Counsel failed to do motion to squash/dismiss indictment"
 - ii. "All four first degree burglary charges on different dates the offenses take place allegedly. None however is a lesser included offense."
 - iii. "This is not a valid indictment presented to jury grand jury to bring charges against petitioner."
- (2) "Prosecutor Misconduct"
 - a. "Brady Violation Rule 5"
 - b. "Petitioner was denied test results."
 - c. "Petitioner was denied written statements of codefendants."

On June 14, 2019, Applicant amended his PCR application to assert the following claims:

- (1) Counsel was ineffective for failing to properly convey plea offers to Applicant, including an explanation of the conditions of offers, thus depriving Applicant from making a knowing and voluntary decision whether to accept such plea offers.
- (2) Counsel was ineffective for failing to conduct adequate amount of meeting with Applicant to review discovery so that Applicant would know of the allegations against him, thus rendering Applicant's plea unknowingly and involuntarily entered into.

At the outset of the evidentiary hearing, PCR counsel indicated Applicant would proceed only on the allegations set forth in the amended PCR application. Therefore, this Court finds all other allegations raised in Applicant's original application are waived and abandoned, and those allegations shall be denied and dismissed with prejudice.

TESTIMONY

Applicant's Testimony

Applicant testified he met with Counsel to discuss his case on two occasions while he was in custody and on two occasions in Florence, SC. Applicant testified he received all discovery except for the blood and fecal DNA evidence against him. Applicant testified Counsel informed him that the State had DNA evidence against him, but maintained that he was not "aware" of the

DNA evidence. Applicant testified he did not stop his guilty plea proceedings to ask questions after the DNA was mentioned because: he knew there was a possibility he could be found guilty with DNA evidence, and he "didn't want to get life."

Applicant testified Counsel reviewed each of his charges with him individually. Applicant testified when he met with Counsel, he did not have any questions for Counsel regarding his case. Applicant testified he and Counsel did not discuss Applicant's version of the facts and that Counsel simply told him he was "guilty" because they had DNA evidence and he would "get life" if his case went to trial. Applicant testified there were no witnesses to the burglaries, and therefore, he did not provide any witness names to Counsel.

Applicant testified he and Counsel "only" talked about plea offers and that Counsel "tried" to get him to plead to ten years. Applicant recalled receiving a ten-year plea offer from Assistant Solicitor Richardson on two occasions. Applicant recalled this ten-year plea offer consisting of a charge reduction from first-degree burglary to second-degree burglary. Applicant testified he and Counsel did not discuss "percentages or anything" or whether the charge was considered a violent offense. Applicant testified he rejected the ten-year offer twice because the complete conditions of the offer were not conveyed adequately. Applicant testified if the ten-year offers had been conveyed adequately, he would have accepted a ten-year plea offer.

Applicant recalled telling the plea court that he was not satisfied with Counsel because he wanted to receive a ten year sentence and not the fifteen-year recommended sentence. Applicant again recalled rejecting the ten-year plea offer on two occasions. Applicant testified Assistant Solicitor Holt would not re-offer the ten-year plea deal once Holt inherited the case. Applicant testified Assistant Solicitor Holt only offered him a fifteen-year plea offer. Applicant testified he did not fully understand the fifteen-year plea offer, including whether it was considered a violent

offense. Applicant further testified he thought he would receive no more than fifteen years because he did not know whether the plea offer was a negotiated or recommended sentence, nor did he know what a negotiated or recommended sentence meant. Applicant testified he recalled the plea court informing him, on the record, that the plea court did not have to accept the State's fifteen-year recommendation.

Applicant testified he recalled the plea court informing him that first-degree burglary was a violent and most serious offense under South Carolina law. Applicant admitted he never told Counsel he wanted to go to trial. Applicant recalled giving up his constitutional rights at the plea hearing. Applicant recalled telling the plea court he was pleading guilty freely and voluntarily.

