IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CP-00545-COA

STEVEN SENCIAL A/K/A STEVEN J. SENCIAL A/K/A STEVEN JAY SENCIAL **APPELLANT**

v.

STATE OF MISSISSIPPI **APPELLEE**

DATE OF JUDGMENT:	04/23/2025
TRIAL JUDGE:	HON. LAWRENCE PAUL BOURGEOIS JR.
COURT FROM WHICH APPEALED:	STONE COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	STEVEN SENCIAL (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: SCOTT STUART
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
DISPOSITION:	AFFIRMED - 10/27/2026
MOTION FOR REHEARING FILED:	

BEFORE WILSON, P.J., LAWRENCE AND WEDDLE, JJ.

WEDDLE, J., FOR THE COURT:

¶1. A Stone County grand jury indicted Steven Sencial for one count of failing to register as a convicted sex offender as required by Mississippi Code Annotated section 45-33-27(5) (Rev. 2023). Pursuant to an agreement with the State, Sencial filed a sworn petition to enter a plea of guilty. Following a plea hearing, the Stone County Circuit Court accepted Sencial's guilty plea. Based on the State's recommendation, the circuit court sentenced Sencial to five years in the custody of the Mississippi Department of Corrections (MDOC) but suspended the sentence for time served. In addition, the circuit court ordered Sencial to serve three years of post-release supervision.

¶2. Sencial subsequently filed both a motion to withdraw his guilty plea and a motion for post-conviction collateral relief (PCR). In both motions, Sencial alleged that his guilty plea was involuntary and that his trial attorney provided ineffective assistance of counsel. After finding that Sencial's arguments lacked merit and that he had failed to meet the evidentiary burden to prove his claims, the circuit court denied both motions.

¶3. On appeal from the circuit court's order denying his motions, Sencial reasserts his claims of an involuntary guilty plea and ineffective assistance of counsel.[1] With regard to any attempts by Sencial to challenge his guilty plea on direct appeal, this Court lacks jurisdiction over such an appeal. *See Soileau v. State*, 367 So. 3d 355, 356 (¶¶3-5) (Miss. Ct. App. 2023); *Underwood v. State*, 360 So. 3d 319, 322-23 (¶¶15-16) (Miss. Ct. App. 2023). As we have previously explained, where a defendant enters a guilty plea, Mississippi statutory law prohibits him from directly challenging his sentence on appeal. *Soileau*, 367 So. 3d at 356 (¶3); *Underwood*, 360 So. 3d at 322 (¶15). Thus, in the instances when a defendant "has directly appealed [from] the circuit court's denial of his motion to withdraw his guilty plea[,]" this Court has "dismissed the appeal without prejudice" to allow the defendant "to raise his claims in a properly filed PCR motion . . . ." *Underwood*, 360 So. 3d at 322-23 (¶16) (citation omitted).

¶4. Here, Sencial raised his claims of an involuntary plea and ineffective assistance of

[1] To the extent that Sencial attempts to assert new claims for the first time on appeal, we recognize that these claims are procedurally barred, and we decline to address them. *Braxton v. State*, 435 So. 3d 515, 518 (¶7) (Miss. Ct. App. 2026).

counsel in both his motion to withdraw his guilty plea and his PCR motion, and he appeals the circuit court's order denying both motions. Therefore, although we lack jurisdiction to address Sencial's appeal from the portion of the circuit court's order denying his motion to withdraw his guilty plea, we may address the claims raised in his properly filed PCR motion. *See id.* Upon review of Sencial's PCR claims and the record, we find no reversible error in the circuit court's determination that Sencial failed to prove his PCR claims. As a result, we affirm the circuit court's order denying Sencial's PCR motion.

FACTS

¶5. Following his indictment for one count of failing to register as a convicted sex offender, Sencial expressed his desire to plead guilty to the charge. During the plea hearing, Sencial informed the circuit judge that he had read and fully understood the plea petition and that he had discussed the document with his trial attorney. In response to the circuit judge's questions, Sencial indicated that his attorney had answered all his questions about the plea petition and that the allegations contained in the petition were true and correct. Sencial further indicated that his attorney had explained to him the elements of the indicted charge and that he knew and understood the constitutional rights he waived by pleading guilty.

