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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Anderson County

Honorable Perry H. Gravely, Circuit Court Judge

ANGELA M. VAUGHN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000263

PETITION FOR WRIT OF CERTIORARI

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INDEX

ISSUE PRESENTED

Whether the PCR court erred finding petitioner was not eligible for parole under S.C. Code 16-25-90, where the court required a showing of "long term and repeated abuse" rather than the standard set forth in the statute?

STATEMENT

An Anderson County grand jury indicted petitioner for murder and possession of a firearm during the commission of a violent crime. App. 567—570. Petitioner's case was called to trial on January 17, 2006, before the Honorable Alexander Macaulay and a jury. Catherine Townsend prosecuted for the state, and Robert Gamble represented petitioner. App. 1. The jury found petitioner guilty as charged. App. 359, ll. 5-15. Judge Macaulay sentenced petitioner to five years for the weapons charge and thirty years for the murder charge. He ordered the sentences to run concurrently. App. 376, ll. 4-10.

On July 18, 2008, petitioner filed an application for post-conviction relief (PCR). On June 15, 2010, the matter proceeded to an evidentiary hearing before the Honorable R. Lawton McIntosh. A. West Lee represented the state, and Mary McCormac represented Petitioner. By order dated December 14, 2011, Judge McIntosh denied petitioner relief from her convictions and sentences. Petitioner's appellate defender filed a petition for writ of certiorari which was denied on April 30, 2014. App. 518-519.

Thereafter, petitioner filed a second PCR application alleging she should be eligible for parole under the statute and had never had the opportunity to assert her defense of battered woman syndrome. App. 377—383; 404--405. On January 6, 2021, the Honorable Eugene C. Griffith, Jr., signed an order denying the state's motion to dismiss the application and finding the failure of any previous counsel to inform petitioner of her right to a hearing on the battered spouse issue was sufficient grounds to permit petitioner be heard on whether she is parole eligible because of a battered spouse issue. The court further found the statute permitted the issue to be raised for the first time in a PCR proceeding. Finally, Judge Griffith ordered petitioner was entitled to a hearing to determine her eligibility for parole under the statute. App.

410—411.

An evidentiary hearing was held before the Honorable Perry H. Gravely on February 28, 2023. App. 419—504. Rauch Wise represented petitioner, and Taylor Smith was present on behalf of the state. App. 419. On January 24, 2024, Judge Gravely signed an order denying PCR. The court found petitioner failed to show "long term and repeated abuse at the hands of Ronnie Grant" and failed to show prejudice under *Strickland v. Washington.*[1] App. 538.

Counsel for petitioner filed a Rule 59e, motion to alter or amend arguing the PCR court erred evaluating petitioner's claim under the *Strickland* standard and erred in requiring a showing of "long history" of abuse when the statute only requires a showing of a "history of criminal domestic violence." Counsel further alleged the PCR court erred failing to find some history of abuse in this case where the record is clear Mr. Grant had been served with a warrant for criminal domestic abuse prior to his death. App. 458—549.

On January 14, 2025, the PCR court signed an order denying petitioner's motion to alter or amend judgement finding trial counsel was not ineffective and petitioner failed to present credible evidence of long-term abuse, rendering her ineligible for early parole pursuant to the statue.

This petition for writ of certiorari follows.

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1 466 U.S. 668 (1984).

ARGUMENT

The PCR court erred finding petitioner was not eligible for parole under S.C. Code § 16-25-90, where the PCR court required a showing of "long term and repeated abuse" rather than the standard set forth in the statute.

Petitioner's Trial

The facts presented at trial were that the decedent, Ronald Grant, was verbally and physically abusive toward petitioner and she shot him in self-defense. The state's theory of the case was petitioner killed Mr. Grant, because he was planning to leave her. App. 60, l. 25 – App. 61, l. 3; App. 63, ll. 21-23; App. 312, l. 22 – App. 313, l. 1. To support this theory, the state presented testimony from several co-workers that Grant was leaving petitioner the following day. App. 186, ll. 11-24; App. 188, l. 18 – App. 189, l. 10; App. 191, ll. 5-20; App. 192, l. 23 – App. 193, l. 9. Nevertheless, Grant went to petitioner's home on the day of his alleged departure, drank copious amounts of alcohol, and made no apparent effort to leave. App. 218, ll. 10 – 11; App. 219, ll. 14-16.

