

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

**Aug 15 2025**

S.C. SUPREME COURT

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Certiorari to Spartanburg County

Honorable G.D. Morgan, Jr., Circuit Court Judge  
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BENJAMIN A. DOYLE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000549  
—————

JOHNSON PETITION FOR WRIT OF CERTIORARI  
—————

Lara M. Caudy  
Senior Appellate Defender

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ATTORNEY FOR PETITIONER

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Petitioner’s guilty plea was not knowingly, intelligently, and voluntarily entered since Petitioner only pled guilty due to trial counsel’s pressure to accept the state’s favorable offer because counsel did not believe Petitioner had a viable defense, and since Petitioner was prejudiced because but for trial counsel’s undue pressure Petitioner would have proceeded with a jury trial. ....5

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**ISSUE PRESENTED**

Whether Petitioner's guilty plea was knowingly, intelligently, and voluntarily entered where Petitioner only pled guilty due to trial counsel's pressure to accept the state's favorable offer because counsel did not believe Petitioner had a viable defense, and where Petitioner was prejudiced because but for trial counsel's undue pressure Petitioner would have proceeded with a jury trial?

## STATEMENT OF THE CASE

Mid-afternoon on February 16, 2020, Petitioner shot his stepdaughter's fiancé, William Wilkes, outside the Prince Hall Apartments in Spartanburg. Wilkes had been harassing and threatening Petitioner for weeks leading up to the shooting. Moments before the shooting, Wilkes spit on Petitioner and threw a "cup of liquid on him." Fearing for his life, Petitioner shot Wilkes once in self-defense. The state's theory of the case was that Petitioner "became fed up with whatever was going on . . . and decided to handle it himself and ambushed Mr. Wilkes as he left the apartment." App. 169, ll. 6-25.

A Spartanburg County grand jury indicted Petitioner on September 28, 2020, for attempted murder and possession of a weapon during the commission of a violent crime. App. 274-275. On July 11, 2022, a pretrial hearing pursuant to the Protection of Persons and Property Act was held before the Honorable J. Mark Hayes, II. App. 1. Assistant Solicitor Spencer Smith represented the state. Katherine Sieber represented Petitioner. App. 1. At the conclusion of the hearing, Judge Hayes denied Petitioner immunity pursuant to the Act. App. 156, l. 18 – 161, l. 4.

On July 12, 2022, Petitioner pled guilty to the lesser included offense of assault and battery of a high and aggravated nature (ABHAN) and possession of a weapon during the commission of a violent crime before Judge Hayes. App. 165, ll. 2-14. Petitioner was sentenced to fifteen years for ABHAN and five years suspended to five years' probation for the weapons offense to be served consecutively to the sentence for ABHAN. App. 176, ll. 5-17.

On February 13, 2023, Petitioner filed an application for post-conviction relief (PCR). App. 179-186. The state filed a return to this application on April 21, 2023. App. 187-195. With the assistance of counsel, Petitioner filed an amended application on October 23, 2023, raising the claim argued in this petition. App. 196-197. An evidentiary hearing was held on

November 1, 2023, before the Honorable G.D. Morgan. App. 198. Assistant Attorney General Suzanne Shaw represented the state. Rodney Richey represented Petitioner. App. 198.

Petitioner testified at the hearing that trial counsel “coerced” him to plead guilty. Petitioner consistently wanted to proceed to trial. However, after the trial court denied him immunity from prosecution, trial counsel urged Petitioner to accept the state’s offer to allow Petitioner to plead guilty to ABHAN, a lesser included offense, and recommend a sentence of fifteen years. Counsel told Petitioner he was facing thirty years at trial and needed to accept the offer. Petitioner explained, “She [counsel] [was] steady asking me to plea. I’m telling her I don’t want to plea.” App. 224, ll. 9-12. Petitioner eventually agreed to plead guilty because counsel was not prepared for trial. She had not subpoenaed any witnesses and she failed to obtain the recordings of Petitioner’s prior 911 calls about Wilkes harassing and threatening him. App. 206, l. 16 – 207, l. 25.

Katherine Sieber, Petitioner’s trial counsel, admitted that Petitioner always wanted a trial. Petitioner “was adamant that he thought he had a self-defense claim.” Once Petitioner was denied immunity after the pretrial hearing, the solicitor agreed to recommend a sentence of fifteen years if Petitioner pled guilty. Sieber conveyed this offer to Petitioner. Petitioner “wavered on what he wanted to do.” Sieber testified that she told Petitioner she was “very concerned” he would not get a self-defense charge at trial based on the evidence and she would not be able to argue to the jury that Petitioner shot Wilkes in self-defense. Sieber “thought it was highly likely that he [Petitioner] would be convicted at trial” and would be sentenced to more than fifteen years. App. 228, l. 3 – 229, l. 25. However, Sieber maintained that she was prepared to go forward with a jury trial if that was what Petitioner chose to do. App. 239, l. 21 – 240, l. 3.

