

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

B. Alex Hyman, Circuit Court Judge

Case No. 2020-CP-23-04164

Christian Scowcroft # 373633 Petitioner,

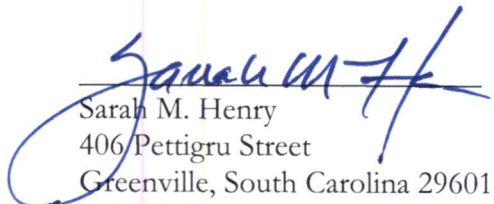
v.

State of South Carolina..... Respondent.

NOTICE OF APPEAL

Petitioner appeals the Honorable B. Alex Hyman's Order of Dismissal dismissing petitioner's application for post-conviction relief. On September 15, 2025, the court signed an order dismissing Petitioner's application for post-conviction relief with prejudice. Appellant, through counsel, received written notice of entry of this order on September 15, 2025. A copy of the Order of Dismissal is attached.

October 1, 2025


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Attorney for Petitioner

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE)	
Christian Scowcroft,)	Case No.: 2020-CP-23-04164
S.C.D.C. No. 373633,)	
)	
Applicant,)	ORDER OF DISMISSAL
v.)	
)	
State of South Carolina,)	ENTERED COMPUTER
)	
Respondent.)	
)	

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This matter comes before the Court by way of an application for post-conviction relief filed by the applicant, Christian Scowcroft, on August 31, 2020. Respondent made its return on December 17, 2020. Scowcroft filed an amended application on May 8, 2024, through counsel Sarah M. Henry, Esq. The Court convened an evidentiary hearing into the matter on May 13, 2024, at the Greenville County Courthouse in Greenville, South Carolina. Scowcroft was present at the hearing and represented by Ms. Henry, and Joshua A. Edwards, Esq., of the South Carolina Attorney General’s Office, represented Respondent.

Scowcroft testified on his own behalf at the evidentiary hearing. Scowcroft’s trial counsel, Randy Chambers, Esq., and previous counsel Teal Johnson, Esq., also testified. The Court had before it Scowcroft’s records from the South Carolina Department of Corrections, a copy of the trial transcript, the records of the Greenville County Clerk of Court regarding the subject convictions, exhibits offered by the parties, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Scowcroft is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. Scowcroft was indicted at the February 2017 term of the Greenville County Grand Jury for first-degree burglary (2017-GS-23-001278) and grand larceny (2017-GS-23-001278). Teal Johnson of the Greenville County Public Defender's office was appointed to represent Scowcroft. Assistant Solicitor Brann W. Fowler, of the Thirteenth Circuit Solicitor's Office, prosecuted the case. The State offered Scowcroft a plea deal where Scowcroft would plead guilty to second-degree burglary (non-violent) and receive a probationary sentence. Rather than accept the offer, Scowcroft retained Randy Chambers to represent him and proceeded to jury trial before the Honorable Perry H. Gravely, Circuit Court Judge. The facts were summarized as follows in the State's brief in Scowcroft's direct appeal:

Consistent with his typical daily routine, Harrison Golson ("victim"), an engineering manager for AT&T, left his Greenville, South Carolina, home at approximately 6:45 a.m. on August 16, 2016, and headed to his office for work. Later that day, victim returned home around 11:15 a.m. to eat lunch, which was also consistent with his typical daily routine. However, that day, victim encountered something highly out of the ordinary upon returning home. Specifically, when he entered his home, victim noticed the back door was ajar and its lock was on the floor. In response, victim quickly went to his closet to retrieve one of his guns, but the guns—a Remington Model 700 .270 caliber rifle and a camouflage-colored Browning .12 gauge shotgun—were missing along with their accompanying accessories. At that point, victim released his dog, checked to see if anyone was in his home, and reported the burglary and theft to law enforcement. He then checked through the rest of his home and discovered a PlayStation 3 system was also missing along with a controller and some games.

