

SUPREME COURT OF SOUTH CAROLINA

Walker v. State

407 S.C. 400 (2014) · Decided March 19, 2014

SUMMARY

The South Carolina Supreme Court considered whether trial counsel rendered ineffective assistance by failing to investigate and interview a potential alibi witness. The court held that the court of appeals improperly disregarded the PCR court’s credibility findings and misapplied the standard governing alibi testimony. It reversed the court of appeals and affirmed the PCR court’s grant of post-conviction relief.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Hearn; Justice Pleicones; Justice Beatty; Justice Kittredge; Acting Justice James E. Moore
JURISDICTION	South Carolina
DECIDED	March 19, 2014
DISPOSITION	reversed
PROCEDURAL POSTURE	The Supreme Court of South Carolina granted certiorari to review the court of appeals' reversal of a circuit court order granting Walker post-conviction relief based on ineffective assistance of trial counsel.
STANDARD OF REVIEW	The court upholds PCR findings when supported by any evidence of probative value and reverses when the decision is controlled by an error of law. It gives great deference to the PCR court's credibility findings. Ineffective-assistance claims require proof of deficient performance and resulting prejudice under Strickland.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of South Carolina
PARTIES	Joseph Walker v. State

TOPICS

- post-conviction relief
- ineffective assistance
- right to counsel
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether trial counsel rendered ineffective assistance by failing to investigate and interview a potential alibi witness identified in Walker's recorded statement.
2. Whether the court of appeals improperly held that Walker was not prejudiced because the potential alibi testimony did not account for his whereabouts with sufficient precision to make commission of the crimes physically impossible.
3. Whether the court of appeals exceeded the limited standard of review applicable to the PCR court's factual and credibility findings.

HOLDINGS

1. Trial counsel has a duty to investigate alibi witnesses identified by the defendant, and failing to make some effort to contact such a witness to determine whether the testimony would aid the defense is unreasonable.
2. A PCR applicant may establish prejudice from counsel's failure to investigate an alibi witness when the credited testimony, if true, reasonably could have produced a different trial outcome, even if the testimony is not perfectly precise or unequivocal.
3. An appellate court must apply a limited standard of review to PCR findings and must defer substantially to the PCR court's credibility determinations; it may not reject a supported credibility-based interpretation of alibi testimony merely because the testimony is ambiguous.

KEY QUOTATIONS

“One component of that duty is to investigate alibi witnesses identified by a defendant, and the failure to make some effort to contact them to ascertain whether their testimony would aid the defense is unreasonable.”
(405)

“If true and construed as meaning at least that Walker and Reed spent every night together on the weekends prior to his arrest, it would be physically impossible for Walker to have committed the kidnapping and assaults.” (407)

FACTUAL BACKGROUND

The victim was abducted and sexually assaulted after petitioner Joseph Walker assisted her with a disabled vehicle at a Denmark, South Carolina, gas station. Walker admitted being at the gas station but denied assisting anyone and claimed that he spent the evening at a friend's home and then at his girlfriend Robina Reed's home. Trial counsel identified Reed as a potential witness but never interviewed her or followed up adequately with an investigator. At the PCR hearing, Reed testified that she and Walker spent every weekend together before his arrest, and the PCR court credited that testimony as potentially establishing that Walker was with Reed during the relevant night.

PROCEDURAL HISTORY

Walker was convicted of first-degree criminal sexual conduct and kidnapping and received concurrent twenty-four-year sentences. The circuit court granted PCR, finding trial counsel deficient for failing to interview a potential alibi witness and finding a reasonable probability of a different trial outcome. The court of appeals reversed, concluding that Walker was not prejudiced because the witness's testimony did not establish a legally sufficient alibi. The Supreme Court of South Carolina reversed the court of appeals and affirmed the PCR court's grant of relief.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The court reversed the court of appeals and affirmed the PCR court's grant of post-conviction relief.

CASES CITED

- Strickland v. Washington, 466 U.S. 668 (1984)
- Franklin v. Catoe, 346 S.C. 563, 552 S.E.2d 718 (2001)
- Suber v. State, 371 S.C. 554, 640 S.E.2d 884 (2007)
- Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008)
- Simuel v. State, 390 S.C. 267, 701 S.E.2d 738 (2010)
- Grooms v. Solem, 923 F.2d 88 (8th Cir. 1991)
- Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995)
- Walker v. State, 397 S.C. 226, 723 S.E.2d 610 (Ct. App. 2012)
- Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 518 S.E.2d 591 (1999)