

SUPREME COURT OF SOUTH CAROLINA

Gonzales v. State

419 S.C. 2 (2017) · No. Appellate Case No. 2015-001553 · Decided January 5, 2017

SUMMARY

The South Carolina Supreme Court held that a criminal defendant seeking post-conviction relief based on an ineffective-assistance claim need not prove that trial counsel recognized an actual conflict of interest. The court found that counsel's concurrent representation of the petitioner and another defendant created an actual conflict that adversely affected counsel's performance and reversed the denial of relief.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Acting Justice Pleicones; Chief Justice Beatty; Justice Kittredge; Justice Hearn; Justice Few
JURISDICTION	South Carolina
DECIDED	January 5, 2017
DOCKET	Appellate Case No. 2015-001553
DISPOSITION	reversed
PROCEDURAL POSTURE	Petitioner sought post-conviction relief, alleging that trial counsel's simultaneous representation of petitioner and Dino Perez created an actual conflict of interest that adversely affected counsel's performance. The PCR court denied relief, and the Court of Appeals affirmed in a split decision. The Supreme Court of South Carolina granted certiorari and reversed.
STANDARD OF REVIEW	The Supreme Court gives great deference to the PCR court's factual findings and conclusions of law but will reverse when the decision is controlled by an error of law.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of South Carolina.
PARTIES	Michael Gonzales v. State of South Carolina

TOPICS

post-conviction relief

ineffective assistance

right to counsel

sixth amendment

criminal procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

ineffective assistance of counsel

Sixth Amendment

QUESTIONS PRESENTED

1. Whether a petitioner claiming ineffective assistance based on an actual conflict of interest must prove that trial counsel recognized the conflict.
2. Whether Gonzales established an actual conflict of interest that adversely affected trial counsel's performance and entitled him to post-conviction relief.

HOLDINGS

1. A petitioner need not prove that trial counsel recognized the actual conflict of interest. Counsel's failure to recognize the conflict does not prevent the petitioner from proving that the conflict adversely affected counsel's performance.
2. An actual conflict of interest existed before Gonzales's methamphetamine trial because trial counsel simultaneously represented Gonzales and Perez despite circumstances demonstrating divided loyalties and Perez's adverse interest in Gonzales's case.
3. The actual conflict adversely affected trial counsel's performance because counsel failed to advise Gonzales about favorable cooperation and plea-related options that appellate counsel later successfully pursued.

KEY QUOTATIONS

"In conclusion, we hold that regardless whether an attorney recognizes an actual conflict of interest, if the conflict adversely affected the attorney's performance, the applicant has established his entitlement to relief."

"We find this assertion—which suggests that only an attorney who intentionally violates his duty of loyalty has a conflict of interest—amounts to an error of law."

FACTUAL BACKGROUND

Trial counsel represented Gonzales, a juvenile, in multiple trafficking cases while also representing Gonzales's mother's longtime boyfriend, Dino Perez, in a related trafficking case. Perez had paid at least part of Gonzales's legal fees, and counsel did not disclose the potential conflict or obtain a waiver before Gonzales's methamphetamine trial. Counsel's divided loyalties prevented him from advising Gonzales about potentially favorable cooperation or plea options involving the federal investigation of Perez, options that appellate counsel later successfully negotiated.

PROCEDURAL HISTORY

Gonzales was convicted of trafficking in 400 grams or more of methamphetamine and sentenced to thirty years' imprisonment. His conviction and sentence were affirmed on direct appeal. In a subsequent PCR proceeding, the

PCR judge denied relief; the Court of Appeals affirmed, holding that although an actual conflict existed, Gonzales could not establish adverse effect because trial counsel did not recognize the conflict. The Supreme Court reversed that decision as an error of law.

DISPOSITION

reversed

CASES CITED

- State v. Gonzales, 360 S.C. 263, 600 S.E.2d 122 (Ct. App. 2004)
- Gonzales v. State, 412 S.C. 478, 772 S.E.2d 557 (Ct. App. 2015)
- State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005)
- Cuyler v. Sullivan, 446 U.S. 335, 345-50, 355 (1980)
- Holloway v. Arkansas, 435 U.S. 475, 483 n. 5, 485, 490 (1978)
- Strickland v. Washington, 466 U.S. 668, 692-94 (1984)
- Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809, 811 (1984)
- Lomax v. State, 379 S.C. 93, 102, 665 S.E.2d 164, 168 (2008)
- Jordan v. State, 406 S.C. 443, 449, 752 S.E.2d 538, 541 (2013)
- Zuck v. Alabama, 588 F.2d 436, 439 (5th Cir. 1979)
- Miller v. State, 379 S.C. 108, 115, 665 S.E.2d 596, 599 (2008)
- Terry v. State, 383 S.C. 361, 371, 680 S.E.2d 277, 282 (2009)
- State v. Gregory, 364 S.C. 150, 153, 612 S.E.2d 449, 450-51 (2005)
- Wood v. Georgia, 450 U.S. 261, 268-69 (1981)
- United States v. Almany, 621 F. Supp. 2d 561, 569-70 (E.D. Tenn. 2008)
- United States v. Hall, 200 F.3d 962, 965 (6th Cir. 2000)
- United States v. McLain, 823 F.2d 1457, 1464 (11th Cir. 1987)
- Newman v. United States, 1998 WL 553048, at *3 (6th Cir. 1998)
- Mannhalt v. Reed, 847 F.2d 576, 582 (9th Cir. 1988)
- United States v. Lopez, 989 F.2d 1032, 1043, amended and superseded by United States v. Lopez, 4 F.3d 1455 (9th Cir. 1993)
- United States v. Tatum, 943 F.2d 370, 376 (4th Cir. 1991)
- United States v. Balsirov, 2005 WL 1185810 (E.D. Va. 2005)