

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Dec 29 2025

S.C. SUPREME COURT

Certiorari to Orangeburg County

Honorable Kristi F. Curtis, Circuit Court Judge

DANNY RYANT, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001191

JOHNSON PETITION FOR WRIT OF CERTIORARI

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ISSUE PRESENTED

Whether the PCR Court erred in finding petitioner was not entitled to a new trial when the state's star witness that placed petitioner at the scene of the crime with a gun in his hand that was of the same kind as one of the gun's that shot and killed Pringle recanted his testimony and admitted to fabricating his trial testimony to secure a favorable plea deal?

STATEMENT

In May 2010, the Orangeburg County grand jury indicted Danny Ryant, Jr., for murder, armed robbery, and burglary first degree. App. 1129 - 1134. On December 10 – 17, 2010, Petitioner and four of his co-defendants (Christian Coleman, Ralph Bernard Coleman, Walter Lee Harris and Mario Montez Shivers) were tried before the Honorable Edgar Dickson and a jury. App. 1. Petitioner was represented at trial by attorney Douglas Mellard. App. 1. The jury found petitioner guilty as indicted (as it did with all other defendants). App. 1077-1095. Judge Dickson sentenced Ryant to 40 years for murder, 40 years concurrent for burglary first degree, and 30 years concurrent for armed robbery. App. 1089, l. 5 – 1094, l. 3.

On direct appeal, petitioner asserted error in the decision to try him with his co-defendants and in denying his counsel access to material used by the state during jury selection. The Court of Appeals found no error on either ground in an unpublished decision. State v. Ryant, No. 2012-UP-647 (S.C. Ct. App. Dec. 5, 2012). The Supreme Court dismissed certiorari as improvidently granted. *See State v. Ryant*, No. 2015-MO-004 (S.C. Jan. 28, 2015).

Petitioner filed for post-conviction relief by written application on October 13, 2015. App. 1138. An evidentiary hearing was held on August 12, 2024, before the Honorable Kristi F. Curtis. App. 1167. Jonathan Waller appeared on behalf of petitioner, and Danielle Dixon represented the state. App. 1167. Judge Curtis denied relief by written order dated May 7, 2025. App. 1227 - 1240.

This petition for certiorari follows.

ARGUMENT

The PCR Court erred in finding petitioner was not entitled to a new trial when the state's star witness that placed petitioner at the scene of the crime with a gun in his hand that was of the same kind as one of the gun's that shot and killed Pringle recanted his testimony and admitted to fabricating his trial testimony to secure a favorable plea deal.

A. How the issue impacted trial.

The ballistics expert from SLED testified that Pringle was shot numerous times from four different weapons. App. 653, ll. 1 – 8. Eight shell casings were fired by a forty caliber Smith & Wesson pistol recovered by police and linked to Harris. App. 654, l. 1 - 655, l. 8. Five shell casings were fired by an AK forty-seven or SKS rifle. No rifles were recovered. App. 652, ll. 6 - 22. Four of the five rifle shell casings submitted were fired by one rifle, and one shell casing submitted came from a different rifle. App. 650, ll. 9 – 24. Ten bullet fragments were fired by one firearm, a nine millimeter pistol. App. 656, ll. 1 – 25.

According to the trial testimony of Patrick Tyler, the defendants planned to go to Pringle's house to buy marijuana, and the robbery would follow. App. 308, ll. 21-25. According to Tyler, Harris, who was also known as Pete, went into Pringle's house initially to buy some marijuana and to scope out the place. App. 315, ll. 1 - 25. Tyler testified that when Harris rejoined the other defendants, he told them that he knew someone inside the house. App. 316, ll. 1 - 11. At this point, Tyler claimed they picked petitioner up at a club called the Corner Pocket. App. 316, l. 12 – 317 l. 15. According to Tyler's trial testimony, the defendants then returned to Pringle's house. Tyler and Ralph went into the house to buy marijuana. App. 318, ll. 3 - 5. Once inside, Ralph then pulled a gun on a woman inside the house. App. 318, l. 22 – p. 319, l. 2. The other defendants, including petitioner, then entered and began looking for the drugs and money.

