

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Richland County

Honorable Daniel McLeod Coble, Circuit Court Judge

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LORENZO BERNARD YOUNG,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-001948

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JOHNSON PETITION FOR WRIT OF CERTIORARI

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**RECEIVED**

**Sep 30 2025**

S.C. SUPREME COURT

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### **ISSUE PRESENTED**

Did the post-conviction relief (PCR) court err by finding trial counsel was not ineffective when counsel failed to adequately investigate Petitioner's potential alibi witnesses, who would have testified that Petitioner left the home of his codefendants before the attempted armed robbery occurred, and was not with the codefendants at the time the crime was committed, where Petitioner was prejudiced by counsel's deficient performance since there is a reasonable probability the outcome of his trial would have been different had counsel properly investigated these witnesses and presented their testimony during Petitioner's trial?

## STATEMENT OF THE CASE

During the early morning hours of July 1, 2013, Teresa Baskin woke up to go to the bathroom. She went to the kitchen to get some water and looked out her window. App. 509, ll. 16-25. She looked across the street where a bar called the Ale House Lounge and a bakery were located. App. 505, ll. 2-6. The lights of the bar were off and there were no cars in the parking lot. However, she could see light from the open bakery door. App. 510, ll. 1-6.

Baskin went back to bed and as “soon as I sat on the edge of the bed, I heard a woman scream.” She then heard gunshots. She called 911 and officers arrived within “two to three minutes.” App. 510, l. 9 – 511, l. 10. Baskin looked out the window while she was waiting on the police and saw nobody outside. App. 514, ll. 8-13.

The first officer to arrive responded to Baskin’s house. It was approximately 3:44 a.m. App. 498, ll. 13-21. The officer noticed the door to the bakery was open. App. 499, ll. 16-19. He walked inside the building and saw a woman “laying on the floor to my right in a pool of blood.” App. 500, ll. 6-11. The woman was Kelly Hunnewell. App. 518, ll. 13-14. She was an employee of the bakery. App. 614, ll. 20-23. The officer secured the scene and waited on investigators and emergency medical services to arrive. App. 500, l. 12 – 503, l. 24. He noticed shell casings in the room. App. 502, l. 17 – 503, l. 7.

The crime scene investigator collected a DVR from the bakery that contained the establishment’s surveillance footage. App. 538, ll. 15-22. He also collected six shell casings and projectiles and projectile fragments. App. 572, l. 14 – 573, l. 22. Some of the shell casings were .45 caliber GAP. The other shell casings were .40 caliber. App. 554, l. 9 – 559, l. 10.

After viewing the surveillance footage from the DVR, which showed the shooting, the crime scene investigator swabbed items it appeared the suspects had touched for potential DNA

evidence. App. 576, l. 16 – 585, l. 13. The police collected a large spoon that, from the footage, it appeared Hunnewell used to strike one of the suspects and also swabbed the spoon for DNA evidence. App. 583, ll. 7-17. The police did not attempt to collect any fingerprints from the scene. App. 594, ll. 17-19.

The surveillance footage from the bakery was played for the jury. However, there was no audio. There were four different camera angles. One angle shows the door to the bakery. A man wearing a red hooded sweatshirt walked into the bakery. Another man wearing a gray hooded sweatshirt followed behind him. Neither man's face could be seen. The two men disappear from this camera angle. While these two men were off screen, another man wearing a dark hooded sweatshirt could be seen in the bakery's doorway. He appeared to leave. The man in the red sweatshirt then ran out of the bakery. The man in the gray sweatshirt followed, running. App. 696, l. 9 – 698, l. 11; State's Exhibit No. 323.

Another camera angle showed the kitchen area of the bakery. Hunnewell can be seen working. She is stirring a pot on the stove with a long handled spoon. The man in the red sweatshirt came up behind her and pointed a gun at her head. The man in the gray sweatshirt also had a gun and approached Hunnewell. Hunnewell fought the two men with the spoon. Hunnewell was shot and collapsed immediately to the floor. The two men fled. State's Exhibit No. 323. A police investigator testified that the sweatshirts were "Hollister" brand which she knew because she also wore that brand of clothing. App. 700, ll. 7-11. Just as in the other camera angle, neither man's face can be seen. State's Exhibit No. 323.

