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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Florence County

Honorable G.D. Morgan, Jr., Circuit Court Judge

CECELIA E. KNOX,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002499

APPENDIX

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State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2019-GS-21-01151
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Cecelia Elaine Knox,	)	
	)	
Defendant.	)	
	)	

December 12, 2019
 Florence, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge

A P P E A R A N C E S:

J. Ryan White, Esquire
 Attorney for the Plaintiff

Caroline Lawson, Esquire
 Attorney for the Defendant

Krystal J. Smith
 Circuit Court Reporter

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E X H I B I T S

NO.

DESCRIPTION

ID.

EV.

(No Exhibits Presented)

COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption
 or change in thought

ellipses . . . trailing off

[*ph*] phonetically written

[sic] written as said

1 DECEMBER 12, 2019

2 (WHEREUPON, the proceedings began at 2:34 p.m.)

3 MR. WHITE: Cecelia Knox.

4 (WHEREUPON, there was a pause in the proceedings until
5 the defendant entered the courtroom.)

6 MR. WHITE: Judge, may it please the Court.

7 THE COURT: Yes, sir.

8 MR. WHITE: Standing before you is Cecelia Elaine Knox
9 on Indictment 2019-GS-21-01151. She is pleading guilty to
10 one count of murder. There is no recommendation or
11 negotiation in this case.

12 THE COURT: All right. Ma'am, if you'll raise your
13 right hand, please. Do you swear to tell the truth, the
14 whole truth, and nothing but the truth, so help you God?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You're Cecelia Elaine Knox?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have you ever been treated for alcohol
19 abuse, drug abuse or mental illness?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: What have you been treated for?

22 THE DEFENDANT: Drugs and -- um --

23 THE COURT: When was that?

24 THE DEFENDANT: Maybe '17.

25 THE COURT: Does that in any way affect your ability to

1 know and understand what you're doing here today?

2 THE DEFENDANT: No, sir.

3 THE COURT: I need you to speak up. Okay?

4 THE DEFENDANT: No, sir.

5 THE COURT: Within the last 24 hours, have you taken any
6 medication, drugs or alcohol?

7 THE DEFENDANT: No, sir.

8 THE COURT: Are you aware of any physical, emotional or
9 nervous problem that would prevent you or keep you from
10 understanding what's going on here today?

11 THE DEFENDANT: No, sir.

12 THE COURT: The State indicates you're pleading guilty
13 to murder. Is that correct?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand it carries a minimum of 30
16 years up to life imprisonment?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: The State has indicated this plea is being
19 entered into without recommendation or negotiation. Is that
20 your understanding?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Understanding that I could give you up to
23 life imprisonment today, do you still want to go forward and
24 plead guilty to this charge?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you also understand that under South
2 Carolina law that this is considered to be a violent offense,
3 as well as a most serious offense?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand that a most serious
6 offense falls under the two-strike rule? In other words, if
7 at some point you are released from the Department of
8 Corrections and you are convicted by plea or trial of another
9 most serious offense and the State has properly noticed you
10 of their intent to seek life, the Court would have no
11 alternative but to give you life. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: In addition, do you understand that this
14 Court -- whatever sentence this Court imposes, it's a
15 no-parole offense? Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Do you understand that if the
18 Court were to give you a sentence of less than life, you
19 would have to do at least 85 percent of it before you were
20 even eligible for parole? Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Understanding the penalty of
23 this charge for which you're pleading guilty to and
24 understanding the consequences of such plea, do you still
25 want to go forward and plead guilty to this charge here

1 today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, when you plead guilty, you give up
4 certain important constitutional rights.

5 You have a right to a jury trial. I would tell the jury
6 that you are presumed innocent, that the State has to prove
7 your guilt beyond a reasonable doubt.

8 You'd have the right to question witnesses against you.

9 You'd have the right to remain silent and, if you did, I
10 would tell the jury that they could not hold that against
11 you.

12 You'd have the right to present a defense to this
13 charge, although you're not required to do so.

14 If you made any incriminating statements, you would have
15 a right to challenge the admissibility of those statements.

16 Do you understand those rights?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that when you plead guilty
19 you give up those rights?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Understanding your rights and
22 understanding that when you plead guilty you give them up,
23 how do you plead to this charge today? Guilty or not guilty?

24 THE DEFENDANT: Guilty.

25 THE COURT: You're represented by Ms. Lawson. Are you

1 satisfied with her representation?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you talked to her enough?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Understood your talks with her?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Need any more time to talk to her?

8 THE DEFENDANT: No, sir.

9 THE COURT: Have any complaints about her?

10 THE DEFENDANT: No, sir.

11 THE COURT: Has anyone promised you anything or held out
12 any hope of reward to get you to plead guilty?

13 THE DEFENDANT: No, sir.

14 THE COURT: Anyone used any threats, force, pressure or
15 intimidation to get you to plead?

16 THE DEFENDANT: No, sir.

17 THE COURT: Anyone mistreated you in any way, whether it
18 be law enforcement or Solicitor's Office?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you had enough time to make up your
21 mind as to whether or not you want to plead guilty or go to
22 trial on this charge?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: What do you wish to do?

25 THE DEFENDANT: Plead guilty.

1 THE COURT: Are you pleading guilty of your own free
2 will?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you understood my questions?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. White?

7 MR. WHITE: Thank you, Judge.

8 On April 21st, 2019, what can only be described as a
9 brutal murder occurred here in Florence County. Judge, the
10 incident location is [REDACTED] McKeithan Road. At that particular
11 residence resided Ms. Cecelia Knox, along with her wife Jana
12 and an 11-year-old child.

13 Judge, that weekend Jana was scheduled for surgery at
14 McLeod, and the victim in this case, Ms. Tara Echevarria, was
15 on her way to Florida from California and had decided to stop
16 at the residence to visit her friend Jana. Judge, she could
17 not have picked a more unfortunate time to be passing
18 through.

19 It just so happened that Ms. Cecelia Knox and Jana Knox
20 during that weekend were involved in a domestic dispute. The
21 State would put forth evidence that it would, you know, stem
22 from a financial dispute.

23 Judge, the dispute kind of spilled over at the hospital,
24 at which time Ms. Cecelia Knox left the hospital to go home
25 in an irate state of mind. Ms. Jana Knox, still at the

1 hospital, calls home to the victim in the case and tells her
2 to please protect the child because she thinks that she's
3 going to do some kind of harm to her.

4 Cecelia leaves the hospital. She arrives at that
5 residence, and she begins to argue and confront the victim in
6 this case, Ms. Echevarria. She's trying to get the child,
7 and Ms. Echevarria is trying to get the child away from Ms.
8 Knox. She calls 9-1-1 immediately, and that 9-1-1 call is --
9 is quite dark. You know, it's -- the last words that she
10 would speak she's trying to get help for the child.

11 Judge, the child gave a confession or actually gave a
12 statement, two -- two separate statements, and describes what
13 happens next. It's just absolutely bone chilling.

14 Ms. Knox gets -- starts to beat on Ms. Echevarria in the
15 guest room. She beats her so bad, Judge, that the puddle in
16 the carpet and the wood flooring that the Sheriff's Office
17 pulled up, you know, was at least two by two feet in
18 diameter.

19 Judge, the child then testified that Ms. Knox drags Ms.
20 Echevarria into the bathtub, where she gets a hammer and, you
21 know, strikes her twice in the back of the head. The
22 Sheriff's Office followed up on that eventually and they
23 could see the blood spatter from the Luminol tests across the
24 bathroom wall.

25 Judge, when Ms. Jana Knox calls home, she hangs up and

1 then she immediately calls 9-1-1 and tells law enforcement to
2 please get over to the house because she thinks that Ms.
3 Cecelia Knox is going to harm the child. Law enforcement
4 arrives.

5 At that point, Ms. Echevarria is deceased inside. Ms.
6 Knox tells the child to lie to law enforcement and together
7 they go out and greet the law enforcement officer as he
8 approaches and tell the officer that everything is fine, that
9 the third party involved in the altercation has left the
10 scene. Believing her and the child, law enforcement then
11 departs.

12 Judge, at that time Ms. Knox -- Ms. Cecelia Knox and the
13 child, with the body, you know, still in the house, they
14 drive and pick Ms. Jana Knox up at McLeod. They come back to
15 the house. They get Ms. Echevarria's vehicle and they go
16 back to McLeod where they hide it. Judge, Ms. Knox -- Ms.
17 Cecelia Knox then takes the child and Ms. Jana Knox to a
18 hotel room.

19 Well, let me back up, Judge.

20 Before that, they go on a shopping spree that night to
21 buy various items to clean up the crime scene, and they have
22 the child in tow while they're doing that. They go back.
23 They clean up the crime scene.

24 Then Ms. Cecelia Knox drives the child and Jana Knox to
25 a hotel room to stay for a night. She drives to Atlanta.

1 She picks up her brother. They drive back to Florence. They
2 load the body up, drive it back to South Atlanta, and dump
3 the body in a -- in a park.

4 Judge, at this time she drives and drops off her
5 brother. Then she drives back to Florence, picks up the
6 child and her wife Jana, and they go down to the beach for a
7 vacation that was already planned. They stay down there for
8 about five days, Judge. Eventually, I think the guilt
9 overcame Jana and she called law enforcement, and they
10 eventually turned themselves in.

