

STATE OF SOUTH CAROLINA  
BENJAMIN A. DOYLE #142130

PETITIONER

Vs.

STATE OF SOUTH CAROLINA

Respondent

IN THE  
SUPREME COURT

CERTIORARI TO  
SPARTANBURG  
COUNTY

HONORABLE G. D.  
MORGAN JR.  
Circuit Court  
Judge

Appellate Case  
No. 2025-000549

PRO-SE BRIEF  
Petition For Writ  
OF CERTIORARI

THE PETITIONER BENJAMIN A. DOYLE #142130  
COMES BEFORE THIS COURT PURSUANT TO [JOHNSON  
V. STATE 364 S.E. 2d 201.] PETITIONS.  
PETITIONER FILE THIS PRO-SE BRIEF IN  
ACCORDING WITH THE FORTY-FIVE (45) DAYS  
SUBMITTED BY THE COURTS.

(1) pg.

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SEP 11 2025

S.C. SUPREME COURT

## STATEMENT OF THE CASE

On February 16, 2020, Petitioner shot William Wilkes outside the Prince Hall Apt. in Self Defense in Spartanburg South Carolina. Moments before the shooting the petitioner asked Mr. Wilkes if Vernon was home at the time Mr. Wilkes was standing at the door (Vernon's door) Mr. Wilkes gave a response back saying "Why the f--- you want to know." The petitioner made a statement saying "Why are you always being nasty to me?" Then Mr. Wilkes threw a "cup of liquid" on the petitioner and "spit in the petitioners face." Mr. Wilkes began to move toward the petitioner; then the petitioner became fear for his life. He has been assaulted by Mr. Wilkes prior to this incident. Petitioner shot Mr. Wilkes in Self Defense.

(2) pg.

## STATEMENT OF THE CASE

THE 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. On July 11, 2022 A pretrial ~~hearing~~ hearing was held without the knowledge of the petitioner knowing that his counsel had put in the Motion Protection of persons and property Act. The conclusion of the hearing Judge Hayes II denied him immunity. On July 12, 2022 Petitioner picked A jury wanting A jury trial but AFTER trial counsel stated to the petitioner that they've got 0 to 5% on winning A trial AND she didn't want to see me get 30 years in prison. The petitioner took the trial counsel advise wavering on her decision. Petitioner pled guilty to the lesser included offense of Assault & battery of high aggravated nature (ABHAN) and possession of A WEAPON during the commission of A crime violent. Petitioner was sentenced to (15) yrs. for (ABHAN) & (5) yrs. suspended to (5) yrs. probation for the WEAPON offense.

(3) pg.

## STATEMENT OF THE CASE

ON FEBRUARY 13, 2023, PETITIONER FILED A APPLICATION FOR (PCR) POST-CONVICTION RELIEF. AN EVIDENTIARY HEARING WAS HELD ON NOVEMBER 1, 2023, BEFORE THE HONORABLE G. D. MORGAN, ASSISTANT ATTORNEY GENERAL SUZANNE SHAW REPRESENTING THE STATE.

RODNEY RICHEY REPRESENTED PETITIONER. PETITIONER TESTIFIED AT THE HEARING THAT TRIAL COUNSEL "COERCED" BY TELL THE PETITIONER THAT IF HE DOES NOT PLED GUILTY THE PETITIONER WOULD GET (30) YRS. IN PRISON SO THE PETITIONER PLED GUILTY. PETITIONER CONSISTANTLY WANTED TO PROCEED TO A JURY TRIAL. BY ORDER FILED MARCH 9, 2025 THE (PCR) COURT DENIED PETITIONER RELIEF, BUT THE STATE FILED ITS RETURN AND PARTIAL MOTION TO DISMISS AND MOTION FOR A MORE DEFINITE STATEMENT ONE OR AROUND MAY 3, 2022.

(4) pg.

# ARGUMENTS

(1). PETITIONER'S guilty plea WAS NOT KNOWINGLY, intelligent, AND VOLUNTARILY ENTERED SINCE, PETITIONER ONLY pled guilty due to trial counsel's advice to ACCEPT STATES OFFER, SINCE PETITIONER WAS PREJUDICED BECAUSE BUT FOR TRIAL COUNSEL ADVICE "UNDER DURESS," PETITIONER WOULD HAVE PROCEEDED WITH A JURY TRIAL.

