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Feb 13 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
The Frank R. Addy, Circuit Court Judge

Appellate Case No. 2023-001372

LAWTON LEROY HOLOWAY,

Petitioner,

v.

THE STATE,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON CERTIORARI

Whether the PCR court correctly denied relief where Holloway claimed counsel was ineffective for failing to argue defense of habitation at his immunity hearing, where the record showed counsel did raise defense of habitation in his written motion and raised the substance of that argument at the hearing along with his self-defense argument, and the trial court correctly denied relief after wholly rejecting Holloway's non-credible testimony.

STATEMENT OF THE CASE

In 2017, Petitioner Holloway was convicted of voluntary manslaughter and possession of a weapon during the commission of a violent crime by a Spartanburg County jury after a trial before the Honorable R. Keith Kelly, Circuit Court Judge. The facts of the case are laid out in in the Brief of Respondent from Petitioner's direct appeal. (App.571–75). Petitioner was represented by James Price III, James Price IV, and Powers Price, Esquires. Petitioner was sentenced to 20 years' and five years' imprisonment, respectively. In his direct appeal, Holloway claimed the trial court erred by denying his motion for immunity under the Protection of Persons and Property Act. His convictions were affirmed in an unpublished decision.

Petitioner filed an application for post-conviction relief on November 1, 2022. An evidentiary hearing was held on June 20, 2023, at the Spartanburg County Courthouse before the Honorable Frank R. Addy, Circuit Court Judge. The PCR court denied relief in a written order on August 18, 2023.

Petitioner appealed and the supreme court transferred the matter to this Court. Appointed counsel filed a no-merits petition for writ of certiorari under Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), and moved to be relieved. This Court denied the motion. Counsel filed an amended petition raising the issue whether trial counsel was ineffective for failing to argue defense of habitation at the immunity hearing. This return follows.

STANDARD OF REVIEW

The appellate court will defer to a PCR court's findings of fact if there is any evidence in the record to support them. Smalls v. State, 422 S.C. 174, 180–81, 810 S.E.2d 836, 839 (2018). However, questions of law are reviewed de novo, with no deference to trial courts. Id.

ARGUMENT

The PCR court correctly rejected Holloway's claim that counsel provided ineffective assistance by failing to argue defense of habitation at his immunity hearing because counsel did raise defense of habitation in his written motion and raised the substance of that argument at the hearing along with his self-defense argument, and the trial court correctly denied relief after wholly rejecting Holloway's non-credible testimony.

The PCR court correctly denied relief. The substance of Holloway's defense of habitation argument was raised at his immunity hearing, even though the trial court's ruling was couched in terms of self-defense. As the PCR court found, trial counsel did "present argument related to defense of habitation at the immunity hearing and at trial." (App.694, 665–66). Although the trial court did not specifically rule that Holloway did not act in defense of habitation, the trial court was aware of the argument and implicitly rejected it in its ruling.

The trial court rejected Holloway's testimony outright, finding it not credible. The trial court gave an extremely detailed ruling explaining its decision. (App.147–52). Even if trial counsel had requested a ruling specifically addressing his defense of habitation argument (which Holloway made via written motion), the result would have been the same because Holloway's story made no sense and was inconsistent with the physical evidence. (App.630).

Even assuming the trial court did not rule on Holloway's defense of habitation argument, that argument was meritless. To establish defense of habitation, the defendant must "establish that a trespass has occurred and that his chosen means of ejection were reasonable under the circumstances." State v. Rye, 375 S.C. 119, 124, 651 S.E.2d 321, 323 (2007). Holloway, through his non-credible

testimony, did neither. If stabbing an invited guest seven times in the back is not a reasonable way to protect one's self or others, surely it is not a reasonable way to eject someone from a home. Thus the distinction between defense of habitation and defense of self was of no consequence in this case.

The argument was meritless and would not have changed the result of the immunity hearing. The trial court clearly did not believe that Holloway's actions were justified, and his findings are supported by the record. The trial court rejected Holloway's ridiculous version of events outright, finding his story not credible and inconsistent with the physical evidence, which showed Holloway stabbed the victim seven times in the back before stabbing him in his neck and chest. The stabbing took place near the front door, not near the kitchen as Holloway claimed, and the victim had no defensive wounds. Holloway left the scene and provided a drunken, rambling statement to police when he returned. Because the trial court wholly rejected Holloway's testimony, the only slightly different argument that Holloway acted in defense of habitation rather than defense of self would not have affected the outcome of the immunity hearing. Likewise, even if the issue had been preserved for review, it would not have been successful on appeal for the same reasons his self-defense claim was not successful at trial or on appeal. Accordingly, Holloway cannot show prejudice, i.e. a reasonable probability of a different outcome. (See law cited at App.691-93). Certiorari should be denied.

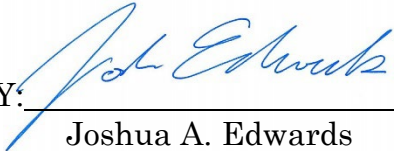
CONCLUSION

For the foregoing reasons, it is respectfully submitted that the petition should be denied.

Respectfully submitted,

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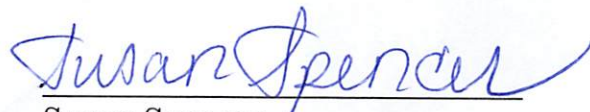
Respondent.

PROOF OF SERVICE

I, Susan Spencer, certify that I have served the within Return to Petition for Writ of Certiorari on Wanda Carter, Esquire, counsel of record for the Petitioner, by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.

This 13th day of February, 2026.



Susan Spencer
Legal Assistant

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