11 Judge, it's been a long process. I mean this case is
12 investigated by Lead Investigator Roger Tilton, along with
13 Sarah Miller of the Sheriff's Office. They have done an
14 excellent job. This case could not be any stronger. The
15 evidence that they have accumulated really put the closing --
16 the finishing touches on it, so to speak.

17 But, Judge, the one thing that lingered out there that
18 they did not confess to was the murder weapon, and that had
19 to be extracted, if you will, from the child. That child --
20 when they got back from the beach, Ms. Cecelia Knox and Ms.
21 Jana Knox called their family from Florida to come take the
22 child and drive it back down -- drive him back down to
23 Florida, and we had to go to considerable lengths to get the
24 child and keep him here so that he could be a witness in the
25 case. He provided the murder weapon, that it was a large

1 hammer, Judge, that he -- she -- Ms. Cecelia Knox used to
2 beat the victim.

3 Judge, the last piece of the puzzle was the body, and
4 it's sad and it's sad and we had no idea where it was. And
5 we triangulated cell phones. We dug through cell phone
6 records and we tried our best to pinpoint a location, but it
7 was like finding a needle in a haystack, Judge.

8 Eventually, we met with Ms. Cecelia Knox and she -- I
9 don't know whether she had forgotten where it was or if she
10 just didn't want to tell us, but the information she gave us
11 did not get us to the body. It just didn't get us quite
12 there. It wasn't until the brother, who was arrested a time
13 later, eventually gave up the location, and it was four
14 months almost to the day from the murder that the body was
15 found.

16 And I want to show, Judge, if I could -- and these have
17 been provided to defense counsel -- a photograph of the skull
18 as recovered in the park and then the remains at autopsy.

19 I beg the Court's indulgence.

20 Judge, and that covers the facts. She does have a
21 record, Your Honor. Her South Carolina record is assault and
22 battery in the second degree and assault and battery in the
23 third degree.

24 Then out of Florida she also has a significant record.
25 Judge, she has a vehicle theft from 2003, petty theft in

1 2008, armed robbery with a deadly weapon in 2008. At some
2 point, she has a probation violation in 2008, and then a
3 domestic battery in 2017.

4 Judge, obviously, Ms. Echevarria is the victim in this
5 case. There's also another victim, and it's that child. I
6 was actually present and watching from outside the room when
7 that forensic interview was taking place, and to watch a 10-
8 or 11-year-old child recount such a horrendous and gruesome
9 murder is heartbreaking.

10 And that child is still going to therapy. He's here.
11 He's doing great. He's in foster care and he's seeking the
12 therapy that he needs, but he's got a long way to go, and I
13 just want to stress that he is also a victim in this case.

14 Judge, the legislature has mandated 30 to life for a
15 reason. You know, 30 is -- is, you know, cases that walk in
16 -- in this door all the time that we see, and that's the
17 lower end. This is a case that you don't see very often
18 where a person is brutally murdered and their body
19 transported to another state.

20 To be brutally murdered in front of a small child, to
21 clean up and everything that went into it, Judge,
22 respectfully, the State would seek a max sentence in this
23 particular case. Judge, we -- we feel strongly, vehemently,
24 that this is something on the upper end of that spectrum and,
25 Judge, we ask you to consider all those factors when you

1 render your sentence.

2 THE COURT: All right.

3 Ms. Knox, you heard the facts as stated by the
4 prosecutor as it relates to this charge and the death of the
5 victim in this case. Do you agree with those facts?

6 THE DEFENDANT: Not all of them, but the majority of
7 them.

8 THE COURT: Do you agree that you took the life of the
9 victim in this case with malice aforethought to satisfy the
10 elements of this offense?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And are you guilty of this charge?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And how do you plead? Guilty or not guilty?

15 THE DEFENDANT: Guilty.

16 THE COURT: All right. I find that there is a
17 substantial factual basis for this plea. I also find the
18 defendant's decision to plead has been entered into freely,
19 voluntarily, knowingly, and intelligently. That she has had
20 the advice and counsel of an attorney with whom she has
21 indicated she is completely satisfied. I'll accept her plea.

22 Before I hear from you, Ms. Lawson, were there any
23 family members or anyone that wished to speak?

24 MR. WHITE: Yes, sir. They are present in the
25 courtroom. I think they are too emotional to address the

1 Court.

2 THE COURT: Okay.

3 MR. WHITE: And, Judge, I want to make sure Ms. Lawson
4 gets the last word. Probation did want to address Your
5 Honor. I think she's on probation at the -- at the current
6 juncture.

7 THE COURT: All right.

8 Yes, sir?

9 THE PROBATION OFFICER: Yes, sir. She was sentenced in
10 Richland County on February 6th of this year. Judge Manning
11 sentenced her on an assault and battery second degree. He
12 gave her three years. He suspended that and put her on
13 probation for one year, ordered that she continue taking her
14 mental health medication.

15 She transferred here to Florence, and this murder would
16 have occurred maybe a month and a half after she got here,
17 and this plea is a violation of that probation. The victim
18 in the case -- in our case is the -- Jana Knox.

19 THE COURT: All right.

20 Ms. Knox, it's just been conveyed to me that you were on
21 probation at the time or that this plea here today is a
22 violation of your probation. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Which could subject you to additional time.
25 Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you still want to plead guilty to this
3 charge?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. I previously accepted the plea.
6 The defendant has indicated that even in light of the fact
7 she's on probation and this is a violation of probation which
8 could subject her to additional time, she still wishes to go
9 forward with her guilty plea.

10 Ms. Lawson, are you representing her on the probation
11 matter as well?

12 MS. LAWSON: Yes, sir.

13 THE COURT: All right. Pursuant to her plea here today,
14 I do find the defendant has willfully violated the conditions
15 of her probation. Pursuant to such finding of a willful
16 violation -- as well as the previous finding or acceptance of
17 a guilty plea to this murder.

18 Anything further, Mr. White?

19 MR. WHITE: Judge, just for the record, it has been no
20 indication as far as I'm concerned -- and we can ask Ms.
21 Lawson as well -- any concern about Ms. Knox's mental health
22 and her mental health status and her medication that she's on
23 now. Or is she -- I don't know if she's on anything or not.

24 MS. LAWSON: She's not on anything --

25 MR. WHITE: Okay.

1 MS. LAWSON: -- at the moment, Your Honor.

2 THE COURT: Well, in my discussions with her today or in
3 my questioning of her here today, there's nothing that leads
4 me or gives me any pause or concern concerning as it relates
5 to her mental well-being. More specifically, there's no
6 concern or pause that I have. That she is fully aware of
7 what's going on here today. That she has indeed entered this
8 plea freely, voluntarily, knowingly, and intelligently.

9 Ms. Lawson, happy to hear from you.

10 MS. LAWSON: Thank you, Your Honor. May it please the
11 Court.

12 Judge, I think that this is one of those situations when
13 it comes time for me to speak that less is more, but I do
14 have a couple of things that I find to be very important when
15 it comes to Ms. Knox that I want to get across to the Court.

16 I agree with Mr. White when he says this is not your
17 average violent crime that walks in the door, and I'll tell
18 you why. I have never gone and sat down to meet with the
19 client for an initial meeting for something this serious and
20 then have them just tell me, "Ms. Lawson, just when can you
21 get me into court. I really just want to plead. I feel
22 terrible about this. I want to take responsibility as soon
23 as possible."

24 I myself kind of had to push this along so that I can
25 get all the discovery and go through everything, do my due

1 diligence, and go over it with Ms. Knox before I had this
2 plea scheduled for her.

3 I also want to say her kind of main concern through all
4 of our discussions has been the feelings of Tara's children.
5 She keeps asking me, "Are they going to be there? How do
6 they feel about this? I don't even -- I feel so horrible, I
7 don't even want them to look at me, much less have to come
8 into court and hear all this." And that has been at the
9 forefront of her mind as she's considered and decided to take
10 responsibility for all this in this kind of way.

11 Your Honor, Ms. Knox is 31 years of age. She exhibited
12 symptoms of anger issues, PTSD, and a variety of other mental
13 issues from her teenage years on. That was kind of the
14 inception of her interaction with the criminal justice
15 system, and it led us here.

16 Judge, that horrible day back months ago I think was a
17 combination of anger problems, untreated mental illness, and
18 a drug relapse. Ms. Knox had dealt with a problem with
19 cocaine for many years, had gotten clean, but up until last
20 year at age 30 got back on it, and I do not think that did
21 her any favors when it came to anything mental health that
22 she had going on. It, you know, manifested itself in
23 domestic issues with her wife Jana and then, ultimately, this
24 horrible, horrible day.

25 Nothing that I say or Ms. Knox ever says could minimize

1 what happened that day or bring Tara back. All that I'd ask
2 for you to do is temper the justice with mercy on Ms. Knox
3 today. Hopefully, give her a chance to eventually much later
4 in her life live some kind of life on the outside.

5 I think she's learned enough over the years, hopefully,
6 about mental illness, drug use, and everything that she's
7 dealt with. I hope that she can impart some sort of wisdom
8 to other women in the Department of Corrections about how
9 they live and how they shouldn't live in the outside world,
10 and I hope that, eventually, she'll be able to live in that
11 way as well.