While Grant got drunk, he and petitioner argued. At one point, petitioner and Grant were in a bedroom together. On a shelf in the closet of the bedroom was petitioner's gun. She observed Grant look at the gun numerous times. Fearful of what he may do, petitioner grabbed the gun. Grant returned to the living room, and petitioner followed. When Grant became angry and violent again, he lunged toward petitioner. App. 100, ll. 3-7; App. 115, ll. 9-14 (blood pattern was consistent with decedent having been seated and attempting to stand); App. 120, ll. 19-23 (angle of the bullet would not exclude someone leaning forward from a sitting position); App. 235, l. 18 – App. 236, l. 17 (blood pattern was consistent with the deceased sitting on the edge of the couch, leaning forward). Petitioner shot Grant because she feared him. She called

911 and waited for the police to arrive. App. 131, l. 15 – App. 133, l. 9; App. 134, ll. 11-18; App. 136, ll. 19 – App. 141, l. 3; App. 141, ll. 6-7; App. 155, ll. 6-23. Petitioner told police what happened. App. 67, ll. 19-22; App. 70, ll. 12-16; App. 130, l. 20 – App. 133, l. 9. Subsequently, petitioner gave an additional statement to police. App. 136, l. 14 – App. 141, l. 3.

Petitioner testified in her defense at trial. She testified Grant began drinking liquor and using drugs in February 2002. App. 259, ll. 22-24; App. 260, ll. 2-17. When he drank liquor, he was in increasingly violent. App. 267, ll. 4-5. Additionally, Grant was violent when he used methamphetamines. App. 260, ll. 16-17.

Petitioner admitted that in October of 2003, very soon before the incident, she took Grant to a bond hearing concerning a criminal domestic violence charge for which she was the victim. App. 260, l. 23 – App. 261, l. 18. After the bond hearing, Grant's demeanor changed completely. He was very angry and consistently warned petitioner that he would "serve time" for the charge. App. 262, ll. 4-17. At one point, Grant, who usually carried a pocketknife, threatened to kill petitioner. App. 282, l. 6; App. 282, l. 18-19. On the day of the incident, petitioner testified she picked him up from work, then returned home to get her son ready for daycare. After taking her son to daycare, she and Grant went several places. Grant purchased six large beers and a pint of Wild Turkey. App. 263, l. 2 – App. 266, l. 12. The two returned to the residence where Grant drank the beer and the liquor. App. 267, ll. 8-14.

As was his pattern, Grant became verbally aggressive and increasingly hostile. He screamed, yelled, and cursed at petitioner. App. 268, ll. 5-10. Additionally, Grant repeatedly looked toward a shelf in the closet where a gun was kept. App. 268, ll. 20-23. Suddenly, Grant moved his hands toward the shelf, but petitioner managed to reach the gun before him. App. 269, ll. 4-11. After the two returned to the living room, Grant continued to vacillate between

screaming and yelling and being calm. App. 269, ll. 13-24. Although Grant was seated on the couch, he moved toward petitioner like he was trying to get the gun. Petitioner fired one shot at him. App. 269, l. 25 – App. 270, l. 21.

A neighbor, Tammy Patterson also testified during petitioner's trial. In early October, she saw Grant grab petitioner by the throat or the shirt and draw his fist back to hit her. When he saw Patterson watching, Grant shoved petitioner beside the garage out of sight. App. 249, ll. 13-24. Patterson heard a lot of yelling, primarily by Grant, coming from petitioner's home. App. 250, ll. 2-9.

Additionally, petitioner's daughter, Alisha Nicole Vaughn testified on petitioner's behalf. However, Nicole testified only to refute claims by a prosecution witness that petitioner had threatened Grant previously. She did not testify concerning the relationship between petitioner and Grant. App. 253, l. 6 – App. 257, l. 8.

At the conclusion of trial, the court asked if the defense wanted an instruction concerning battered spouse syndrome. App. 293, ll. 8-9. Trial counsel informed the court that there was no testimony regarding the elements of battered spouse syndrome and that he had informed the prosecution on the Friday before that he was withdrawing any mention of such. App. 293, ll. 10-15. Nevertheless, trial counsel asserted he had presented evidence of self-defense. App. 293, ll. 3-4; App. 294, ll. 1-11; App. 311, l. 1-12; App. 311, ll. 18-23.