(2). PETITIONER'S trial counsel WAS INEFFECTIVE ASSISTANCE AND (PCR) counsel WAS INEFFECTIVE ASSISTANCE FOR FAILURE TO "COUCH AND FRAME" THE ALLEGATIONS OF SELF-DEFENSE, WITH NEVER PRESENTING CHARACTER WITNESS WHO WAS SUBPENA TO COURT AND NONE OF THE "911" CALLS THE PETITIONER MADE CONCERNING THE BULLYING AND THREATS MR WILKES WAS MAKING BEFORE THE INCIDENT EVEN OCCUR ON 2-16-2020.

(5) pg.

## ARGUMENTS

PETITIONER'S guilty plea was not knowingly, intelligently and voluntarily entered due to trial counsel's advice with the petitioner wavering under duress do to counsel advice. Petitioner consistently maintained his desire to proceed to trial and present his self defense claim. Counsel "coerced" petitioner into pleading guilty because she thought he would likely to be convicted at trial. Petitioner was prejudiced by trial counsel's advice with petitioner still "wavering under duress" because, as petitioner's testimony indicated, he would have proceeded to trial but for counsel's advice petitioner is "wavering under duress". Petitioner was originally charged with Attempted Murder (16-3-29). After having the Self Defense hearing, counsel consistently mis-advice petitioner he's facing a maximum penalty of (30) yrs. Petitioner never was told that he was signing the sentencing sheet with (15) yrs. on it but thinking it's for Attempted Murder.

(6)pg.

## ARGUMENTS

PETITIONER WAS NEVER TOLD BY COUNSEL THAT THE CHARGE HE WAS PLEADING TO WAS (ABHAR) AND STATED THE MINIMUM NOR MAXIMUM OF THE CHARGE. IF SO PETITIONER WOULD HAVE NEVER PLEADED GUILTY. IF WE LOOK AT THE SENTENCING SHEET WE WOULD SEE THAT IT WAS ALTER BY 0-20 IS THERE AND NEG: IS THERE AFTER PETITIONER SIGN. IF WE LOOK AT THE TRANSCRIPT WE WOULD SEE THAT THE JUDGE ACCEPT THE PLEA, BUT NEVER INDICATED THE MINIMUM NOR MAXIMUM OF THE CHARGE. IF IT WAS PRESENT (0-20) OR NEG: PETITIONER WOULD HAVE WENT TO A JURY TRIAL KNOWING THE MAXIMUM IS (20) YRS. S. C. CODE OF LAW (17-27-20) (A). (2) A PERSON WHO VIOLATION THIS SUBSECTION IS GUILTY OF A FELONY AND UPON CONVICTION MUST BE IMPRISONED FOR NOT MORE THAN (20) YRS. (16-13-600) ANYTIME A PETITIONER TAKES A PLEA HE MUST KNOW THE ELEMENTS OF THAT OFFENSE AND MAX AND MINIMUM THAT SUCH OFFENSE CARRY. LOOKING BACK AT THE TRANSCRIPT NEVER WAS EXPLAIN FROM COUNSEL NOR THE COURTS. INEFFECTIVE ASSISTANCE OF COUNSEL.

(7) pg.

## ARGUMENTS

The petitioner in this case was never explain the consequences of the plea, by stating the Minium and Maxium of the charge. The right to counsel plays a crucial role in the Adversarial system embodied in the Sixth Amendment. (Boykin V. Alabama) 395 U.S. 238, 244. Petitioner was prejudiced by trial counsel's advice "under duress" because as petitioners testimony indicated he would have insisted on proceeding to trial with the jury already picked but for counsels insistence the he (Petitioner) accept the states plea. It was only because this advice "under duress" that petitioner decided to plead guilty.

(3) Petitioner trial counsel and (PCR) counsel was ineffective assistance for failing to couch and frame the claims of self-defense.

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.

## ARGUMENTS

At the conclusion of the hearing, Judge Hayes denied petitioner immunity pursuant to the Act. Trial counsel was ineffective assistance for failing to appeal the case and argued this claim. Petitioner claims that their critical information that he told his trial counsel, that would help establish that claim of self-defense. Petitioner stated from the beginning that he shot Mr. W. Wilkes, because Mr. W. Wilkes "threw a cup of liquid on him and spit in his face," than Mr. W. Wilkes beginning to approach the petitioner. Petitioner stated to his trial counsel that he had called (911) on different occasion concerning Mr. W. Wilkes bullying, threats and offenses that occurred ~~was~~ prior to the event. Petitioner states there has been plenty probative evidence in this case that support a claim of self-defense / Stand Your Ground. Trial counsel never argued or raised this issue to another court. Post-conviction relief petitioner must prove his allegations was in violation with the United States Constitution in order to receive relief.