12 So again, I would just ask for mercy for her. She
13 sincerely apologizes to this family beyond the point that I
14 can put into words. I'm not sure if she'd like to speak at
15 all. I don't think she's going to want to. Again, she
16 didn't even want them to have to look at her today, much less
17 hear from her. So again, finally, I would just ask for mercy
18 for her.

19 THE COURT: All right. Thank you, Ms. Lawson.

20 Ms. Knox, anything you want to tell me?

21 THE DEFENDANT: No, sir.

22 (WHEREUPON, there was a pause in the proceedings, after
23 which the proceedings resumed as follows.)

24 THE COURT: All right. Anything further from the State?

25 MR. WHITE: No, sir, Judge.

1 THE COURT: Anything further, Ms. Lawson?

2 MS. LAWSON: No, Your Honor. I don't believe so.

3 SENTENCE

4 THE COURT: All right. On 2019-GS-21-01151, the
5 defendant is hereby committed to the State Department of
6 corrections for the balance of her natural life.

7 Thank you.

8 MR. WHITE: Thank you, Judge.

9 THE PROBATION OFFICER: Judge Brown? Judge Brown?

10 THE COURT: Just terminate it.

11 (WHEREUPON, the proceedings ended at 2:59 p.m.)

12

13 --- END REQUESTED TRANSCRIPT ---

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State of South Carolina	)	
	)	Certificate
County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 21, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Florence County, South Carolina, on the 12th day of December, 2019.

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

Kristal J. Smith

Court Reporter

Florence, South Carolina

September 22, 2020

FORM 5

2020 CP 21 1703

STATE OF SOUTH CAROLINA)

County of Florence)Cecelia Elaine Knox)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

APPLICATION FOR
POST-CONVICTION RELIEF2020 JUL 23 AM 9:20
DORIS BOULOS O'HARA
CLERK OF COURT
FLORENCE COUNTY, SC

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Camille Graham Correctional
2. Name and location of Court which imposed sentence Florence General Sessions
3. Name(s) of co-defendant(s) (if any) Jimmie Lee Knox, Jana Jimmerson Knox
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2019-GS-21-01151
 - (b) MURDER, LIFE

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 12-12-19 _____
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ☒ _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No appealable grounds
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) no appealable grounds
- (b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) ineffective assistance of counsel
- (b) involuntary guilty plea
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Representation failed below reasonable standard
- (b) Plea was unknowing
- (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) First attempt at PCR.
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes
 (b) your trial, if any? N/A
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
N/A

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
 i. Caroline Lawson
Florence County Public Defender's Office
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Plea and Sentencing
 ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

New Trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Florence)

VERIFICATION

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

2020 JUL 23 AM 9:20

FILED

I, Cecelia Elaine Knox, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Cecelia Knox

SWORN to and subscribed before me this 15th
day of July, 2020.

Crypta Jones (L.S.)
Notary Public

My Commission Expires: July 22nd, 2026

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Cecilia Elaine Knox, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Cecilia Knox
Applicant

SWORN or affirmed to and subscribed before me this

15th day of July, 2020.

Crystal Jones
Notary Public

My Commission Expires: July 22nd, 2026

FILED

2020 JUL 23 AM 9:20

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

Revised 3/2003

FILED

STATE OF SOUTH CAROLINA)

2022 JUN -6 PM 12:06

) IN THE COURT OF COMMON PLEAS

COUNTY OF FLORENCE

DORIS POULOS O'HARA,

CJCP & 12TH JUDICIAL CIRCUIT
FLORENCE COUNTY, SC**CECELIA E. KNOX,**)**CASE NO.: 2020-CP-21-01703**

Applicant,)

v.)

AMENDMENT TO APPLICATION**FOR POST CONVICTION RELIEF**

STATE OF SOUTH CAROLINA,)

Respondent.)

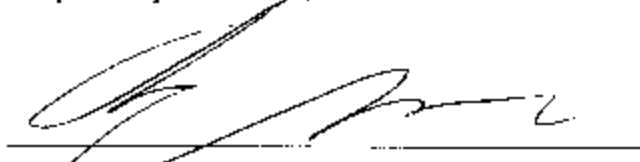
Applicant, by and through her undersigned attorney, hereby amends her application for Post-Conviction Relief. This amended complaint adopts and includes all grounds in the original application filed July 23, 2020, by Applicant. Applicant further alleges as additional grounds regarding her claim of ineffective assistance of counsel as to Caroline Lawson as follows:

1. Applicant was mistakenly advised by the court and led to believe that her sentence for Murder would be parole eligible in 85% instead of having to serve 100% or day for day (p.6, Lines 17-20) and counsel Caroline Lawson failed to advise her.

2. Applicants counsel Caroline Lawson failed to have the Applicant evaluated regarding competence and criminal responsibility despite being advised of Applicants history of mental health problems and the fact that Applicant was not taking her medications at the time of the guilty plea (p. 17 Line 24).
3. Applicants counsel Caroline Lawson, failed to meet with the applicant a sufficient number of times to properly review the evidence and discuss this case with applicant.
4. Applicants counsel Caroline Lawson failed to properly advise her regarding the potential sentence she was facing.
5. Applicants counsel Caroline Lawson failed to advise the Applicant regarding her right to appeal.
6. Applicants counsel Caroline Lawson, failed to review the states evidence with the Applicant and failed to properly investigate the facts of this case.

Furthermore, the Applicant requests that he be permitted to Amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,


OLA JOHNSON

Attorney for Applicant

P.O. Box 549

Lexington, SC 29071

803-360-8692 Phone

This 3rd day of June, 2022

FILED

STATE OF SOUTH CAROLINA

2022 JUN -6 PM 12:06

COUNTY OF FLORENCE

DORIS POULOS CHARRA
CCCP & GS
FLORENCE COUNTY, SCIN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

CECELIA E. KNOX,

CASE NO.: 2020-CP-21-01703

Applicant,

v.

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,

Respondent.

I, Ola Johnson, hereby certify on that on June 3rd, 2022, I served a copy of the AMENDMENT TO APPLICATION FOR POST CONVICTION RELIEF on Russell Barlow, Assistant Attorney General by Email and U.S. Mail to the following address:

Russell Barlow, Asst. Attorney General

SC Attorney General's Office

Rembert Dennis Building

PO BOX 11549

Columbia, SC 29201

Date

6-3-22

OLA JOHNSON

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Cecelia Knox, #178039,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

Case No.: 2020-CP-21-1703

**RETURN AND MOTION FOR A MORE
DEFINITE STATEMENT
(Counsel Appointed)**

2020 DEC -3 PM 2:21
FILED
CLERK OF COURT
JAN 13 2021
FLORENCE COUNTY, SC

FILED

In response to Cecelia Knox's (Applicant) action for post-conviction relief (PCR) commenced July 23, 2020, the State makes this return and motion for a more definite statement:

I. Procedural History

Applicant is confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the December 2019 term of the Florence County Grand Jury for murder (2019-GS-21-1151). Applicant was represented by Assistant Public Defender Caroline Lawson. Assistant Solicitor James Ryan White prosecuted the case.

On December 12, 2019, Applicant pleaded guilty as indicted before the Honorable D. Craig Brown. Judge Brown sentenced Applicant to life imprisonment. Applicant did not appeal.

II. Facts

On April 21 Applicant and co-defendant Jana Knox (Jana) were having an argument at McLeod Hospital over financial issues. (Plea Tr. 9). Jana was scheduled for surgery and remained at the hospital. (Plea Tr. 9). Applicant left the hospital and Jana feared Applicant may hurt her child. (Plea Tr. 9-10). Jana called Echevarria, who was visiting while she was on her way from California to Florida, and asked her to protect her child. (Plea Tr. 9). Echevarria went to the home, tried to keep the child away from Applicant, and called 911. (Plea Tr. 10). After the call, Applicant

started to beat Echevarria in the guest room. (Plea Tr. 10). Applicant beat Echevarria so badly “that the carpet was covered in blood.” (Plea Tr. 10). Applicant dragged Echevarria into the bathtub where she struck Echevarria twice in the back of the head with a hammer. (Plea Tr. 10).

Jana called home and hung up before calling 911 to tell deputies she thought Applicant would harm the child. (Plea Tr. 10–11). Applicant told the child to lie to law enforcement and they greet deputies and tell them that Echevarria already left the scene. (Plea Tr. 11). When law enforcement left, Applicant and the child then went back to the hospital to pick up Jana. (Plea Tr. 11). When they returned to the house they took Echevarria’s car and hid it back at the hospital. (Plea Tr. 11).

Applicant then took Jana and the child to a hotel room for the night before driving to Atlanta to pick up her brother and co-defendant, Jimmy Knox. (Plea Tr. 11–12). The two drove back to Florence to load the body of Echevarria into the car and took the body back to Atlanta. (Plea Tr. 12). After dropping her brother off, Applicant drove back to Florence, picked up Jana and the child at the hotel, and went to the beach for a previously planned vacation. (Plea Tr. 12). Guilt eventually overcame Applicant and Jana, and they called law enforcement to turn themselves in. (Plea Tr. 12).