In closing argument, the solicitor argued vigorously against self-defense. She claimed petitioner was at fault in bringing on the danger because she grabbed the gun before Grant could reach it. App. 323, ll. 2-6. Concerning the second and third elements of self-defense, the solicitor argued petitioner was not in imminent danger of serious bodily injury or death because petitioner believed only that Grant was going to twist her wrists, which was not serious bodily

injury or death. The solicitor further argued that "a person wouldn't feel the same way" as petitioner did concerning the threat posed by Grant. App. 323, ll. 7-16. Finally, the solicitor argued petitioner could have avoided the danger by calling the police, pointing the gun at Gant and telling him to leave, or shooting him in the leg. App. 323, ll. 16-23. To support her contentions, the solicitor argued that petitioner was "not the victim here." App. 325, l. 5.

Petitioner's Evidentiary Hearing

The issue before the PCR court was whether petitioner was eligible for early parole pursuant to S.C. Code Ann. § 16-25-90. App. 423, ll. 16-24. The state stipulated decedent, Ronald Grant, was a household member as defined in the statute. App. 424, ll. 11-15.

Cindy Speight, the realtor who sold petitioner her home, testified. Ms. Speight told the court that during the course of their professional relationship she became friends with petitioner. App. 426, ll. 3-11. Ms. Speight met Ronald Grant, and found him to be standoffish. She said petitioner's behavior around Grant was "uptight" and "nervous." App. 426, l. 15—427, l. 25. She testified petitioner did not initially confide in her about Grant's physical abuse, but petitioner later "explained to me the relationship." App. 428, ll. 8-17.

Mary McCormac represented petitioner during her first application for PCR and she testified at this evidentiary hearing. App. 431—437. Ms. McCormac testified in addition to petitioner there were 7-8 witnesses prepared to testify at her first evidentiary hearing, regarding their observations of abusive and violent contact against petitioner by Grant. App. 434, ll. 15-23. She told the court that many of those witnesses were not permitted to testify. App. 436, ll. 2-22.

Petitioner testified on her own behalf regarding her history of abuse. App. 439—469. Specifically, she stated that after some time Grant got violent with her. Petitioner testified that Grant was initially verbally abusive and then got physical in March 2002. She often called law

enforcement during these instances. App. 450, ll. 3-6. The last instance was in early October 2003, which resulted in a domestic violence charge against Grant. App. 450, l. 22—453, l. 21. She testified Grant was angry that he had been charged, and he threatened to kill her. App. 463, ll. 11-25.

Additionally, members of petitioner's family testified regarding Grant's treatment of petitioner. Mandy Reed, petitioner's niece, testified Grant isolated petitioner from her family and she knew something was wrong. App. 471, l. 22—472, l. Petitioner's sister-in-law, Marilyn Gilbert, testified petitioner feared Grant. App. 478, ll. 2-19. Petitioner's daughter, Nichole Moser, testified Grant got increasingly violent over time. App. 480, ll. 16-19. She said Grant threw and broke things and drank excessively. App. 481, ll. 1-25. She also testified she saw bruises on petitioner during the time she was with Grant. App. 484, l. 19—485, l. 2. Caleb Hammond, petitioner's son, lived with petitioner and Grant when he was very young. He recalled arguments and abuse. He testified Grant drank and got violent, including pulling petitioner's hair and twisting her arm behind her back. App. 486—489.

At the end of the hearing, PCR counsel argued petitioner was in an abusive relationship and she should be eligible for parole under the statute. The state argued petitioner had not presented credible evidence of a history of domestic violence suffered at the hands of Grant and she was therefore not eligible for parole.

Discussion

The PCR court erred finding petitioner failed to meet her burden of showing "long term and repeated abuse at the hands of Mr. Grant" and failed to show prejudice pursuant to *Strickland v. Washington*. The court came to this conclusion "based on [petitioner's] testimony at the PCR hearing which does not quite fit with her testimony at the trial." App. 517. To begin

with the standard set forth in the statute is not "long term and repeated abuse," rather it is "credible evidence of a history of criminal domestic violence, as provided in Section 16-25-20." S.C. Code Ann. § 16-25-90.

Petitioner showed by a preponderance of the evidence that she was eligible for parole under the statute. A person who presents "credible evidence of a history of criminal domestic violence, as provided in Section 16-25-20, suffered at the hands of the household member" is entitled to be considered for parole after serving one-fourth of their sentence. S.C. Code Ann. § 16-25-90. Pursuant to S.C. Code Ann. § 16-25-20, it is un unlawful to cause physical harm or injury or offer or attempt to cause physical harm or injury, to a person's own household member.

