

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

DeAngelo Mickell, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-002155

ON WRIT OF CERTIORARI

Appeal From Beaufort County
Perry M. Buckner, III, Circuit Court Judge

Memorandum Opinion No. 2015-MO-037
Submitted June 4, 2015 – Filed June 24, 2015

REVERSED AND REMANDED

James Arthur Brown, Jr., of Law Offices of Jim Brown,
PA, of Beaufort, for Petitioner.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Ashley Anne McMahan, both of
Columbia, for Respondent.

PER CURIAM: Petitioner pled guilty to trafficking cocaine and conspiracy to traffic cocaine pursuant to a plea agreement. The State's motion to dismiss petitioner's application for post-conviction relief (PCR) was granted on the ground that petitioner knowingly, willingly, and voluntarily waived his right to PCR in the plea agreement. Petitioner seeks a writ of certiorari alleging the PCR judge erred in: (1) denying petitioner's motion to strike the State's return based on laches; and (2) failing to allow petitioner to present evidence that plea counsel's ineffective assistance rendered the plea agreement unknowing and involuntary. We deny the petition on the first issue, grant the petition on the second issue, dispense with further briefing, reverse the order of the PCR judge, and remand this matter to the PCR judge to conduct an evidentiary hearing to determine whether plea counsel was ineffective in advising petitioner to enter into the plea agreement. *See Sanders v. State*, Op. No. 27531 (S.C. Sup. Ct. filed June 17, 2015) (although a defendant may waive the right to collateral review, this does not prevent the defendant from challenging whether the advice received in agreeing to the waiver was constitutionally defective).

REVERSED AND REMANDED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**