III. Current Application

Applicant timely commenced this PCR action on July 23, 2020. Applicant asserts she is being held in custody unlawfully on the following grounds:

1. Ineffective assistance of counsel
 - a. Representation failed below reasonable standard
2. Involuntary Guilty Plea
 - a. Plea was unknowing

Applicant requests relief in the form of a new trial.

Attached herewith and incorporated herein are the Florence County Clerk of Court records regarding the subject conviction, Applicant's SCDC, the plea transcript, and the records of this PCR action. The State reserves the right to amend this Return upon receipt of any relevant materials

IV. Response to Allegation of Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of plea counsel are without merit. To establish ineffective assistance of counsel, the PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687–88 (1984); *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989).

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." *North Carolina v. Alford*, 400 U.S. 25, 31 (1970). "[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel's alleged deficiency. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

Strickland requires trial counsel must be given leeway to make reasonable strategic decisions. No particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions

regarding how best to represent a criminal defendant. *Strickland*, 466 U.S. at 688-689. “Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another.” *Id.* at 691. Therefore, judicial scrutiny of counsel’s performance must be highly deferential. *Id.* at 689. Where counsel articulates a valid strategic reason for his action or inaction, counsel’s performance should not be found ineffective. *Roseboro v. State*, 317 S.C. 292, 454 S.E.2d 312 (1996); *Underwood v. State*, 309 S.C. 560, 425 S.E.2d 20 (1992); *Stokes v. State*, 308 S.C. 546, 419 S.E.2d 778 (1992). Courts must be wary of second guessing counsel’s trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 529 (1992). In making a fair assessment of attorney performance, a court must make every effort to “eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time.” *Strickland*, 466 U.S. at 689.

Counsel must, at a minimum, make some effort to interview potential witnesses identified by the defendant, and make an independent investigation of the facts and circumstances of the case. *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011); *Walker v. State*, 407 S.C. 400, 405, 756 S.E.2d 144, 147 (2014). To support a claim that trial counsel was ineffective for failing to interview or call potential witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses’ testimony in a manner consistent with the rules of evidence. *Glover v. State*, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). The applicant’s mere speculation about what the witnesses’ testimony would have been cannot, by itself, satisfy the applicant’s burden of showing prejudice. *Id.*

Applicant cannot satisfy either requirement of *Strickland*. However, the record likely does not refute or disprove Applicant's allegations of ineffective assistance of trial counsel; therefore, the State requests an evidentiary hearing to fully resolve the issues. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

V. Involuntary Guilty Plea

Applicant's allegation of involuntary guilty plea is without merit. A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *Blackledge v. Allison*, 431 U.S. 63 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. *Crawford v. United States*, 519 F.2d 347 (4th Cir.1975); *Edmonds v. Lewis*, 546 F.2d 566 (4th Cir.1976).

A defendant who pleads guilty on the advice of counsel may attack the voluntary, knowing, and intelligent character of the plea by showing that counsel's representation was below an objective standard of reasonableness. *Porter v. State*, 368 S.C. 378, 383–84, 629 S.E.2d 353, 356 (2006); *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). The "prejudice," requirement focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). In other words, the applicant must prove prejudice by showing that, but for counsel's inadequacy, there is a reasonable probability he would not have pleaded guilty and, instead, would have insisted on going to trial.

Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007); *Wolfe v. State*, 326 S.C.158, 485 S.E.2d 367 (1997).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. *Boykin v. Alabama*, 395 U.S. 238, 242 (1969); *Roddy v. State*, 339 S.C. 29, 33–34, 528 S.E.2d 418, 421 (2000). “A defendant's knowing and voluntary waiver of the constitutional rights which accompany a guilty plea may be accomplished by colloquy between the Court and the defendant, between the Court and defendant's counsel, or both.” *Pittman v. State*, 337 S.C. 597, 600, 524 S.E.2d 623, 625 (1999).

“[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984). “When determining issues relating to guilty pleas, this Court will consider the entire record, including the transcript of the guilty pleas and the evidence presented at the PCR hearing.” *Roddy*, 339 S.C. at 33.

“In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” *Dalton v. State*, 376 S.C. 130, 138–39, 654 S.E.2d 870, 874 (Ct. App. 2007); *Wolfe*, 326 S.C. at 165 (1997).

Here, Applicant cannot satisfy either requirement of *Strickland*. However, the record likely does not refute or disprove Applicant's allegations of involuntary guilty plea; therefore, the State requests an evidentiary hearing to fully resolve the issues. See *Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR

application “alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court”).

VI. Motion for a More Definite Statement

The Uniform Post-Conviction Procedure Act requires applicants to “*specifically set forth the grounds upon which the application is based.*” S.C. Code Ann. § 17-27-50 (1985) (emphasis added). In an application for post-conviction relief, it is incumbent upon the applicant to make a *prima facie* showing entitling them to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). Rule 71.1(d), SCRPC, provides appointed PCR counsel “shall insure that all available grounds for relief are included in the application and shall amend the application if necessary.”

Here, Applicant has failed to state with any specificity the facts giving rise to her allegations of ineffective assistance of counsel and involuntary guilty plea, as required by section 17-27-50. Therefore, the State moves pursuant to Rule 12(e), SCRPC, and Rule 71.1(d), SCRPC, to require Applicant, through PCR counsel, to provide a more definite statement of her allegations of ineffective assistance of counsel and involuntary guilty plea.

Furthermore, Rule 8(a), SCRPC, requires all civil pleadings include “a short and plain statement of the facts showing that the pleader is entitled to relief.” Accordingly, the State moves to require Applicant to file an amended application well in advance of the hearing scheduled in this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss the application for failure to state a claim.

VII. Any Future Amendments and Invocation of Discovery

Applicant must specify any claims she intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *See id.* at 245, 834 S.E.2d at 203 (Kittredge, J., dissent) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

Pursuant to section 17-27-150 of the South Carolina Code, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Further, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. As noted above, the State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State. *See Love*, 428 S.C. 231, 834 S.E.2d 196.

VIII. Any and All other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

IX. Conclusion

WHEREFORE, having made its return, the State moves for a more definite statement and the opportunity to respond to the more definite statement if necessary. Once a more definite statement is provided, the State requests an evidentiary hearing be held on the claims of ineffective assistance of counsel and involuntary guilty plea.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

MICHAEL D. DAVIDSON
Assistant Attorney General

By: s/Michael D. Davidson
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

December 1, 2020

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Cecelia Knox, #383009

Applicant,

v.

State of South Carolina

Respondent,

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

Case No.: 2020-CP-21-1703

Certificate of Service by Mail

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Motion for a More Definite Statement** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Ola A. Johnson, Esquire
Ola A. Johnson, Attorney at Law
PO Box 549
Lexington, SC 29071

DATED this 1st day of December, 2020.



Katie Wade, Legal Assistant
For Respondent

2020 DEC -3 PM 2:22
DE 12 03 00 HARRA
2020 DEC 03
FLORENCE COUNTY, SC

FILED

State of South Carolina	)	In the Court of Common Pleas
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2020-CP-21-01703
	)	
Cecelia Elaine Knox,	)	
	)	
Applicant,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

January 23, 2024
Florence, South Carolina

B E F O R E:

The Honorable G.D. Morgan, Jr., Judge

A P P E A R A N C E S:

Ola A. Johnson, Esquire
Attorney for the Applicant

Shayla Flores, Esquire
D. Russell Barlow II
Attorneys for the Respondent/State

Krystal J. Smith
Official Circuit Court Reporter III

I N D E X

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1

E X H I B I T S

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NO.DESCRIPTIONID.EV.

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(No Exhibits Presented)

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COURT REPORTER LEGEND

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25

[sic]

written as said

1 JANUARY 23, 2024

2 (WHEREUPON, the proceedings began at 11:42 a.m. with the
3 applicant and counsel present.)

4 THE COURT: All right. You are Cecilia Knox?

5 THE APPLICANT: Yes, sir.

6 THE COURT: All right. I'll hear from the State.

7 MS. FLORES: Yes, sir. May it please the Court. Shayla
8 Flores on behalf of the State of South Carolina. This is the
9 post-conviction relief matter of Cecilia Knox versus the
10 State, Case Number 2020-CP-21-1703 out of Florence County.

11 During the December 19th, 2019, term, the Florence County
12 Grand Jury indicted applicant for murder, 2019-GS-21-1151.
13 Applicant was represented by Florence County Public Defender
14 Caroline B. Lawson, Esquire. Assistant Solicitor James Ryan
15 White from the Twelfth Circuit Solicitor's Office prosecuted
16 the case.

17 On December 12th, 2019, applicant pled guilty as indicted
18 before the Honorable D. Craig Brown. Judge Brown sentenced
19 applicant to life imprisonment. Applicant did not appeal.

20 Applicant timely commenced this PCR action on July 23rd,
21 2020, alleging ineffective -- ineffective assistance of
22 counsel, representation fell below reasonable standard,
23 involuntary guilty plea as the plea was unknowing. Applicant
24 requested relief in the form of a new trial.

25 On June 3rd, 2022, applicant amended her application to

1 allege the following:

2 Applicant was mistakenly advised by the Court and led to
3 believe that her sentence for murder would be parole eligible
4 in 85 percent instead of having to serve 100 percent or day
5 for day, PCR transcript page 6, line 17 through 21, and
6 counsel Caroline Lawson failed to advise her.