¶6. The circuit judge explained the minimum and maximum penalties that applied to Sencial's indicted charge, and Sencial acknowledged that he understood and still wished to plead guilty. Sencial also acknowledged that no one had coerced, forced, or induced him to enter his guilty plea. Sencial further agreed that he had a prior conviction and that entering

his guilty plea would "qualify [him] as a habitual offender in the future as well." When asked by the circuit judge, Sencial expressed his understanding that being a habitual offender meant he would serve any sentence "[d]ay for day."

¶7. Sencial informed the circuit judge that as stated in the indictment, he had failed to register in Mississippi as a convicted sex offender. When the circuit judge asked Sencial to explain the circumstances surrounding the indicted charge, Sencial recounted the following facts:

> My father had died[,] and me and my brother inherited property[,] and I was over there tending to his affairs[,] and I was taking care of the deck that was broken so I was trying to fix the deck and clear off trees, and I was encountered by the police for a violation. I was back and forth from Louisiana[,] and I overstayed in the state so I didn't register.

¶8. The circuit judge then asked the State to provide a factual basis for the charge against Sencial. In response, the State informed the circuit judge of the following:

> [Stone County] learned about a sex offender living next to Blaylock Park in Stone County[,] and they determined that he was convicted in Louisiana but never registered here in Mississippi. So they go get him[,] and he advised law enforcement that he didn't have to register because his charges were federal, but that wasn't true. However, after invoking his right to remain silent, he does make the comment that he knew he had to register ten days prior to moving into the jurisdiction in order to comply with the statute. He did not register here.

¶9. Sencial acknowledged his agreement with the factual basis recited by the State, and he again specifically acknowledged that he had failed to register in Mississippi as a convicted sex offender. Sencial once again reiterated that he freely wished to enter his guilty plea to the indicted charge. After finding that Sencial voluntarily, knowingly, and intelligently

entered his guilty plea, the circuit judge accepted his plea. In an order entered on September 19, 2024, the circuit court sentenced Sencial to five years in MDOC's custody but suspended the sentence for time served. The circuit court ordered Sencial to serve three years of post-release supervision.

¶10. On October 15, 2024, Sencial filed both a motion to withdraw his guilty plea and a PCR motion. In both motions, Sencial argued that his trial attorney provided ineffective assistance of counsel and that his attorney's erroneous legal advice resulted in an involuntary guilty plea. Sencial alleged that his trial attorney failed to adequately investigate the charge against him and any potentially exculpatory evidence, failed to properly communicate with Sencial and prepare a legal defense, misrepresented the State's evidence against him, coerced Sencial into accepting the State's offered plea deal, and failed to fully explain certain consequences, like GPS monitoring, of entering a guilty plea.

¶11. In its order entered on April 23, 2025, the circuit court found that Sencial failed to show that his trial attorney rendered ineffective assistance and that his guilty plea was involuntary. As a result, the circuit court concluded that Sencial's claims lacked merit. With regard to Sencial's request to withdraw his guilty plea, the circuit court again reiterated that Sencial had failed to prove his claims of an involuntary guilty plea and ineffective assistance of counsel. Moreover, the circuit court noted that Sencial had "provided no other evidence to establish good cause to allow the withdrawal of his plea." The circuit court therefore denied both Sencial's motion to withdraw his guilty plea and his PCR motion. Aggrieved,

Sencial appeals.

STANDARD OF REVIEW

¶12. "On review of a circuit court's dismissal or denial of a PCR motion, we decline to reverse unless the circuit court's decision is clearly erroneous. We review questions of law de novo." *Farris v. State*, 394 So. 3d 1028, 1030 (¶4) (Miss. Ct. App. 2024) (citations and internal quotation marks omitted). "[T]he burden of proving factual allegations in support of the PCR motion is upon the defendant." *Morgan v. State*, 419 So. 3d 456, 462 (¶10) (Miss. Ct. App. 2025) (quoting *Chambliss v. State*, 188 So. 3d 1262, 1265 (¶8) (Miss. Ct. App. 2016)).