Counsel's Testimony

Counsel testified he met with Applicant several times, including one visit at the county detention center, one or two visits at Ridgeland Correctional Institution, and prior to his guilty plea hearing. Counsel recalled Applicant rejecting a ten-year plea offer on two occasions. Counsel testified after Assistant Solicitor John Holt inherited Applicant's case, the "best" plea deal Assistant Solicitor Holt offered was a fifteen-year negotiated sentence. Counsel testified when he informed Applicant about the fifteen-year negotiated sentence, Applicant "wasn't happy about it," but stated he would accept it. However, Counsel and Assistant Solicitor Holt met with "at least three different judges," and each judge stated they would not accept the fifteen-year negotiated plea. Accordingly, Assistant Solicitor Holt told Counsel he could only offer a recommended sentence of fifteen years. Counsel testified he informed Applicant of the fact that the plea offer would now be a recommended plea offer. Counsel testified he informed Applicant of the difference between a negotiated and a recommended sentence. Counsel testified Applicant understood the difference between a negotiated and recommended sentence. Counsel testified he

“didn’t promise” Applicant he would get fifteen years. Counsel testified he told Applicant the sentence was still left up to the judge.

Counsel testified he mailed Applicant all discovery in his possession in March 2016. Counsel testified that he did not receive the blood or fecal DNA results until August 2016. Counsel testified he did not think he showed Applicant the DNA analysis prior to Applicant’s guilty plea hearing. However, Counsel testified he informed Applicant the State had blood and fecal DNA evidence against him and described the results to him. Further, Counsel testified Applicant still chose to pursue a guilty plea, rather than a trial, despite knowing that there was a DNA report that Applicant had not viewed himself.

Counsel testified he discussed with Applicant the pros and cons to pleading guilty versus going to trial. Counsel testified he informed Applicant he could get life in prison and given the facts supporting Applicant’s indictments, it would not have surprised Counsel if Applicant received a life sentence. Counsel testified he believed it was in Applicant’s best interest to plead guilty, but if Applicant wanted to go to trial he would have taken Applicant’s case to trial.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the relevant portions of the record and has heard the testimony and arguments presented at the PCR hearing. This Court also had before it the records of the Florence County Clerk of Court regarding the subject conviction, Applicant’s records from the South Carolina Department of Corrections, the application, the State’s Return, and the plea transcript. This Court has reviewed the plea court record and has heard the testimony of both Applicant and Counsel. The Court finds Counsel’s testimony on these issues to be credible, while also finding Applicant’s testimony is not credible. This Court has therefore weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. Sec. 17-27-80 (2003).

In a post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. A PCR applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove counsel’s performance was deficient. Id. Under this prong, the court measures an attorney’s performance by its “reasonableness under professional norms.” Id. (quoting Strickland, 466 U.S. at 688). Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. at 117-18, 386 S.E.2d at 625. When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985).

Issue #1: Failure to Adequately Convey Plea Offers

Applicant contends Counsel failed to adequately convey both his initial ten-year plea offers and the subsequent fifteen-year plea offer. This Court disagrees.

To be successful on an allegation of an un conveyed plea offer, Applicant must prove: (1) trial counsel's failure to communicate the State's initial plea offer constituted deficient performance, and (2) Petitioner was prejudiced by the deficient performance, or there was a reasonable probability that but for this deficient performance, he would have accepted he original plea offer. Davie v. State, 381 S.C. 601, 608, 675 S.E.2d 416, 420 (2009) (abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018)).

Applicant's Initial Ten-Year Plea Offers

This Court finds Counsel adequately conveyed Applicant's initial ten-year plea offers, and therefore, was not deficient. Counsel testified he thoroughly conveyed the ten-year plea offers to Applicant. Counsel testified he informed Applicant that the ten-year plea offer consisted of Applicant pleading guilty to second degree burglary, violent, in exchange for a ten-year negotiated sentence. Counsel testified he explained to Applicant the implications of pleading guilty to a violent crime. Counsel testified he explained the difference between a negotiated and a recommended sentence to Applicant. Counsel testified Applicant gave him no indication he failed to understand the information provided to him by Counsel. Further, Applicant cannot show prejudice, as both Applicant and Counsel testified Applicant rejected a ten-year plea offer on two occasions. Therefore, this Court finds Counsel was not ineffective, and accordingly, this allegation is denied and dismissed with prejudice.