7 Applicant's counsel, Caroline Lawson, failed to have the
8 applicant evaluated regarding competence and criminal
9 responsibility, despite being advised of applicant's history
10 of mental health problems and the fact that applicant was not
11 -- was not taking -- I apologize -- was not taking her
12 medications at the time of the guilty plea. PCR transcript
13 page 17, line 24.

14 Applicant's counsel, Caroline Lawson, failed to meet with
15 applicant a sufficient number of times to properly review the
16 evidence and discuss this case with applicant.

17 Counsel -- applicant's counsel, Caroline Lawson, failed
18 to properly advise her regarding the potential sentence she
19 was facing.

20 Applicant's counsel, Caroline Lawson, failed to advise
21 applicant regarding her right to appeal.

22 Applicant's counsel, Caroline Lawson, failed to review
23 the State's evidence with applicant and failed to properly
24 investigate the facts of this case.

25 Before this Court are the Florence County Clerk of Court

1 records, applicant's records from the South Carolina
2 Department of Corrections, applicant's plea transcript, and
3 the records of this PCR action. At this time, we would ask
4 Mr. Johnson to state for the record which allegations he
5 intends to move forward on.

6 THE COURT: All right. I'll call on the applicant. Yes,
7 sir?

8 MR. JOHNSON: Thank you, Your Honor. We're going to go
9 forward on all these allegations, and Ms. Knox is my only
10 witness.

11 THE COURT: All right. Call your first witness.

12 MR. JOHNSON: Thank you, Your Honor. I'd call Ms. Knox
13 to the stand.

14 THE COURT: All right. Ms. Knox, come up to stand.

15 THE CLERK: Step over to the Bible there. Place your
16 left hand on the Bible and raise your right hand.

17 Do you swear or affirm the testimony you give will be the
18 truth, the whole truth, and nothing but the truth, so help you
19 God?

20 THE APPLICANT: Yes.

21 THE CLERK: Thank you. You can have a seat in the
22 witness chair.

23 THE COURT: All right, counsel.

24 MR. JOHNSON: Thank you, Your Honor. May it please the
25 Court.

CECELIA KNOX - DIRECT BY MR. JOHNSON

1 CECELIA KNOX, being first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. JOHNSON:

5 Q: Ms. Knox, do you remember the name of your attorney that
6 represented you in this matter?

7 A: Caroline Lawson.

8 Q: And was she appointed?

9 A: Yes.

10 Q: And when you came before the Court on this charge, do you
11 recall having a conversation with her about penalties? Did
12 you understand the penalties?

13 A: I understood that the minimum was 30 years for the murder
14 charge.

15 Q: Okay. Is that what she told you?

16 A: Yes.

17 Q: And do you recall during the plea -- and I'm referencing
18 allegation Number 1 on page 6. Do you recall the Court
19 stating that you'd be eligible for 85 percent of parole and 85
20 percent of your sentencing if you had received a sentence of
21 less than life?

22 A: Yes.

23 Q: Okay. Do you recall Ms. Lawson ever explaining to you
24 that this was not true, that actually the day-for-day sentence
25 on a murder charge and having -- did she correct the Court or

CECELIA KNOX - DIRECT BY MR. JOHNSON

1 --

2 A: No.

3 Q: -- explain anything to you? And according -- you advised
4 her -- there was a discussion on page 17 indicating you'd had
5 a conversation with her about your mental health problems in
6 the past?

7 A: Yes, sir.

8 Q: That's correct?

9 A: Yes, sir.

10 Q: Okay. And did you advise her whether or not you were
11 taking medications at that time?

12 A: I don't recall, but I was never evaluated.

13 Q: Okay. She never had -- she never had you talk to a
14 doctor about that?

15 A: No.

16 Q: Okay. And did you ever review your mental health records
17 with her?

18 A: I believe so. I believe -- yeah, I believe I told her I
19 had went to Pee Dee Mental Health and Columbia Mental Health.

20 Q: Okay. And did you ask her to bring anyone to court to
21 speak about that?

22 A: No, I didn't.

23 Q: Okay. And do you feel like -- did she meet with you a
24 sufficient number of times to review evidence and discuss this
25 case?

CECELIA KNOX - DIRECT BY MR. JOHNSON

1 A: I maybe saw her, like, two or three times.

2 Q: All right. Is that in person?

3 A: Yes.

4 Q: What do you feel like -- as far as her advising with
5 regards to potential sentence in this case, what did she tell
6 you?

7 A: I didn't understand fully. What I understood was we was
8 going to go to court and she was going to ask for a lower
9 sentence, 30 -- you know what I'm saying? -- 30, 40, 50 years,
10 but when I got there, I was just slammed with natural life,
11 and I didn't understand what happened.

12 Q: Did you understand you could receive a life sentence?

13 A: I understood it was possible.

14 Q: Did she advise you that she was going to ever -- did she
15 ever state to you that you were going to possibly get a
16 sentence below 30 years?

17 A: No.

18 Q: Okay. Did she ever discuss with you your right to have
19 an appeal filed?

20 A: I believe so.

21 Q: You did have that conversation?

22 A: I believe so. I don't remember.

23 Q: Did you request that she file an appeal on your behalf?

24 A: I believe so.

25 Q: You did request that?

CECELIA KNOX - DIRECT BY MR. JOHNSON

1 A: I believe so.

2 Q: Okay. Did she do that to your knowledge?

3 A: Not that I know of.

4 Q: All right. Did Ms. Lawson ever retain a private
5 investigator or anyone that worked on your case?

6 A: I believe so.

7 Q: Did that person meet with you?

8 A: Yes.

9 Q: Okay. Did she provide you with all of your discovery?

10 A: Yes.

11 Q: Okay. Did you have anything else you'd like to testify
12 about in regards to these allegations?

13 A: No, that's it.

14 Q: About her effectiveness or how she was not effective as
15 counsel?

16 A: I just didn't feel like I seen her enough, and I didn't
17 understand exactly what was going on.

18 Q: All right.

19 MR. JOHNSON: No more questions, Your Honor.

20 THE COURT: All right. Cross?

21 CROSS-EXAMINATION

22 BY MS. FLORES:

23 Q: Good morning, Ms. Knox.

24 A: Good morning.

25 Q: So you're alleging ineffective assistance of plea counsel

CECELIA KNOX - CROSS BY MS. FLORES

1 today; correct?

2 A: Yes.

3 Q: Do you understand the relief that this Court can grant --
4 can grant you in total?

5 A: Ma'am?

6 Q: Do you understand that the relief that this PCR court can
7 grant you, a new trial?

8 A: Yes, ma'am.

9 Q: And do you understand that if this Court were to grant
10 you that new trial, you would be facing all of the original
11 allegations and the charges would come back up against you?

12 A: Yes, ma'am.

13 Q: And so in your original application, you alleged that
14 your guilty plea was unknowing. Can you explain a little bit
15 for the Court what you meant by that?

16 A: No, I can't because it was knowing.

17 Q: Okay.

18 A: Yeah.

19 Q: And so moving on to your amended allegations, so in
20 saying that you were mistakenly advised by the Court allegedly
21 that you believed that you would be facing a 85 -- you would
22 have to serve 85 percent of your sentence before being parole
23 eligible if you were sentenced to less than life, do you
24 recall the Court explaining to you that whatever sentence the
25 Court imposes would be a no -- no-parole offense?

CECELIA KNOX - CROSS BY MS. FLORES

- 1 A: I remember him saying natural life, no parole.
- 2 Q: Okay.
- 3 A: Yeah.
- 4 Q: Okay. Do you recall telling the Court that you
- 5 understood that if the Court were to give you a sentence of
- 6 less than life, you would have to do at least 85 percent of it
- 7 before you were parole eligible?
- 8 A: Yes.
- 9 Q: And what sentence were you sentenced to on that day?
- 10 A: Natural life.
- 11 Q: Okay. And moving on to mental health allegations here,
- 12 were you evaluated prior to coming to today?
- 13 A: Yes.
- 14 Q: And is the doctor who evaluated here today to testify?
- 15 A: No, she's not.
- 16 Q: Did you inform plea counsel that you did not want her to
- 17 dig into prior mental health information or were you very open
- 18 in sharing that information with her?
- 19 A: I was very open.
- 20 Q: Did you request that plea counsel have your mental health
- 21 evaluated?
- 22 A: What was that?
- 23 Q: Did you request that plea counsel have your mental health
- 24 evaluated?
- 25 A: I don't believe so.

CECELIA KNOX - CROSS BY MS. FLORES

1 Q: And do you feel as though you had an understanding of
2 your actions when you entered into the plea?

3 A: Yes, I did.

4 Q: How about at the time of the incident?

5 A: No, I didn't.

6 Q: Do you feel as though plea counsel should have requested
7 an evaluation of your mental health?

8 A: Yes.

9 Q: And what information would you like to have been
10 presented if she had done so?

11 A: I was really going through it. I was seeing mental
12 health specialists back to back. I had really bad anger
13 problems. They diagnosed me with post-traumatic stress
14 syndrome. I mean, I don't -- I don't know. I was just in a
15 bad place.

16 Q: Okay. So how many times did plea counsel meet with you?

17 A: I can remember, like, maybe two or three times.

18 Q: And about how long do you think those meetings lasted?

19 A: Maybe 30 to 45 minutes.

20 Q: Okay. How many -- how many times do you think that plea
21 counsel should have met with you to feel that you were
22 adequately prepared to enter this plea?