Law enforcement tested the spoon for DNA. App. 974, ll. 8-10. The state's expert testified that the DNA profile developed from the spoon was a mixture of "at least three individuals." Petitioner, his codefendant Trenton Barnes, and Hunnewell could not be excluded

from the mixture. However, neither could one third of the world population be excluded from the mixture on the spoon. The DNA expert testified that the “probability of randomly selecting an unrelated individual that could have contributed to this mixture is approximately one in three.” App. 1178, l. 8 – 1179, l. 7. On cross-examination, the expert admitted that she could not “definitively say that they contributed DNA. I can say that they are included as possible contributors, but I can’t definitively say that [they] are contributors.” App. 1219, ll. 12-18.

The state called Donald Moore as a witness and impeached him with a prior statement he gave to law enforcement, which Moore maintained was a complete lie. Moore testified, “I told them I lied about all that. There wasn’t nothing in that confession true.” He reiterated, “None of it” was true. App. 820, ll. 10-16. Moore said he made up his statement because he thought “word on the street” was that he was a participant in the murder. App. 845, ll. 5-7. Moore admitted that he originally told law enforcement that Petitioner and Troy Stevenson had been talking about robbing the Ale House. App. 822, ll. 9-12. Moore also told the police that he saw Petitioner with “a Glock 40.” App. 823, ll. 17-25. Moore watched the surveillance footage from the bakery and originally told police he thought the two men who entered the bakery were Stevenson and Petitioner, with Petitioner wearing the red hoodie. App. 827, ll. 21-23; App. 831, ll. 24-25. Moore eventually admitted on cross-examination that he made up his story and incriminated Petitioner and Stevenson to clear his own name. App. 844, l. 3 – 845, l. 18.

Law enforcement also obtained surveillance footage from the Ale House, located next door to the bakery. App. 652, ll. 5-20. The bakery can be seen from the Ale House video. Two people can be seen standing outside of the bakery. App. 695, l. 20 – 696, l. 8. They cannot be identified because of the video’s poor quality. State’s Exhibit No. 325.

Three jailhouse snitches claimed Petitioner confessed to the murder. The first snitch was Alfred Wright. Wright claimed he met Petitioner one time in the library at the jail. App. 948, ll. 15-22. Despite only meeting Wright this one time, Petitioner supposedly told Wright that he, Barnes, and Stevenson originally intended to rob a club, but then robbed the bakery because the club was closed. When the woman in the bakery resisted “and swung a knife at them,” Petitioner “shot her two times.” App. 950, ll. 3-20. Wright had pending charges for murder, first degree burglary, criminal conspiracy, and armed robbery. App. 953, ll. 9-11. As can be seen on the video, Hunnewell never had a knife.

The second jailhouse snitch to testify was Michael Peterson. Peterson also claimed to have encountered Petitioner in the law library at the jail. According to Peterson, Petitioner confessed to robbing the bakery and shooting Hunnewell after she started to use her cell phone to call the police. App. 1038, l. 3 – 1039, l. 13. Peterson had a pending charge for murder. App. 1049, ll. 15-19. As can be seen from the footage, Hunnewell never used a cell phone.

The last jailhouse snitch to testify was Michael Schaefer. Schaefer claimed he met Petitioner on several occasions at the jail. Petitioner supposedly told Schaefer that they intended to rob the night club, but when it was closed, they entered the bakery. When the woman in the bakery struggled, Petitioner shot her twice and fled the scene. Petitioner supposedly admitted wearing a red hoodie and jeans. App. 1123, l. 17 – 1124, l. 17. At the time Schaefer allegedly heard the statements from Petitioner, he had three counts of armed robbery pending. Schaefer pled guilty and received a twelve year sentence. App. 1129, ll. 5-18.