## ARGUMENTS

The Supreme Court held that petitioner was deprived of effective assistance of counsel's failure to subpoena favorable witnesses, that testimony would have changed the outcome in a trial. In order for the petitioner to prove prejudice resulting from this failure to produce the witnesses at the (PCR) hearing to offer testimony that was made on the "Motion of Discovery" in accordance with the rules of evidence. The (PCR) counsel was ineffective assistance for failing to subpoena these character witnesses in which their testimony would have been before a jury. Petitioner contends that their testimony would have proven the claim of self-defense / stand your ground. Still unto this day no one knows what effect and what probative value their testimony would have been before a jury. Petitioner contends that their testimony was exculpatory and material to the defense, that would have freed petitioner. Credibility of witnesses is entirely the province of the jury and the petitioner picked a jury wanting a jury trial.

(10) pg.

## ARGUMENTS

PETITIONER MAINTAINS THAT THIS EVIDENCE WAS FAVORABLE TO HIS DEFENSE AND HAD A BEARING ON THE QUESTION OF GUILT. (STRICKLAND V. WASHINGTON) 466 U.S. 668, 104 S.Ct. 2052. THE COURT HELD THAT A NEW TRIAL MUST BE GRANTED WHEN EVIDENCE IS NOT INTRODUCED BECAUSE OF THE INCOMPETENCE OF TRIAL COUNSEL AND THERE'S A REASONABLE PROBABILITY THAT BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS THE RESULTS OF THE PROCEEDING WITH A JURY TRIAL WOULD HAVE BEEN DIFFERENT. IN A (PCR) ACTION THE PETITIONER BEARS THE BURDEN OF PROVING THE ALLEGATIONS. RULE 71 (C). (BUTLER V. STATE, 334 S.E. 2d 813). TO ESTABLISH INEFFECTIVE ASSISTANCE OF COUNSEL, A (PCR) PETITIONER MUST PROVE (1) COUNSEL'S PERFORMANCE FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS AND (2) THE PETITIONER SUSTAINED PREJUDICE AS A RESULT OF COUNSEL DEFICIENT PERFORMANCE. (CHERRY V. STATE, 386 S.E. 2d 625) PETITIONER MUST PROVE PREJUDICE BY SHOWING THERE IS A REASONABLE PROBABILITY THAT BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT.

## ARGUMENTS

The Supreme Court of South Carolina held that orders granting or denying Post-Conviction Relief, that did not address all claims was not "final order" subject to Certiorari review. An order in a (PCR) matter which does not include specific findings of facts and conclusions of law relating to each issue presented. (Pruitt v. State 423 S.E. 2d 127) (Austin v. State 409 S.E. 2d 395) (Washington v. State 440 S.C. 550 891 S.E. 2d 668) (State v. Hatcher) State v. Custer) (Douglas v. State) (State v. Curry 410 S.C. 46, 762 S.E. 2d 721) (Conner v. State 711 N.E. 2d 1238, 1258). Chapman v. California 386 U.S. 18 87 S. Ct 824 17 L. Ed. 705 (1967) Bradshaw v. Stumpf 545 U.S. 175 (2005) (Bryant v. Scott 28 F. 3d 1411 (5th Cir. 1994) Harris v. Reed 894 F. 2d 871 (7th Cir. (1990). Counsel's for records was ineffective assistance for failing to call subpoena witnesses at trial and (PCR) hearing. Counsel's failed to use (911) recording to help certify petitioner claim of self-defense / stand your ground.

(12) pg.

## ARGUMENTS

PETITIONER states that this court should GRANT CERTIORARI Writ AND GRANT PETITIONER'S CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL AND INVOLUNTARY PLEA.

## CONCLUSION

BASED ON THE FOREGOING ARGUMENTS, PETITIONER RESPECTFULLY REQUESTS THIS COURT GRANT CERTIORARI AND AFFIRM IN PART, REVERSE AND REMAND FOR A NEW TRIAL.