23 A: More than that.

24 Q: And do you recall telling the Court during your plea that
25 you had enough time to talk with your plea counsel?

CECELIA KNOX - CROSS BY MS. FLORES

1 A: I did.

2 Q: And did plea counsel discuss this case with you?

3 A: She did.

4 Q: Do you recall that your attorney shared the discovery and
5 all of the evidence with you prior to entering the plea?

6 A: She did.

7 Q: And did plea counsel explain the elements of the crimes
8 charged against you with you?

9 A: What do you mean?

10 Q: Did she explain all the elements and what would -- what
11 the State would be required to prove in proving the charges
12 against you?

13 A: Yes, she did.

14 Q: And if you had known a little bit more about those
15 elements, would you have still decided to enter this plea or
16 would you have wanted to go to trial?

17 A: I would not have wanted to go to trial because I didn't
18 want my son to take the stand.

19 Q: And so it was never your intention to go to trial?

20 A: No.

21 Q: Did you discuss the potential -- I'm sorry. Excuse me.
22 Did you discuss the potential sentences you would be facing
23 entering this plea?

24 A: I believe so.

25 Q: And did plea counsel ever advise you of your right to

CECELIA KNOX - CROSS BY MS. FLORES

1 appeal the sentence?

2 A: Yes.

3 Q: And --

4 MR. JOHNSON: Your Honor, I'm sorry. I just had trouble
5 hearing the answers, if she could speak out loud.

6 THE COURT: You need to speak a little bit in the
7 microphone there so I can hear you.

8 THE APPLICANT: Yes, sir.

9 BY MS. FLORES:

10 Q: And is there a reason that you didn't wish to appeal your
11 sentence?

12 A: I believe I did want to appeal my sentence.

13 Q: Okay. So it's your testimony today that plea counsel
14 advised you of your right to appeal, and you told her that you
15 wanted to appeal the sentence and that said appeal just didn't
16 happen?

17 A: I believe so.

18 Q: Okay. Did plea counsel take the time to review all of
19 the evidence that the State had against you with you?

20 A: She did.

21 Q: Okay. What aspects of your case do you feel that plea
22 counsel failed to investigate, looking at your allegations?

23 A: Honestly, the only part is my mental health. I wasn't
24 evaluated. Maybe that would have played a part; maybe it
25 wouldn't have, but it was a chance that I had.

CECELIA KNOX - CROSS BY MS. FLORES

1 Q: And do you recall telling -- waiving all of your right to
2 any potential defenses during your plea?

3 A: No.

4 MS. FLORES: Thank you, Your Honor. No further
5 questions.

6 THE COURT: All right. Any redirect?

7 MR. JOHNSON: Nothing further, Your Honor.

8 THE COURT: All right. You may step down. Thank you.

9 THE APPLICANT: Thank you.

10 THE COURT: All right. I'll hear from witnesses from the
11 applicant.

12 MR. JOHNSON: Nothing further, Your Honor.

13 THE COURT: All right.

14 MS. FLORES: At this time --

15 THE COURT: Hold on a minute.

16 MS. FLORES: Sorry.

17 THE COURT: All right. The State call your first
18 witness.

19 MS. FLORES: At this time, the State would like to call
20 plea counsel, Caroline Lawson, to the stand.

21 THE COURT: All right.

22 THE CLERK: Place your left hand on the Bible and raise
23 your right hand. Do you swear or affirm the testimony you
24 give will be the truth, the whole truth, and nothing but the
25 truth, so help you God?

CAROLINE LAWSON - DIRECT BY MS. FLORES

1 THE WITNESS: I do.

2 THE CLERK: Thank you.

3 CAROLINE LAWSON, being first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. FLORESW:

7 Q: Good morning, Ms. Lawson.

8 A: Good morning.

9 Q: Thank you. How long have you been practicing law?

10 A: Since 2015. I did a clerkship prior to that, but I don't
11 consider that practice. So we'll say actively since 2015.

12 Q: And about how much of your practice has been specifically
13 in criminal law?

14 A: Probably 85 percent.

15 Q: So were you appointed or retained to represent the
16 applicant in this case?

17 A: I was appointed, I believe in May of 2019.

18 Q: And about how long before entering the plea were you
19 appointed?

20 A: So we'll say around six months, seven months.

21 Q: Did applicant inform you -- did applicant inform you that
22 she wished to pursue a jury trial at any moment?

23 A: She did not. I think from, you know, our initial
24 meeting, we approached this as a plea. Not that I did not
25 want to try the case, but that was her desire was for me to

CAROLINE LAWSON - DIRECT BY MS. FLORES

1 negotiate a plea for her.

2 Q: And did you inform applicant of the consequences of that
3 plea?

4 A: I did. I informed her of the sentencing range.

5 Q: Was it your client's inclination, knowing all of that
6 information, that she still wished to proceed to enter that
7 plea?

8 A: It was. And she asked that I go to Mr. White at the
9 Solicitor's Office and let him know that and come back to her
10 with an offer.

11 Q: And were you able to obtain any offers?

12 A: Yes. And an offer -- there's an offer sheet in the file,
13 the last kind of line of it, and it just says life in Mr.
14 White's handwriting, which is probably an exhibit today.

15 Q: And did you agree with your client's decision to enter
16 into that plea?

17 A: Yeah. I think based on kind of the overwhelming
18 evidence, pleading guilty was in her best interest, but as I
19 always tell clients, they are driving the bus, it is her
20 choice completely and totally.

21 Q: And do you stand by the representation that you provided?

22 A: I do. And if I did do something wrong, I would love for
23 Ms. Knox to have another kind of bite at the apple. She has
24 not had an easy life, but do I think the result would have
25 been any different? No, I truly don't.

CAROLINE LAWSON - DIRECT BY MS. FLORES

1 Q: And have you had time to review all of the information on
2 this case before coming in today?

3 A: I have, and it's a very voluminous file. I remember, you
4 know, it was thick when it was a physical file. Now it has
5 been broken down and scanned in. It takes up five total
6 sections. Each section -- each section is, you know, 108 or
7 117 pages in length. So it's large. I've reviewed the whole
8 thing multiple times just because, you know, I had to prepare
9 the case, and then it's been continued for PCR purposes so
10 many times.

11 Q: And you're aware of all of the allegations that applicant
12 has made today?

13 A: I am. I am.

14 Q: So getting into those allegations a little bit, do you
15 have any recollection of whether you advised applicant that
16 her sentence for murder would be parole eligible if she wasn't
17 sentenced to life after serving 85 percent of that sentence?

18 A: No, I do not, and that's not indicated in my plea notes,
19 but I assumed Judge Brown would have told her that.

20 Q: And did you have applicant sign a plea affidavit prior to
21 entering this plea?

22 A: I did. I did.

23 Q: And do you have that plea affidavit with you?

24 A: I don't have it with me today. No, ma'am. It was part
25 of the physical file that has now been scanned in at the

CAROLINE LAWSON - DIRECT BY MS. FLORES

1 Public Defender's Office.

2 Q: Okay. Did applicant evidence to you that she did not
3 understand what being sentenced to the balance of her natural
4 life meant?

5 A: No, she did not. She did not.

6 Q: And what was your understanding of applicant's history of
7 mental health issues?

8 A: So, according to my notes, looking back, I know that she
9 had been diagnosed with PTSD in the past, I believe bipolar
10 disorder. She had been counseling from a pretty young age
11 since she was a teenager, had gone to behavioral health, just
12 drug issues and untreated mental illness. I knew the
13 medications that she had been prescribed for basically
14 irritability and anti-psychotics. I reached out to her
15 mother, I believe spoke with her about that as well. So,
16 yeah, I did have an understanding as to her mental health
17 history.

18 Q: And did applicant inform you at any point that she had
19 stopped taking her medications?

20 A: I don't recall.

21 Q: In your opinion, did applicant appear to be lucid during
22 your conversations?

23 A: She did, and she's very pleasant to sit down and talk to,
24 seemed to have a very good understanding, very respectful to
25 me at all times, had a good understanding of every piece of

CAROLINE LAWSON - DIRECT BY MS. FLORES

1 discovery that we looked at together.

2 Q: And did applicant ever -- did you ever have applicant
3 evaluated for those mental health issues?

4 A: No, I did not. I did not, and that's based upon the
5 lucidity of our conversations. I knew that she had kind of
6 had a history of abuse in her past. I asked her, would you
7 like for me to dig into that for you? It may or may not be
8 relevant. And she told me, no, I don't really want to talk
9 too much more about that. I don't want you digging into, you
10 know, that portion of my life, but we did talk a significant
11 bit about her mental health history.

12 Q: And so in just confirming, it's your testimony that you
13 didn't see a need to have applicant evaluated just from your
14 interactions with her?

15 A: No, not from a *Blair* -- from a *Blair* standpoint from my
16 interactions with her.

17 Q: About how many times, just approximately, do you recall
18 meeting with applicant?

19 A: My notes indicate six, including the day that I just went
20 and did the plea affidavit with her.

21 Q: And so do you have -- do you recall if those meetings
22 took place just prior to entering the plea or --

23 A: No. They were over a period of time, and this was in
24 2019. So it's before the jail had the strange Covid
25 restrictions. So I had, you know, a relatively easy time

CAROLINE LAWSON - DIRECT BY MS. FLORES

1 getting down there to H pod to meet with her.