Latoya Barnes, the mother of Barnes and Stevenson, testified she received a letter from Barnes that was sent from the jail. App. 852, ll. 10-19. The letter was admitted over Petitioner’s

objection after a lengthy *in camera* hearing. App. 867, l. 1 – 887, l. 22. The letter was written by Barnes to his mother and blames Petitioner for the attempted robbery and murder.

A Richland County grand jury indicted Petitioner on February 20, 2014, for murder, kidnapping, second degree burglary, and attempted armed robbery. App. 2079-2086. His case was called to trial on November 10, 2014, before the Honorable Robert Hood, and a jury. Petitioner was tried jointly with his codefendant, Trenton Barnes. Assistant Solicitors Dolly Garfield, Kathryn Luck Campbell, and Nicole Simpson represented the state. Stephen Krzyston, Tracy Pinnock, and Jacqueline Bambach represented Petitioner. Mark Schnee represented Barnes. App. 205.

On November 19, 2014, the jury found Petitioner guilty as indicted. App. 1843, l. 22 – 1844, l. 8. He was sentenced to life without parole for murder, fifteen years for second degree burglary, and twenty years for attempted armed robbery. No sentence was imposed for kidnapping pursuant to S.C. Code Ann. § 16-3-910 since Petitioner was sentenced to life without parole for murder. App. 1861, l. 23 – 1863, l. 4.

The Court of Appeals affirmed Petitioner's convictions and sentence. App. 1926-1942. Petitioner argued on appeal that the trial court erred by admitting the unredacted letter Petitioner's codefendant, Trenton Barnes, wrote to his mother that implicated Petitioner by name in the murder over Petitioner's hearsay objection, and by not granting a mistrial. App. 1868. The Court of Appeals held the trial court erred by admitting the letter, but concluded the error was harmless. App. 1926-1942. The South Carolina Supreme Court denied Petitioner's petition for writ of certiorari requesting the Court review the opinion of the Court of Appeals. App. 1989.

On February 26, 2019, Petitioner filed an application for post-conviction relief (PCR). App. 1991-1997. The state filed a return to this application on October 23, 2019. App. 1998-2002. An evidentiary hearing was held on September 11, 2023, before the Honorable Daniel Coble. App. 2003. Assistant Attorney General D. Russell Barlow represented the state. Timothy Griffith represented Petitioner. App. 2003.

Petitioner testified at the evidentiary hearing that he asked trial counsel after his arrest to investigate his alibi because it could “prove [his] innocence.” Petitioner explained that while he was initially with his codefendants, presumably Trenton Barnes and Troy Stevenson, before the attempted armed robbery, he left their house around midnight or one o’clock and went to Brittany Jones’s house “prior to the crime” occurring. Petitioner testified that he asked counsel to speak with his friends, Saquon, Marquise, Dontrell, and Yugio, who would have supported his alibi. More specifically, these individuals were at Barnes’ and Stevenson’s house that morning and would have testified that Petitioner was not with Barnes or Stevenson and left the house prior to the crime being committed. However, counsel never talked to any of these witnesses. App. 2015, l. 3 – 2017, l. 23; App. 2021, l. 12 – 2024, l. 25.

Steven Krzyston, Petitioner’s trial counsel, testified that he and Petitioner did discuss a potential alibi defense. Petitioner told Krzyston in September 2014 about two potential alibi witnesses, Marvetta Rowe and Carlina Rowe. An investigator spoke with both Marvetta Rowe and Carlina Rowe as well as a Brittany Young. However, Petitioner’s cell site location information did not match the alibi location provided by the witnesses. Krzyston did not recall Petitioner ever mentioning Saquon, Marquise, Dontrell, or Yugio. App. 2030, l. 14 – 2032, l. 12.

