

# The Supreme Court of South Carolina

Cephas Cowick, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2025-001665

RECEIVED

Nov 19 2025

SC Court of Appeals

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## ORDER

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In March 2021, Petitioner filed an application for post-conviction relief (PCR), which was denied by the PCR court based on Petitioner's 2020 plea agreement in which he waived his right to direct appeal and made a qualified waiver of his right to seek PCR. The court of appeals affirmed, and Petitioner filed a petition for a writ of certiorari, which is pending before this Court.

The State has now filed a motion, in which it admits its previous position regarding the case was incorrect and asks that the matter be remanded to the PCR court for a hearing. The State asserts the hearing should be limited to only those PCR claims bearing on the reasonableness of plea counsel's advice to Petitioner to enter into the plea agreement that were *unknown* to Petitioner at the time he entered the plea agreement because Petitioner waived all ineffective assistance of counsel claims that were *known* to him at the time of his plea.

We grant the State's motion to remand for a full evidentiary hearing on all of Petitioner's claims related to ineffective assistance of counsel. However, we deny the State's request for limitations on the hearing because a review of the specific language used during Petitioner's plea demonstrates that any future claims of ineffective assistance of counsel were entirely excluded from his waiver of his appellate and PCR rights. *See State v. Thrift*, 312 S.C. 282, 295–96, 440 S.E.2d 341, 348–49 (1994) (stating neither the State nor a defendant can enforce plea agreement terms that do not appear in the record before the trial judge who accepts the plea agreement).

John Kitting C.J.  
John Cannon J.  
Heidi J.  
H-1-i J.  
Ante H. Verdin J.

Columbia, South Carolina  
November 19, 2025

cc:  
William G. Yarborough III  
Lauren C Hobbs  
Alan McCrory Wilson  
Joshua Abraham Edwards  
The Honorable Jenny Abbott Kitchings