2 Q: And during those meetings, did you explain the elements
3 of these crimes to Ms. Knox?

4 A: I did. I did.

5 Q: And during your representation, did you receive all of
6 the discovery pursuant to Rule 5 and *Brady* from the State?

7 A: I did. Like I said, it's voluminous, but I believe I got
8 everything that's out there and I was able to go through it
9 all, as well as review it all with Ms. Knox at length.

10 Q: And can you give us just, like, a brief overview of your
11 understanding of the evidence that the State had against
12 applicant?

13 A: I remember a variety of photos. There are letters back
14 and forth between her and co-defendant. There's numerous
15 phone records. They did a forensic interview with her son
16 based on his observance as to what happened, you know,
17 interviews with investigators of other witnesses, including
18 Jimmy Knox, her brother. There's a lot of stuff.

19 Q: And did you explain the strengths and weaknesses of the
20 State's case pursuant to all that evidence to the applicant?

21 A: I did. I did, and just kind of for clarity, there's some
22 discovery from here in Florence, and the body was found out of
23 jurisdiction in Atlanta. So there's some stuff from Georgia
24 law enforcement as well.

25 Q: And had applicant wanted to do so, would you have been

CAROLINE LAWSON - DIRECT BY MS. FLORES

1 willing to proceed to a trial?

2 A: Yeah, absolutely.

3 Q: And prior to being informed the applicant wanted to enter
4 this plea, did you discuss potential defense strategies with
5 her?

6 A: Yes, to the extent that they existed, and there -- there
7 wasn't too much out there to kind of sink our teeth into.

8 Q: Did you discuss all of the possible sentences and any of
9 the outcomes that could happen from this plea with applicant?

10 A: Yes. Like I said, the sentencing range was explained to
11 her at length.

12 Q: And did you tell the applicant she had the right to
13 appeal?

14 A: Yes. And Judge Brown would have as well. He probably
15 would have done a much better job than I did explaining that.

16 A: And did you conduct any outside investigation into these
17 facts just beyond what we've discussed already?

18 A: I did. Like I said, I spoke with her mother, and I
19 remember speaking several times with Roger Tilton, who was the
20 lead investigator on this case.

21 MS. FLORES: No further questions, Your Honor.

22 THE COURT: All right. Cross?

23 MR. JOHNSON: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. JOHNSON:

CAROLINE LAWSON - CROSS BY MR. JOHNSON

1 Q: Ms. Lawson, do you recall -- I'm referencing the amended
2 application Number 1 on page 6 of the transcript. Do you
3 recall the judge advising the defendant starting on line 17,
4 that the Court stated, all right, do you understand that if
5 the Court were to give you a sentence of less than life, you
6 would have to do at least 85 percent of it before you were
7 eligible for parole? Do you understand that? The response
8 was, yes, sir. Do you recall that exchange taking place?

9 A: Yes. And I don't have a transcript of the plea in front
10 of me, but in my experience dealing with Judge Brown for
11 years, he does a very thorough colloquy, and that would not
12 surprise me that that was the specific language.

13 Q: Is it your understanding that a sentence of 30 years on
14 murder would be 85 percent or a day for day?

15 A: It would -- because it is less than life, it would be
16 parole eligible.

17 Q: Do you have any information -- or how did you advise the
18 defendant regarding potential sentence?

19 A: I gave her the sentencing range, and I told her what the
20 recommendation was going to be on that date in question back
21 in December of 2019.

22 Q: Did you ever make any statements about possibly getting
23 to receive a sentence of less than 30 years?

24 A: No, I did not, because she was charged with murder, which
25 carries a minimum of 30.

CAROLINE LAWSON - CROSS BY MR. JOHNSON

1 Q: You never made any statements like that? That you could
2 receive less or even argue for that?

3 A: No, because that would be assuming that she would come up
4 for parole and be granted it, which is not a guarantee.

5 Q: Okay. How many times did you meet with the defendant?

6 A: My notes indicate six times.

7 Q: Okay. Did anyone go with you to those meetings?

8 A: No. My investigator, Mr. McKenzie, would have met with
9 her individually without me back on May the 31st. But again,
10 I did not go with him. I typically like to meet with clients
11 on my own. Just it's kind of less pressure on them. They
12 don't feel backed into a corner.

13 Q: Okay. Did you review mental health records related to
14 Ms. Knox or her treatment at the Waccamaw Center or any other
15 mental health treatment records?

16 A: I have notes on it, but she did not sign a HIPAA release
17 in order for me to gain access to all of those.

18 Q: Okay.

19 A: So I've got everything that she told me, as well as kind
20 of a medication list that she gave to me verbatim.

21 Q: Okay. Did you -- in referencing allegation Number 2 on
22 page 17, you were made aware that she had not been taking
23 medications for her mental health problems at that time?

24 A: She did not voice that concern to me, and that's kind of
25 a common thing with clients in the jail. They'll tell me,

CAROLINE LAWSON - CROSS BY MR. JOHNSON

1 Caroline, I'm not getting X and X and X. Can you help me get
2 those? Ms. Knox didn't voice that to me, but I knew what she
3 had been prescribed in the past. I would not -- was not sure
4 what regimen the jail had her on in terms of her Celexa and
5 Prolixin and other things that she had traditionally been
6 taking.

7 Q: Okay.

8 A: But I know that her medication use had been kind of off
9 and on. She told me that some of her life it had gone
10 untreated with meds.

11 Q: Okay. And if I can show you just to refresh your memory
12 page 17 of the transcript on line 24? Do you recall stating
13 when the Court inquires, I don't know if she's on anything or
14 not? I can show this to you.

15 A: Sure.

16 Q: Okay. To refresh your memory, I'm referencing line 24 at
17 the bottom.

18 A: Okay. Thank you. Okay. And that's what my notes
19 indicate as well, that on the date of the plea, she's not --
20 not taking medication because the Court would have asked her
21 if she were thinking clearly or under the influence of any
22 kind of meds that might kind of cloud her judgment that day.

23 Q: Okay. And referencing -- oh, just referencing the
24 allegation about the appeal, did you have a conversation where
25 she requested that you file an appeal?

CAROLINE LAWSON - CROSS BY MR. JOHNSON

1 A: No, she did not request that I file an appeal, which is
2 --

3 Q: Okay.

4 A: -- a pretty quick process to get that ball rolling. I
5 remember advising her that I could, but she did not request
6 that I file one or I would have, you know, marched across the
7 street to my office and started preparing that. It's not a
8 long process.

9 Q: Did you advise her of the deadline of 10 days for filing
10 the appeal?

11 A: Probably. And Judge Brown did as well.

12 Q: Did you contact any mitigation witnesses at all to be
13 present at the plea?

14 A: I tried to get in touch with several of her family
15 members. I felt like they could probably shed some light on
16 her past, a/k/a her mother, and nobody could be present at the
17 plea. And I guess her other mitigation witness would have
18 been her brother, which was actually a co-defendant.

19 Q: Did you go out to the crime scene to view that during
20 this case?

21 A: Yes. I drove by it on McKiver Road.

22 Q: Okay.

23 A: Obviously, I was not able to enter the home, but I know
24 exactly where it is.

25 Q: Okay. Did you take any of the evidence that applied to

CAROLINE LAWSON - CROSS BY MR. JOHNSON

1 the defendant?

2 A: No, because again, the entire incident happened inside
3 the house that I did not have access to. So I didn't take any
4 photos, videos, etc., of the crime scene.

5 Q: Well, I'm just asking of the State's evidence, any
6 recordings. Did you take any of that to show her, like
7 interviews or anything?

8 A: To show to the Court at the plea?

9 Q: To show to the defendant -- the applicant at the jail in
10 preparation. Did you show her evidence that was recorded,
11 interviews or any videos, photographs, anything like that?

12 A: I showed her all of the photographs. I don't remember
13 her watching Jimmy's interview with me. We went through kind
14 of a line by line though as to everything, kind of a
15 transcript of it, essentially.

16 MR. JOHNSON: No more questions, Your Honor.

17 THE COURT: All right. Any redirect?

18 MS. FLORES: Nothing on redirect, Your Honor.

19 THE COURT: All right. You may step down.

20 THE WITNESS: Thank you, Judge.

21 THE COURT: All right. Next witness?

22 MR. BARLOW: No further witnesses, Your Honor.

23 THE COURT: All right. Do you have any reply from the
24 applicant?

25 MR. JOHNSON: No witnesses, Your Honor.

1 THE COURT: All right. I'll hear from you if you want to
2 give me any kind of summary or anything.

3 MR. JOHNSON: Just to highlight what we've talked about,
4 and I may be mistaken about that. I put in the amended
5 application that I thought it was a day-for-day sentence on
6 murder. The transcript indicated the Court advised that it
7 would be 85 percent if it was less than life, and I submit
8 that's not correct and the defense counsel did not correct the
9 Court or provide any testimony about that. So that was
10 mistaken advice. Although the applicant was sentenced to a
11 life sentence, the Court did state that if it was less than
12 life, it should be 85 percent. I don't think that's accurate.