By order filed August 14, 2024, the PCR court denied Petitioner relief. App. 2052-2078. The court found Petitioner failed to prove trial counsel was deficient. The court determined trial

counsel “undertook a reasonable investigation into the facts and circumstances” of Petitioner’s case and that counsel credibly testified that he attempted to locate the individuals Petitioner provided. The court emphasized that Petitioner did not present any witnesses to support his contention that trial counsel failed to investigate his alibi witnesses. Accordingly, the court concluded Petitioner also failed to prove he was prejudiced by counsel’s alleged deficiency. App. 2070-2071.

Because Petitioner’s Sixth and Fourteenth Amendment rights to the effective assistance of counsel were violated by trial counsel’s failure to properly investigate Petitioner’s alibi, this petition for writ of certiorari follows.

## ARGUMENT

The post-conviction relief (PCR) court erred by finding trial counsel was not ineffective when counsel failed to adequately investigate Petitioner's potential alibi witnesses, who would have testified that Petitioner left the home of his codefendants before the attempted armed robbery occurred, and was not with the codefendants at the time the crime was committed, where Petitioner was prejudiced by counsel's deficient performance since there is a reasonable probability the outcome of his trial would have been different had counsel properly investigated these witnesses and presented their testimony during Petitioner's trial.

Petitioner had a solid alibi defense. While Petitioner was initially with his codefendants, Trenton Barnes and Troy Stevenson, Petitioner left their house around midnight or one o'clock and went to Brittany Jones's house prior to the attempted armed robbery and murder occurring. Petitioner asked trial counsel after his arrest to investigate his alibi witnesses because they could "prove [his] innocence." However, counsel never talked to any of these witnesses. Petitioner was prejudiced by counsel's deficient performance because there is a reasonable probability the outcome of Petitioner's trial would have been different if counsel had properly investigated these witnesses and presented their testimony during Petitioner's trial.

"A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984). "Where allegations of ineffective assistance of counsel are made, the question becomes, 'whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.'" Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (quoting Strickland, 466 U.S. at 686).

Courts evaluate allegations of ineffective assistance of counsel using a two pronged test. Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989) (citing Strickland, 466 U.S. at 668). First, the applicant must demonstrate counsel's representation was deficient, which is measured by an objective standard of reasonableness. Strickland, 466 U.S. at 687-88. "Under this prong, 'the proper measure of attorney performance remains simply reasonableness under prevailing professional norms.'" Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688). Second, the applicant must demonstrate he was prejudiced by counsel's performance in such a manner that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. Strickland, 466 U.S. at 694. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id.

"To establish an alibi, the accused must show that he was at another specified place at the time the crime was committed, thus making it impossible for him to have been at the scene of the crime." State v. Robbins, 275 S.C. 373, 375, 271 S.E.2d 319, 320 (1980). "Since an alibi derives its potency as a defense from the fact that it involves the physical impossibility of the accused's guilt, a purported alibi which leaves it possible for the accused to be the guilty person is no alibi at all." Id.

"Counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." Walker v. State, 407 S.C. 400, 405, 756 S.E.2d 144, 147 (2014) (quoting Strickland, 466 U.S. at 691) (cleaned up). "One component of that duty is to investigate alibi witnesses identified by a defendant, and the failure to make some effort to contact them to ascertain whether their testimony would aid the defense is unreasonable." Id. (citing Grooms v. Solem, 923 F.2d 88, 90 (8th Cir. 1991)).

In Walker v. State, 407 S.C. 400, 756 S.E.2d 144 (2014), this Court affirmed the PCR court's grant of post-conviction relief. Walker was convicted of first degree criminal sexual conduct and kidnapping. Id. at 403, 756 S.E.2d at 146. On Saturday, March 2, 2002, the victim stopped at a gas station and when she went to leave, her car would not start. Id. at 403, 756 S.E.2d at 145. A man agreed to help her and ultimately replaced a part in her car. Id. Because she did not have money on her person with which to repay him, she had him follow her home. Id. There, according to the victim, he blindfolded her and drove her to his home where over the course of the night he sexually assaulted her. Id. The following morning around five o'clock, he blindfolded her again and drove her back to her home. Id. Law enforcement obtained a video surveillance tape from the gas station and the victim identified her assailant on the video. Officers returned to the gas station where an employee identified the assailant as Walker. Id. Walker admitted going to the gas station on March 2, but denied providing assistance to anyone there with car trouble. Id. He also denied any knowledge of the crime or the victim. Id. He stated that after leaving the BP station, he spent the afternoon and evening at a friend's home and then returned to his girlfriend's, Robina Reed's, home around 9:30 or 10:00 p.m. for the remainder of the night. Id.