According to Tyler, a gun went off, and Tyler ran to the SUV. He said he heard about twenty shots, then the defendants left and went their separate ways. App. 318, l. 1 – 326, l. 25).

Tyler identified four guns were involved. According to Tyler, Mario Shivers provided three of the guns which included a nine millimeter pistol and two SKS rifles. App. 306, l. 1 – 25; 307, l. 25. Walter Harris had the fourth gun, a pistol, which he gave to Ralph Coleman before they went into Pringle's house. App. 314, ll. 1 – 25; 318, ll. 1 – 25. According to Tyler, Chris Coleman had the nine millimeter pistol, petitioner had one of the rifles, and Shivers had the other rifle. App. 319, ll. 1 – 25. At trial, Tyler denied having a weapon. App. 318, lines 6-9. The strength of the state's case was Tyler's testimony placing petitioner inside the residence and holding one of the types of weapons used to kill Pringle.

The eyewitness to the crimes, Ashley Parsley, was inside Pringle's house during this incident. Parsley met Pringle a week earlier at a club named Lay Low in Summerville and had moved in with him. App. 215, l. 17 – 216, l. 10. Ashley admitted helping Pringle sell drugs from his house. App. 221, l. 14 – 222, l. 2. Ashley's friend Shannon Mitchell testified that Walter "Pete" Harris came to the Pringle house to buy a special type of marijuana referred to as DROE. App. 549, l. 12 – 550, l. 25. Harris left when he learned that Pringle did not have DROE. App. 551, ll. 1-9. Mitchell left the home shortly after and did not see the actual home invasion and homicide. Ashley identified Harris from a photographic lineup as the person who came to the house to buy DROE just prior to the robbery. App. 711, l. 1 - 712, l. 9. Parsley testified that only one person entered the house to buy regular marijuana after Harris had initially come to the house looking for DROE marijuana. App. 253, l. 12 – 255, l. 22. Parsley testified that as she was reaching down for the marijuana, the person pulled a gun on her, took the gun she was holding, and demanded that she get on the floor. App. 229, l. 16 – 230 l. 17. Parsley testified

that others then entered the house and shots were fired. App. 231, l. 3 – 232, l. 14. Parsley identified Shivers as the person who pulled the gun on her and Ralph Coleman as another individual who entered the house. App. 239 - 243. She did not identify petitioner Ryant, Chris Coleman, or Patrick Tyler as being involved. Trial counsel summed up the case against petitioner at the PCR hearing:

The defense was -- and I think that's what my closing was at trial -
- that nothing tied him to the case. Nothing. There was no evidence
tying him to the case. The problem we had was Patrick Tyler, the
co-defendant; and that's what tied him.

App. 2104, ll. 17 – 21.

B. How the matter was addressed at PCR.

Petitioner introduced two separate affidavits signed by Tyler recanting his trial testimony that placed petitioner inside the home with a weapon. App. 1224; 1226. The PCR court accepted the affidavits into evidence and considered them in ruling, however Tyler himself was not present to present testimony. Tyler's ongoing problems with attending the PCR hearing under subpoena are noted by the PCR court in the order of dismissal. App. 1232-1233. Petitioner denied any involvement in the home invasion, as supported by the recanted Tyler testimony. App. 1181, ll. 1 – 11; 1185, ll. 13 – 19; 1187, ll. 5 – 24. The surviving eyewitness did not place petitioner inside the residence during the crime. App. 239 – 243.

C. How the PCR court ruled.

The PCR court acknowledged that Tyler had recanted his trial testimony. However, the PCR court ruled that “based on Tyler's refusal to be involved in this PCR hearing, it is not reasonably probable he would attend any subsequently scheduled trial to offer different testimony. Applicant thus has not met his burden of showing he is entitled to a new trial based on Tyler's alleged recantation.” App. 1233.