DISCUSSION

I. Involuntary Guilty Plea

¶13. "[A] guilty plea is binding if entered voluntarily, knowingly, and intelligently." *Id.* at (¶13) (quoting *Creel v. State*, 354 So. 3d 405, 411 (¶17) (Miss. Ct. App. 2023)). In determining "the voluntariness of a plea, we consider 'if the defendant knows what the elements are of the charge against him, including an understanding of the charge and its relation to him, what effect the plea will have, and what the possible sentence might be because of his plea.'" *Id.* at 462-63 (¶13) (quoting *Albert v. State*, 372 So. 3d 173, 177 (¶11) (Miss. Ct. App. 2023)).

¶14. Here, Sencial asserts multiple arguments regarding the alleged involuntariness of his plea. According to Sencial, his trial attorney coerced his guilty plea, misrepresented the

State's evidence against him, did not properly explain the terms of the plea deal to him, and failed to fully explain the consequences of pleading guilty. As the PCR movant, Sencial "bears the burden of proof when claiming that [his] plea was not voluntarily entered." *Id.* at 463 (¶14). Where "a defendant plead[s] guilty under oath in open court," his "solemn declaration[s] in open court carr[y] a strong presumption of verity." *Id.* (citation and internal quotation mark omitted).

¶15. Despite any allegedly incorrect advice that a defendant receives from his trial attorney,

> the thoroughness with which the defendant was interrogated by the lower court at the time his plea was tendered is the most significant evidence of all. For, without regard to the advice or instruction the defendant may have been given by his attorney, the lower court's questioning and explanations to him of his rights and of the consequences of his plea were sufficient to render the plea voluntary.

Id. at (¶13) (quoting *Chambliss*, 188 So. 3d at 1265 (¶11)).

¶16. The record contains both Sencial's sworn plea petition and the transcript of his plea hearing, both of which contradict Sencial's claims on appeal of an involuntary guilty plea. In his plea petition, Sencial acknowledged that he was arrested after he "came to Mississippi to work on [his] father's property" and then remained in Mississippi without ever registering as a convicted sex offender. Sencial indicated his understanding of the constitutional rights he waived and the potential maximum prison sentence of five years he faced by pleading guilty. In addition, Sencial stated that he was satisfied with the legal representation provided by his trial attorney and that he "freely and voluntarily" submitted to the circuit court his petition to plead guilty.

¶17. The record reflects that at the subsequent plea hearing, the circuit judge confirmed that Sencial had fully read and understood his plea petition, had discussed the contents of the plea petition and the consequences of pleading guilty with his trial attorney, and was satisfied with his attorney's legal advice and representation. In response to the circuit judge's questions, Sencial indicated that his attorney had explained the elements of the indicted charge to him and that he knew and understood the constitutional rights he waived by pleading guilty.

¶18. Despite Sencial's statements that he fully understood the consequences of pleading guilty, the circuit judge nevertheless reviewed all the constitutional rights Sencial would waive and explained the minimum and maximum penalties that applied to Sencial's indicted charge. Sencial maintained that he wished to plead guilty, and he stated that no one—including his trial attorney—had coerced him into pleading guilty. The circuit judge ensured Sencial understood that entering his guilty plea would "qualify [him] as a habitual offender in the future[,]" and the circuit judge even asked Sencial to explain what becoming a habitual offender meant. In addition, the circuit judge asked Sencial to explain in his own words the circumstances that led to his arrest and indictment. As Sencial explained, he had traveled to Mississippi after his father's death, and he "overstayed in the state [and] didn't register." Sencial acknowledged to the circuit judge his agreement with the State's factual basis for the charge against him. After once more explaining that he had failed to register in Mississippi as a convicted sex offender, Sencial reiterated to the circuit judge that he freely entered his guilty plea.