The PCR court found Walker's trial counsel was ineffective for failing to call Reed as an alibi witness. Reed testified at the PCR hearing that in March 2002, she was in a romantic relationship with Walker, but he disappeared at the end of that month when, as she later discovered, he was arrested. Id. at 404, 756 S.E.2d at 146. "While she vacillated in her testimony and was unable to provide details about specific days and times she was with Walker, she was ultimately asked: 'Prior to the last time that you saw Mr. Walker did y'all spend every weekend together?' and she responded: 'Yea, we spend [sic] every weekend together.'" Id. The

PCR “court found Reed was credible, counsel was deficient in failing to interview her as an alibi witness, and Walker was prejudiced because Reed’s alibi testimony created the reasonable probability of a different outcome at trial had she testified.” Id.

This Court affirmed the PCR court’s grant of relief, holding if Reed’s testimony were true and “construed as meaning at least that Walker and Reed spent every night together on the weekends prior to his arrest, it would be physically impossible for Walker to have committed the kidnapping and assaults.” Id. at 406, 756 S.E.2d at 147. “In other words . . . it is not possible for Reed’s testimony to be true and for Walker to have committed the crime.” Id. at 406-07, 756 S.E.2d at 147.

In this case, trial counsel was ineffective for failing to properly investigate Petitioner’s potential alibi witnesses. Petitioner testified that he left Barnes’ and Stevenson’s house around midnight or one o’clock prior to the attempted armed robbery and was not with his codefendants at the time the crime was committed. Petitioner provided counsel with numerous potential witnesses, including his friends, Saquon, Marquise, Dontrell, and Yugio, who would have supported his alibi. More specifically, these individuals were at Barnes’ and Stevenson’s house that morning and would have testified that Petitioner was not with Barnes or Stevenson and left the house prior to the crime. However, counsel never talked to any of these witnesses. This constituted deficient performance as any reasonable criminal defense attorney would have investigated Petitioner’s potential alibi witnesses to determine whether their testimony would aid the defense.

Petitioner was prejudiced by counsel’s deficient performance because there is a reasonable probability the outcome of his trial would have been different if counsel had investigated these witnesses and presented their testimony during Petitioner’s trial. The crime


occurred sometime after 3:30 a.m. Petitioner testified that he left Barnes' and Stevenson's house by 1:00 a.m. and went to Brittany Jones's house. Consequently, Petitioner could not have committed the attempted armed robbery and murder and testimony establishing this alibi certainly would have affected the outcome of Petitioner's trial.

Respectfully, this Court should hold the PCR court erred by finding trial counsel was not ineffective for failing to investigate and present Petitioner's alibi witnesses at trial, 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 order further 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 30th day of September, 2025.

STATE OF SOUTH CAROLINA  
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Certiorari to Richland County

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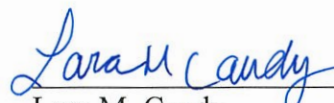
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PETITION TO BE RELIEVED AS COUNSEL  
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Counsel for Lorenzo Bernard Young states:

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 September 11, 2023, before the Honorable Daniel McLeod Coble, 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 Lorenzo Bernard Young.

Respectfully Submitted,

  
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Lara M. Caudy  
Senior Appellate Defender

ATTORNEY FOR PETITIONER

This 30th day of September, 2025.


RECEIVED

Sep 30 2025

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 30th day of September, 2025.