Applicant's Subsequent Fifteen-Year Plea Offer

This Court also finds Counsel adequately conveyed Applicant's fifteen-year plea offer, and

therefore, was not deficient. Counsel testified he thoroughly explained the fifteen-year plea offer to Applicant. As stated above, Counsel testified the "best" plea deal Assistant Solicitor Holt offered was a fifteen-year negotiated sentence. Counsel testified when he informed Applicant about the fifteen-year negotiated plea offer, Applicant "wasn't happy about it," but stated he would accept it. However, Counsel and Assistant Solicitor Holt met with "at least three different judges" and each judge indicated they would not accept the fifteen-year negotiated plea. As such, Counsel recalled Solicitor Holt indicated he could only commit to a recommended sentence of fifteen years. Counsel testified he informed Applicant of the fact that the plea offer would now be a recommended plea offer. Counsel testified he informed Applicant of the difference between a negotiated and a recommended sentence. Counsel testified Applicant understood the difference between a negotiated and recommended sentence. Counsel testified he did not promise Applicant would get fifteen years. Counsel testified Applicant knew the consequences of pleading to a violent crime. Counsel testified he told Applicant the sentence was still left up to the judge. Accordingly, this Court finds Counsel was not ineffective, and accordingly, allegation is dismissed and denied with prejudice.

Issue #2: Failure to Adequately Review Discovery with Applicant

Applicant also contends Counsel was ineffective for failing to adequately review discovery with Applicant, particularly DNA evidence from blood and fecal matter. Applicant alleges this deficiency caused him to plead guilty involuntarily. This Court disagrees.

In evaluating issues concerning guilty pleas, this Court will consider the entire record, including the transcript of the guilty plea proceeding and the evidence presented at the post-conviction relief hearing. Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000). Voluntariness of a guilty plea is not merely determined by an examination of a specific inquiry by the plea court alone

but rather is determined by the record of both the guilty plea proceeding and the post-conviction relief hearing. Id. In order to find a guilty plea was knowingly and voluntarily entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238 (1969). Further, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, an applicant’s right to contest the validity of such a plea is usually foreclosed. Dalton v. State, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, 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. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975)); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

As stated above, Counsel testified he mailed Applicant all discovery in his possession in March 2016. Counsel testified that he did not receive the blood and fecal DNA results until August 2016. Counsel testified he did not think he showed Applicant the DNA reports prior to Applicant’s guilty plea hearing. However, Counsel testified he informed Applicant the State had DNA evidence against him and described the results to him. Applicant knew of the existence of the results, and accordingly, Counsel was not deficient.

Additionally, Applicant did not satisfy the prejudice prong of the Strickland analysis. Both Counsel and Applicant testified Applicant still chose to pursue a guilty plea rather than a trial despite knowing that there were DNA reports that Applicant had not viewed himself. Therefore, this Court finds Counsel was not ineffective, and accordingly, this allegation is denied and dismissed with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Counsel was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. Therefore, this application for post-conviction relief is denied and dismissed with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR (providing the appropriate procedure to perfect an appeal). 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. Further, Rule 71.1(g), SCRCP, 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 Rule 243, SCACR, for the appropriate procedures for appealing a judgment in a PCR action.

IT IS THEREFORE ORDERED:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of the Respondent.

AND IT IS SO ORDERED.

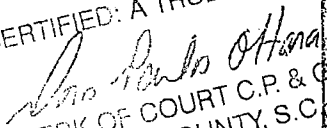


WILLIAM H. SEALS, JR.
Presiding Circuit Court Judge
Twelfth Judicial Circuit

August 29, 2019.

2019 SEP -4 AM 11:23
FILED
FLORENCE COUNTY, SC

FILED

CERTIFIED: A TRUE COPY

CLERK OF COURT C.P. & G.
FLORENCE COUNTY, S.C.



ALAN WILSON
ATTORNEY GENERAL

August 26, 2019

The Honorable William H. Seals, Jr.
Presiding Judge
103 North Main Street
Marion, South Carolina 29571

2019 SEP -4 AM 11:23
CLERK OF COURT
FLORENCE COUNTY, S.C.

FILED

Re: Ravon D. Hamer, #328149 v. State of South Carolina
2017-CP-21-3305

Dear Judge Seals:

Enclosed please find an original proposed **Order of Dismissal** in the above-captioned case. If this Order meets your approval, please sign and return to me in the enclosed envelope, and I will then forward it to the Florence County Clerk of Court to be filed and served.

Sincerely,

Brianna L. Schill
Assistant Attorney General

BLS/kk
Enclosure(s)

cc: Jonathan D. Waller, Esquire

CERTIFIED: A TRUE COPY
Donna O'Hara
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

1116 Diamond Street
Columbia, SC 29201



\$1.60⁹
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29201
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Daniel E. Shearouse
— Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211