D. How the PCR court erred.

The fundamental error in the PCR court's conclusion that the evidence of Tyler's recanted testimony would have no impact on re-trial centers around what the PCR court's conclusion ignores: the entire case against petitioner centered around the jury accepting Tyler's testimony. There was no eyewitness connecting petitioner to the crime. There was no ballistic evidence connecting petitioner to any firearm used in the crime. Petitioner made no admissions of guilt related to the crime.

The impeachment value of the recanted testimony would have greatly bolstered petitioner's trial defense: he was simply not involved in the home invasion. The one witness to connect petitioner to the crime recanted. While the PCR court was correct at a new trial the affidavits would have "impeachment value," the PCR court erred in finding any harm negated by the fact "Tyler was extensively cross-examined by five defense attorneys regarding inconsistent statements he made to law enforcement and any benefit he hoped to receive by testifying." App. 1233. While the PCR court was correct that trial counsel for petitioner (and the other defendants) challenged the credibility of Tyler due to favorable plea terms, there was no challenge regarding the detail and depth of his recanted testimony since that information was developed only after trial.

Here, the fundamental error of the PCR court centers around what a new trial against petitioner would require the state to produce: a witness who has not once but twice recanted the story sold to the jury in the original trial. While this Court has noted that "[r]ecantation of testimony ordinarily is unreliable and should be subjected to the closest scrutiny when offered as ground for a new trial." State v. Porter, 269 S.C. 618, 621, 239 S.E.2d 641, 643 (1977) (*quoting State v. Whitener*, 228 S.C. 244, 89 S.E.2d 701 (1955)). While the reliability of Turner's

recantation was a matter for determination by the PCR court, the impact of the recanted testimony on a case so dependent on the credibility of that witness should weigh in favor of granting a new trial, not against. A case that depends on the credibility of the witnesses does not lend itself to a finding of harmless error or lack of prejudice. *See State v. Gracely*, 399 S.C. 363, 731 S.E.2d 880 (2012) (holding the state's reliance on circumstantial evidence and credibility of witnesses negated a finding of harmless error).

Here, the jury was deprived of not one but two sworn statements by Tyler recanting the testimony used to connect petitioner to the crime. As the state lacked any physical evidence or eyewitness testimony connecting petitioner with the crime, the case and the jury's conviction of petitioner centered solely on its credibility determination of Tyler, a witness the PCR court found lacked credibility.

CONCLUSION

Based upon the foregoing argument, this Court should grant the petition and reverse the PCR court and find petitioner is entitled to a new trial.



Gary H. Johnson
Appellate Defender
SC Bar #8898

ATTORNEY FOR PETITIONER

This 29th day of December 2025.

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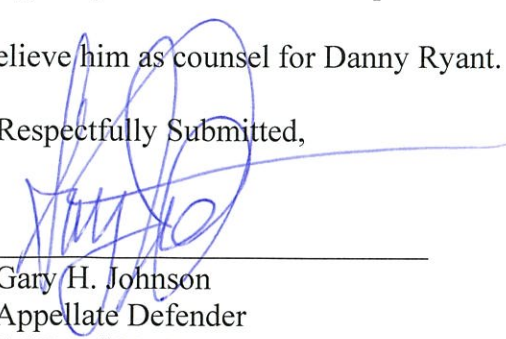
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Danny Ryant states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. He has reviewed the record of petitioner's post-conviction relief hearing before Judge Kristi F. Curtis, which was held on Aug. 12, 2024, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He 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 him as counsel for Danny Ryant.

Respectfully Submitted,



Gary H. Johnson
Appellate Defender
SC Bar #8898

This 29th day of December 2025.

ATTORNEY FOR PETITIONER

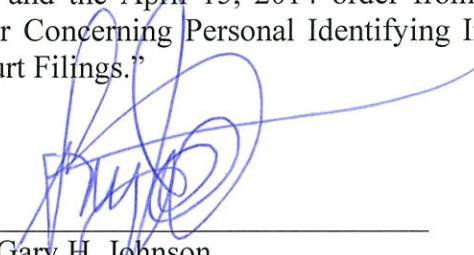
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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of his 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 29th day of December 2025.