The basic principles of statutory construction as applied to criminal statutes have been clearly and repeatedly set forth by the courts of this state. When the terms of the statute are clear and unambiguous, the court must apply them according to their literal meaning. Furthermore, in construing a statute, words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. *State v. Blackmon,* 304 S.C. 270, 273, 403 S.E.2d 660, 662 (1991) (citations omitted).

To be eligible for parole under this statute petitioner had to show that the relationship between she and Grant fell under the domestic violence statute and that there was a history of domestic violence. Petitioner and Grant qualified as household members under S.C. Code Ann. § 16-25-10. The state stipulated to this fact during the hearing.

In *State v. Grooms*, the South Carolina Supreme Court addressed the burden of proof that a defendant must meet to establish a "credible history of criminal domestic violence" in order to be eligible for early parole pursuant to the statute. 343 S.C. 248, 540 S.E.2d 99 (2000). In discussing "credible evidence" the Court reasoned the statute required the history of criminal

domestic violence must be "trustworthy, not simply plausible." *Id.* at 253, 540 S.E. 2d 101.

In *State v. Blackwell-Selim*, the South Carolina Supreme Court held the trial court was required to make specific findings of fact on record as to whether the defendant suffered domestic violence at the hands of her boyfriend, for purposes of early parole eligibility. 392 S.C. 1, 707 S.E.2d 246 (2011). In that case the lower court failed to make any findings, and the case was remanded back for those findings. *Id.* at 4, 707 S.E.2d 428.

In *State v. Hawes*, the South Carolina Supreme Court addressed the failure of the trial court to exercise discretion when it found Hawes qualified for early parole eligibility after he pled guilty to voluntary manslaughter for the killing of his estranged wife. In the 3-2 opinion, the Court stated in footnote two that "The legislative history of section 16–25–90 indicates that the statute was intended to confer early parole eligibility only to *long-term victims* of *repeated abuse* at the hands of a household member." *Id.* (emphasis added). The Court came to this conclusion by noting the legislative history indicated that 16-25-90 was enacted alongside the defense of battered spouse syndrome. However, the legislative history also indicates that 16-25-90 was meant to confer parole eligibility on a defendant "who has presented evidence of criminal domestic violence *in connection with their offense*." *See* Act No. 7, 1995 S.C. Acts 58-59 (emphasis added).

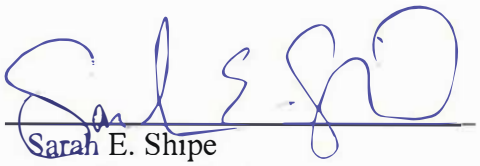
Cases that have addressed S.C. Code Ann. § 16-25-90 have never defined what qualifies as a "history" of domestic violence. Even in *Hawes*, the Court did not define what it meant by "long-term." Presumably, the terms have not been clarified because they need to be decided on a case-by-case basis. Verbal and physical abuse suffered more than a year would surely be considered long term abuse by the victim of the abuse.

The testimonies of the witnesses during the hearing and the exhibits offered by petitioner at the hearing showed that petitioner suffered over a year of abuse at the hands of Mr. Grant. The physical violence seemed to escalate in the weeks before Grant's death but there was testimony that he was both verbally and physically abusive the year prior. Grant was a heavy drinker and drug user. According to multiple witnesses, Grant belittled petitioner in her home in front of her children and isolated her from her close-knit family. In her statement to police after the documented incident of domestic violence petitioner told police Grant threatened to kill her. App. 509. In contrast to the PCR court's order petitioner's testimony at trial and at her evidentiary hearing was consistent throughout: that Grant was abusive to her, that she was scared of Grant, that she shot Grant because she was in fear he would kill her. Both the verbal and physical abuse suffered by petitioner qualified under the domestic violence statute and should have been considered by the PCR court.

Counsel was deficient where he told the trial court there was no testimony regarding the elements of battered spouse syndrome and withdrawing any mention of such from the case and petitioner was prejudiced by that failure where this failure affected her parole eligibility.

CONCLUSION

By reason of the foregoing argument, a writ of certiorari should be issued to allow full briefing on this issue



Sarah E. Shipe
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ATTORNEY FOR PETITIONER

This 14th day of August, 2025.