¶19. Both Sencial's "solemn declaration[s] in open court" and the "thoroughness with which [he] was interrogated by the lower court at the time [of] his plea" contradict his claims on appeal that his guilty plea was involuntary. *Morgan*, 419 So. 3d at 463 (¶¶13-14) (citations omitted). A review of the record reflects that before accepting Sencial's guilty plea, the circuit judge ensured that Sencial knew "what the elements [we]re of the charge against him, including an understanding of the charge and its relation to him, what effect the plea [would] have, and what the possible sentence might be because of his plea.'" *Id.* at 462-63 (¶13) (quoting *Albert*, 372 So. 3d at 177 (¶11)). Because Sencial has failed to meet his evidentiary burden in showing that his guilty plea was involuntary, we find no reversible error in the circuit court's denial of this claim.

II. Ineffective Assistance of Counsel

¶20. Sencial also alleges that his trial attorney failed to provide adequate legal representation. For instance, Sencial asserted in his PCR motion that his trial attorney failed to sufficiently investigate the charge against him as well as any potentially exculpatory evidence, failed to sufficiently communicate with him and prepare a legal defense, misrepresented the State's evidence against him, coerced him into accepting the State's offered plea deal, and failed to fully explain the consequences of pleading guilty.

¶21. Relevant to Sencial's claim, our caselaw holds the following:

> To successfully prove ineffective assistance of counsel, the defendant bears the burden of demonstrating that (1) his lawyer's performance was deficient, and (2) he suffered prejudice as a result of his lawyer's deficient performance. Absent both showings, a defendant may not prevail on his claim

that his counsel was ineffective.

> Furthermore, a defendant must demonstrate that his counsel's conduct proximately resulted in the guilty plea, and that but for counsel's errors, he would not have entered the plea. A defendant must plead claims of ineffective assistance of counsel with specificity, and the claim must be supported by affidavits other than his own. It should also be noted that a voluntary guilty plea generally waives claims of ineffective assistance of counsel, except insofar as the alleged ineffectiveness relates to the voluntariness of the giving of the guilty plea. Finally, the burden of proving both prongs of the test articulated in *Strickland* [*v. Washington*, 466 U.S. 668, 687 (1984),] is on the defendant, and the defendant must overcome the presumption that defense counsel is competent.

Morgan, 419 So. 3d at 465 (¶¶26-27) (citations and internal quotation marks omitted).

¶22. A review of the record supports the circuit court's finding that Sencial "has failed to provide any proof of the allegations he has made against his attorney." Aside from his own bare assertions, Sencial's PCR motion contained no evidence to support his claims that his attorney's legal representation was deficient. As this Court has previously explained, "[t]he absence of other supporting affidavits is a problem for [a defendant] because when a PCR movant alleges ineffective assistance of counsel but offers only his affidavit in support of his claim, 'then his ineffective-assistance-of-counsel claim is without merit.'" *Id.* at (¶28) (quoting *Thomas v. State*, 159 So. 3d 1212, 1215 (¶10) (Miss. Ct. App. 2015)).

¶23. Moreover, Sencial's own sworn statements in his plea petition and plea hearing contradict his PCR claim that his trial attorney's performance was deficient. As previously detailed, Sencial repeatedly assured the circuit judge that his attorney had fully explained the charge against him and the consequences of pleading guilty and had not coerced him into

entering his guilty plea. Sencial further assured the circuit judge that he was satisfied with the representation and advice provided by his trial attorney.

¶24. Upon review, we find that Sencial failed to satisfy the first prong of *Strickland* because he cannot demonstrate that his attorney's performance was deficient. *See id.* at (¶26). Not only did Sencial fail to support his claim with anything other than the bare assertions contained in his PCR motion, but his own sworn statements before the circuit court affirmatively demonstrated that his attorney provided effective assistance of counsel. We therefore find no reversible error in the circuit court's order denying this claim.

CONCLUSION

¶25. Sencial failed to meet his burden of proof to show that his guilty plea was involuntary or that his trial attorney rendered ineffective assistance of counsel. Accordingly, we affirm the circuit court's order denying Sencial's PCR motion.

¶26. **AFFIRMED.**

BARNES, C.J., CARLTON AND WILSON, P.JJ., WESTBROOKS, McDONALD, LAWRENCE, McCARTY, EMFINGER AND LASSITTER ST. PÉ, JJ., CONCUR.