By order filed March 9, 2025, the PCR court denied Petitioner relief. The court found Petitioner's "guilty plea was knowingly and voluntarily entered with a complete understanding of the charges and consequences of the plea." App. 259. The court emphasized Petitioner's testimony that he decided to plead guilty because of trial counsel's concerns that he would receive a longer sentence if he proceeded to trial. App. 258. The court further found Petitioner was aware of the sentencing range of both offenses and the terms of the plea agreement. App. 259-260.

Because Petitioner's guilty plea was not knowingly, intelligently, and voluntarily entered due to trial counsel's undue pressure, this petition for writ of certiorari follows.

## ARGUMENT

Petitioner's guilty plea was not knowingly, intelligently, and voluntarily entered since Petitioner only pled guilty due to trial counsel's pressure to accept the state's favorable offer because counsel did not believe Petitioner had a viable defense, and since Petitioner was prejudiced because but for trial counsel's undue pressure Petitioner would have proceeded with a jury trial.

Petitioner's guilty plea was not knowingly, intelligently, and voluntarily entered due to trial counsel's undue pressure. Petitioner consistently maintained his desire to proceed to trial and present his self-defense claim. Despite Petitioner's insistence that he wanted a jury trial, counsel "coerced" Petitioner to plead guilty because she "thought it was highly likely that he would be convicted at trial." App. 214, ll. 1-2. Petitioner was prejudiced by trial counsel's undue pressure because, as Petitioner's testimony indicated, he would have proceeded to trial but for counsel's pressure.

The difference "between a valid guilty plea and an invalid guilty plea lies in the knowing and voluntary nature of the plea." Berry v. State, 381 S.C. 630, 635, 675 S.E.2d 425, 427 (2009). "The longstanding test for determining the validity of a plea is whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." Hill v. Lockhart, 474 U.S. 52, 56 (1985) (internal quotations omitted) (applying the two part test for claims of ineffective assistance of counsel in Strickland v. Washington, 466 U.S. 668 (1984), to claims of the same against plea counsel).

First, "the voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases." Id. On the other hand, the prejudice requirement focuses on whether "there is a reasonable probability that, but for counsel's errors, [the defendant] would not have pleaded guilty and would have insisted on going to trial." Id.

at 59. “The voluntariness of a guilty plea is not determined by an examination of a specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea, and also from the record of the PCR hearing.” Holden v. State, 393 S.C. 565, 572-574, 713 S.E.2d 611, 615 (2011) (citing Roddy v. State, 339 S.C. 29, 33, 528 S.E.2d 418, 420 (2000)).

“The right to counsel plays a crucial role in the adversarial system embodied in the Sixth Amendment, since access to counsel’s skill and knowledge is necessary to accord defendants the ‘ample opportunity to meet the case of the prosecution’ to which they are entitled.” Strickland, 466 U.S. at 685 (quoting Adams v. United States ex. rel. McCann, 317 U.S. 269, 275-276 (1942)). Additionally, a guilty plea that was “entered by one fully aware of the direct consequences . . . must stand unless induced by threats . . . [or] misrepresentation (including unfulfilled or unfulfillable promises) . . .” Brady v. United States, 397 U.S. 742, 755 (1970) (quoting Shelton v. United States, 246 F.2d 571, 572 n.2 (5th Cir. 1957) (reversed on other grounds, 356 U.S. 26 (1958))). Accordingly, counsel provides ineffective assistance in the adversarial system when she induces the defendant to plead guilty.

In this case, Petitioner was induced into pleading guilty by trial counsel’s undue pressure to accept the state’s favorable plea offer after Petitioner was denied immunity from prosecution. Petitioner consistently maintained his desire to proceed to trial and present a self-defense claim. However, trial counsel “thought it was highly likely that he [Petitioner] would be convicted at trial” and feared Petitioner would be sentenced to thirty years if so. Consequently, counsel put undue pressure on Petitioner in order to get him to accept the state’s offer and plead guilty.

Petitioner was prejudiced by trial counsel’s undue pressure because, as Petitioner’s testimony indicated, he would have insisted on proceeding to trial but for counsel’s insistence that


he accept the state's offer. It was *only* because of this pressure that Petitioner decided to plead guilty.

As a result of Petitioner's involuntary plea and the resulting prejudice, this Court should reverse Petitioner's convictions and remand for a new trial.

**CONCLUSION**

Based on the foregoing argument, Petitioner respectfully requests this Court grant the petition for writ of certiorari and permit full briefing on the issue presented. Petitioner ultimately requests this Court reverse his convictions and remand for a new trial.

Respectfully submitted,

  
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Lara M. Caudy  
Senior Appellate Defender

ATTORNEY FOR PETITIONER

This 15th day of August, 2025.

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\_\_\_\_\_

Counsel for Benjamin Doyle states:

1. She is an appellate defender for the South Carolina Office of Appellate Defense, and was appointed to represent Petitioner.
2. She has reviewed the record of Petitioner's post-conviction relief hearing, which was held on November 1, 2023 before the Honorable G.D. Morgan, Jr., and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Benjamin Doyle.

Respectfully Submitted,

  
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Lara M. Caudy  
Senior Appellate Defender

ATTORNEY FOR PETITIONER

This 15th day of August, 2025.


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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of her ability this Johnson Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



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This 15th day of August, 2025.