Shortly after that, deputies from the Greenville County Sheriff's Office responded to the scene and met with victim, and he alerted them of the various items that had been stolen from his home that morning. However, victim had no idea who had committed the break-in at that time, so he was unable to identify a suspect for the deputies. The deputies then spoke with Michael Nascarello, who was one of victim's neighbors and had been working from home that morning. In speaking with the deputies, Nascarello revealed he saw a red sedan he did not recognize that morning parked outside his residence, which was located only two houses away from victim's home. Furthermore, Nascarello reported he briefly caught a glimpse of a lanky white man of average height getting into the driver's seat of that red sedan.

A few hours later, Applicant, who had recently worked at AT&T with victim up until Applicant was terminated near the end of the preceding month, went to a GameStop store that was located near victim's home and sold a PlayStation 3 system along with a game. After that, Applicant went to Traders Gun Shop, which was also nearby, and sold victim's rifle at around 1:48 p.m. Following those transactions, Applicant left with his newly acquired money, and the information related to the items he sold was submitted to a database that could be accessed and reviewed by law enforcement officers.

Thereafter, as the investigation continued, Investigator Robert Grubbs of the Greenville County Sherriff's Office searched the database for victim's rifle and learned it was sold at Traders Gun Shop by Applicant just a few hours after the rifle had been stolen. Investigator Grubbs then searched the database using Applicant's name and also discovered Applicant had sold a PlayStation 3 system around the same time. At that point, Investigator Grubbs believed Applicant committed the crimes, so he attempted to make contact with Applicant to discuss the matter while also obtaining a warrant for Applicant's arrest.

On August 26, 2016, Applicant voluntarily met with Investigator Grubbs and agreed to speak with him. During that interview, Applicant repeatedly denied committing the break-in. Applicant asserted he had been at his family's lake house for weeks before the break-in occurred, returned home at some point around 11:00 a.m. or 12:00 p.m. one day, and subsequently sold a rifle and shotgun he found in his home that purportedly belonged to Applicant's former roommate, Britain Donahue. Applicant—at multiple points in the interview—denied selling any other items he found in his apartment, but he eventually admitted he also sold a PlayStation 3 system when confronted about that fact. Nonetheless, Applicant continued to insist he did not commit the break-in while identifying Donahue as the person he believed was the actual perpetrator of the crimes. However, Applicant conceded he had no idea how Donahue possibly would have known where victim lived because Applicant had not revealed that information to Donahue and had never taken him to victim's home at any time.

At the end of the interview, Applicant was arrest, and officers seized his computer and cell phone for forensic analysis. The following information was uncovered in the computer: (1) Applicant's password-protected computer was used to access victim's Facebook profile at approximately 1:13 a.m. on the date of the break-in; (2) Applicant's computer was used at 9:23 a.m. later that same day to access Applicant's password-protected email account and read a message to him from his bank indicating that his attempted bank transfer had failed because his account had insufficient funds; and (3) Applicant's computer was used to search for information related to stores where a gun could be sold and for information related to Remington Model 700 .270 caliber rifles on the afternoon of the break-in. Applicant's cell phone had not connected with any cell phone towers located near any of the lakes in the area at any point between August 11, 2016, and the date of the break-in.

Scowcroft was convicted as charged and sentenced to fifteen years' incarceration for burglary and one year of incarceration for grand larceny, with the sentences to be served concurrently. Scowcroft appealed. Through appellate counsel Kathrine H. Huggins, Esq., Scowcroft raised two issues: the trial court's refusal to grant a directed verdict on both charges. His convictions were affirmed in an unpublished opinion. State v. Scowcroft, Op. No. 2020-UP-061 (S.C. Ct. App. filed March 11, 2020) (per curiam). The remittitur was issued on May 5, 2020.

Present Application

In his original post-conviction relief application, Applicant raised various claims of ineffective assistance of counsel against both Johnson and trial counsel Chambers. However, at the evidentiary hearing, Scowcroft pursued only the four claims of ineffective assistance identified in his amended application:

1. "Applicant alleges that trial counsel, Randy Chambers, failed to relay an offer of probation extended to client through counsel on March 29, 2017, and that had client been aware of this offer he would have pled guilty instead of trying the case."
2. "Counsel, Teal Johnson, received an offer of probation on behalf of applicant on November 10, 2016. Ms. Johnson related this offer to applicant, and applicant rejected the plea offer. However, applicant alleges that Ms. Johnson advised him that the case was weak and circumstantial, that she could get him a lower charge, that he should not accept the offer as extended, and that she had not reviewed the evidence against him when she gave this legal advice. Applicant alleges that had he been properly advised he would have accepted the plea offer, and not tried this case."
3. "Applicant alleges that trial counsel, Randy Chambers, advised client that he could receive less than the mandatory 15 years for Burglary 1st, and that Mr. Chambers would request less time for applicant should he lose at trial. Applicant relied on this advice when deciding to go to trial, and applicant alleges he would not have gone to trial had he been aware that he could not receive less than 15 years if convicted, as a matter of law."
4. Applicant alleges that trial counsel, Randy Chambers, failed to object to the court providing an incomplete Burglary 1st jury charge, and failed to put the substantive

contents of the jury charge conference on the record for appeal, prejudicing client at the trial and on appeal.”

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony and exhibits presented at the evidentiary hearing, observed the witnesses and passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. §17-27-80, this Court makes the following findings based upon the evidence presented.

Applicable law: ineffective assistance of counsel.

In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove that counsel’s performance was deficient. Strickland, 466 U.S. at 686; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional

judgment.” Id. (citing Strickland, 466 U.S. at 690). “When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect.” Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing Strickland, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. Cullen v. Pinholster, 563 U.S. 170, 196 (2011); Harrington v. Richter, 562 U.S. 86, 109-10 (2011). “[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.” Yarborough, 540 U.S. at 6; see also Murphy v. Davis, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable.”). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “This does not require a showing that counsel’s actions ‘more likely than not altered the outcome,’ but the difference between Strickland’s prejudice standard and a more-probable-than-not standard is slight and matters ‘only in the rarest case.’” Harrington, 562 U.S. at 111-12 (quoting Strickland, 466 U.S. at 697). “The likelihood of a different result must be substantial, not just conceivable.” Id. at 112. “The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury.” United States v. Basham, 789 F.3d 358, 371-72 (4th Cir. 2015) (quoting Elmore v. Ozmint, 661 F.3d 783, 858 (4th Cir. 2011)). In the context of a rejected plea offer, Applicant must show “a reasonable probability that but for counsel's errors he would have accepted the plea.” Lafler v. Cooper, 566 U.S. 156, 171 (2012).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Id. at 696-97.

1. Failure to relay plea offer.

Scowcroft alleges trial counsel Randy Chambers failed to relay a plea offer of probation, and testified to this effect at the evidentiary hearing. Scowcroft testified he would have accepted the offer.

Counsel Chambers testified to the exact opposite. Chambers testified Scowcroft was adamant about going to trial. Scowcroft told Chambers his former attorney, Teal Johnson, had advised him to plead guilty. Scowcroft hired Chamber because he wanted a trial and believed the jury would not convict him because of his education and background. Scowcroft did not want a felony conviction on his record. Chambers "implored" Scowcroft to accept the offer of second-degree burglary and probation, but Scowcroft refused. Chambers testified he advised Scowcroft the case against him was strong, and understood why Johnson had advised him to plead guilty.

This allegation comes down to credibility. This court finds Chambers to be credible, and Scowcroft not to be credible. The court's decision is based in part on its observation of the witnesses, but also on Scowcroft's history and pattern of dishonesty. Scowcroft repeatedly lied throughout the investigation into the burglary, both to police and those to whom he sold the stolen goods. Scowcroft testified at trial and denied the charges, but the jury did not believe his

testimony. Neither does this court. Furthermore, Chambers's testimony is bolstered by Johnson's who, like Chambers, testified Scowcroft was adamant about going to trial and rejected an identical plea offer when she relayed it. For these reasons, this Court finds Applicant has failed to show deficiency or prejudice, and accordingly his request for relief on this allegation is **DENIED**.

2. Misadvice by Johnson whether to plead guilty.

Applicant alleges counsel Johnson was providing ineffective assistance by persuading him to reject the plea offer for probation and proceed to trial because the case against him was "weak and circumstantial." Scowcroft testified to this effect at the evidentiary hearing.

Johnson testified to the opposite. She explained Scowcroft insisted on going to trial. Respondent introduced an email (State's Exhibit #1) from Scowcroft to Johnson dated November 17, 2016, wherein Scowcroft states: "I cannot possibly plead guilty to a crime I did not commit. Especially a felony. That would be condemning me to a life diminished to constantly answering for the actions of another man and I will not lie and take responsibility for it. I would lose my engineering license and any chance of ever bettering myself as a person and a member of the community." Scowcroft asked Johnson to "keep fighting" for him and promised to "bring forth a team of lawyers to extend, suppress, and dismiss this case piece by piece." Respondent also introduced a letter (State's Exhibit #2) Scowcroft wrote to the circuit Public Defender after he was convicted wherein Scowcroft expressed that he "wish[ed he] had listened" to Johnson's advice.

Scowcroft introduced an email from Johnson to the then-solicitor, wherein Johnson requests PTI and states that "it may be a weak case except guns were allegedly involved." (Applicant's Exhibit #3). The court finds Johnson was merely doing her best to obtain a

favorable plea deal from the solicitor, and does not believe this indicates Johnson actually thought this was a weak case, or that she ever told Scowcroft that. Johnson testified she did not believe this was a weak case, and that she did everything she could to advise Scowcroft of the strong case against him, but that it was ultimately his decision to proceed to trial.

This court again finds counsel to be credible and Scowcroft not to be credible. In addition to Scowcroft's history of dishonesty and this court's observations at the evidentiary hearing, everything in the record supports Johnson's version of events. Accordingly, Applicant's request for relief on this allegation is **DENIED**.

3. Chambers's alleged advice that Scowcroft could receive less than the mandatory minimum of 15 years for first-degree burglary.

Applicant alleges Chambers advised him that he could receive less than the mandatory minimum of 15 years if convicted of first-degree burglary. Chambers denied this. He testified he gave Scowcroft no expectation that he could receive less than fifteen years if convicted. Chambers did ask Judge Gravely at sentencing to go beneath the mandatory minimum and stated he had seen this done early in his career. However, he admitted there was no precedent for it. Chambers testified that he requested the non-conforming sentence because, essentially, it never hurts to ask.

Again, this court finds Chambers to be credible and Scowcroft not to be credible, for the same reasons stated above. Applicant's request for relief on this allegation is **DENIED**.

4. Incomplete jury charge.

Finally, Scowcroft alleges Chambers provided ineffective assistance by failing to request a "complete" jury charge on first-degree burglary. He argues that if the jury had been aware of the other factual scenarios which would support a first-degree burglary charge—e.g. the burglary occurs at nighttime, is committed by a person with two prior burglary convictions, or the defendant

uses a weapon—the jury would have better understood the severity of the charge and the type of behavior it targets, and would have been less inclined to convict him of such a serious offense. See S.C. Code Ann. § 16-11-311. Chambers testified he was satisfied with the charge as given. The trial judge charged the jury on the only applicable theory of first-degree burglary and the facts did not support a charge on a lesser-included offense. See State v. McCaskill, 321 S.C. 283, 468 S.E.2d 81 (Ct. App. 1996).

As it must under Strickland, this court gives great deference to counsel's strategic decisions and finds counsel's decision regarding the requested jury charge was objectively reasonable. Scowcroft essentially alleges counsel should have requested a charge which would have given the jury more ways to convict him, albeit under theories which were not applicable to the facts of the case. The Sixth Amendment does not require this. Furthermore, Scowcroft has not shown prejudice. This court does not believe there is a reasonable probability the jury would have acquitted Scowcroft under the novel theory he advances. Rather, the evidence against Scowcroft was strong and his defense was based on complete denial. Accordingly, relief on this ground is **DENIED.**

[Conclusion and signature on following page]

III. CONCLUSION

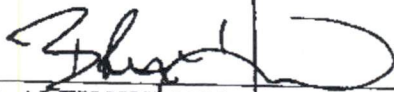
Based on all the foregoing, this court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This court notifies Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 15 day of ^{BHH}~~Sept~~ Sept, 2025.


B. ALEX HYMAN
Presiding Judge
Thirteenth Judicial Circuit

Conway, South Carolina