13 Also, the number of times to review on such a serious
14 case, I believe my client indicated four times, four times to
15 review evidence with such a large case, and I didn't -- I just
16 feel like, based on that, it would be insufficient in this
17 case.

18 And my client indicated that she did have some problems
19 and she had some confusion with the prior mental health
20 treatment. The transcript reflected that she was not taking
21 medications at that time, and she was not evaluated.

22 That's all we have at this time, Your Honor.

23 THE COURT: All right. Any response from the State?

24 MR. BARLOW: Yes, sir, Your Honor.

25 The State looks to the plea here the defects alleged by

1 applicant here and the meeting -- the number of times
2 sufficiently to qualify as sufficiently met with the
3 applicant. The applicant testified during the plea quickly
4 that -- the plea colloquy that they had plenty of time and had
5 sufficiently met and were happy with their -- with counsel's
6 representation.

7 Also, as to the 85 percent issue --

8 THE COURT: Yeah. I want to hear what's the -- what's
9 your argument on that? I mean, it -- in all honesty, that the
10 -- I mean, she did -- she was told that life doesn't get --
11 and she got life. So I'm not sure that it affects anything,
12 but what is the position of the State on that?

13 MS. FLORES: Yes, sir. The position of the State on that
14 is just that. That as the applicant was sentenced to life in
15 this issue, it doesn't rise to the level of prejudice required
16 under *Strickland*, as is the -- the -- the -- the bar here.
17 But further than that, the State just requests that this
18 application be denied, as there -- there are no meritorious
19 issues.

20 THE COURT: And going back on that as far as asking,
21 counsel, you -- I mean, it -- the statement about getting 85
22 percent if it's less than life really -- although I think that
23 is incorrect, he did say though that life is -- is not 85
24 percent, and she gets life. Doesn't that sort of cure the --
25 the error there?

1 MR. JOHNSON: Well, we're just going towards the state of
2 mind of the defendant or applicant and defendant at the time,
3 and she was not fully advised, fully understanding the
4 potential penalties based on the statements at the time. No
5 -- no -- no fixing of that on the record by defense counsel at
6 the time. So she wasn't advised that that was a mistake.

7 THE COURT: All right. Anything else from the State?

8 MS. FLORES: Just one more thing, Your Honor. Applicant
9 did testify today that she was not interested in going to
10 trial at any point anyway. She did not want to hear the
11 testimony of her son. So I would say that, again, the
12 prejudice issue is not met rising to *Strickland*, as the
13 standard is but for trial -- plea counsel's conduct, they
14 wouldn't have gone -- they wouldn't have entered the plea and
15 would have gone to trial instead. So just raising that issue
16 again, we request that this application be denied.

17 THE COURT: I believe the testimony is from the applicant
18 that she did not want to go to trial because, most
19 importantly, did not want her son to have to testify and --
20 and that's the reason that she didn't want to go to trial.

21 All right. Anything else from the trial -- from the
22 State?

23 MS. FLORES: The State rests, Your Honor.

24 THE COURT: All right. Anything else from the applicant?

25 MR. JOHNSON: No, sir. We rest.

1 THE COURT: All right. I'll take it under advisement.
2 I've reviewed it, but I'll look at it again based on the
3 testimony I have heard here today and the arguments made, and
4 I'll let you know my decision.

5 MR. JOHNSON: Thank you, Judge.

6 MR. BARLOW: Thank you, Your Honor.

7 THE COURT: Thank you.

8 MR. BARLOW: That concludes our matters, Your Honor.

9 THE COURT: All right.

10 (WHEREUPON, the proceedings ended at 12:17 p.m.)

11

12 --- END REQUESTED TRANSCRIPT ---

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State of South Carolina	)	
	)	Certificate
County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter III for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 32, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Florence County, South Carolina, on the 23rd day of January, 2024.

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

s/Krystal J. Smith

Court Reporter

Florence, South Carolina

April 21, 2024

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Cecelia E. Knox, #178039,

Applicant,

V.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

CASE NO. 2020-CP-21-01703

**ORDER OF DISMISSAL
WITH PREJUDICE**

REC'D
CERTIFIED: A TRUE COPY
Don Paul Offens
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

Presiding Judge:

Applicant's Attorney:

Respondent's Attorney:

Trial Counsel:

Date of Hearing:

Court Reporter:

Hon. G. D. Morgan, Jr.

Ola A. Johnson, Esq.

Shayla J. Flores, Esq.

Caroline B. Lawson, Esq.

January 23, 2024

Krystal J. Smith

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

2025 NOV 20 P 12:23



This matter comes before the Court by way of Cecelia E. Knox's (Applicant) application for post-conviction relief (PCR) filed on July 23, 2020. Respondent, the State of South Carolina, filed its Return and Motion for a More Definite Statement on December 3, 2020, requesting an evidentiary hearing to resolve the claims set forth in the application once Applicant provided a more definite statement. On June 3, 2022, Applicant, through counsel, issued an amendment to her Application for post-conviction relief.

On January 23, 2024, an evidentiary hearing was held at the Florence County Courthouse before the Honorable G. D. Morgan, Jr., circuit court judge. Applicant was present and represented by Ola A. Johnson, Esquire. Assistant Attorney General Shayla Joan Flores, Esquire, represented Respondent. Applicant proceeded on the claims set forth in her original and amended applications. In support of these claims, Applicant testified on her own behalf

Respondent presented testimony from former Twelfth Circuit Assistant Public Defender Caroline B. Lawson, Esquire (Plea Counsel).

Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections. Applicant was indicted during the August 2019 term of the Florence County Grand Jury for murder and desecration of human remains (2019-GS-21-1151). Applicant was represented by Plea Counsel. Twelfth Circuit Assistant Solicitor, J. Ryan White, Esquire, prosecuted the case.

On December 12, 2019, Applicant appeared before the Honorable D. Craig Brown, and pleaded guilty as indicted to murder. Applicant's indictment for desecration of human remains was nolle pross'd. Judge Brown sentenced Applicant to confinement in the State Department of Corrections for the balance of her natural life.

Applicant did not appeal her convictions or sentences.

FACTS GIVING RISE TO THE CONVICTION

The facts were taken from the guilty plea transcript as articulated by the State:

Thank you, Judge. On April 21st, 2019, what can only be described as a brutal murder occurred here in Florence Count. Judge, the incident location is ■■■ McKeithan Road. At that particular residence resided Ms. Cecelia Knox, along with her wife Janna and an 11-year-old child. Judge, that weekend Jana was scheduled for surgery at McLeod, and the victim in this case, Ms. Ara Echevarria, was on her way to Florida from California and had decided to stop at the residence to visit her friend Jana. Judge, she could not have

picked a more unfortunate time to be passing through. It just so happened that Ms. Cecelia Knox and Jana Knox during that weekend were involved in a domestic dispute. The State would put forth evidence that it would, you know, stem from a financial dispute. Judge, the dispute kind of spilled over at the hospital, at which time Ms. Cecelia Knox left the hospital to go home in an irate state of mind. Ms. Jana Knox, still at the hospital, calls home to the victim in the case and tells her to please protect the child because she thinks that she's going to do some kind of harm to her. Cecelia leaves the hospital. She arrives at that residence, and she begins to argue and confront the victim in this case, Ms. Echevarria. She's trying to get the child and Ms. Echevarria is trying to get the child away from Ms. Knox. She calls 9-1-1 immediately, and that 9-1-1 call is quite dark. You know, it's – the last words that she would speak she's trying to get help for the child. Judge, the child gave a confession or actually gave a statement, two - - separate statements, and describes what happens next. It's just absolutely bone chilling. Ms. Knox gets - - starts to beat on Ms. Echevarria in the guest room. She beats her so bad, Judge, that the puddle in the carpet and the wood flooring that the Sheriff's Office pulled up, you know was at least two by two feet in diameter. Judge, the child then testified that Ms. Knox drags Ms. Echevarria into the bathtub, where she gets a hammer and, you know, strikes her twice in the back of the head. The Sheriff's Office followed up on that eventually and they could see the blood spatter from the Luminol tests across the bathroom wall. Judge, when Ms. Jana Knox calls home, she hangs up and then she immediately calls 9-1-1 and tells law enforcement to please get over to the house because she thinks that Ms. Cecelia Knox is going to harm the child. Law enforcement arrives. At that point, Ms. Echevarria is deceased inside. Ms. Knox tells the child to lie to law enforcement and together they go out and greet the law enforcement officer as he approaches and tell the officer that everything is fine, that the third party involved in the altercation has left the scene. Believing her and the child, law enforcement then departs. Judge, at that time Ms. Knox - - Ms. Cecelia Knox and the child, with the body, you know, still in the house, they drive and pick Ms. Jana Knox up at McLeod. They come back to the house. They get Ms. Echevarria's vehicle and they go back to McLeod where they hide it. Judge, Ms. Knox – Ms. Cecilia Knox then takes the child and Ms. Jana Knox to a hotel room. Well, let me back up, Judge. Before that, they go on a shopping spree that night to buy various items to clean up the crime scene, and they have the child in tow while they're doing that. They go back. They clean up the crime scene. Then Ms. Cecelia Knox drives the child and Jana Knox to a hotel room to stay for a night. She drives to Atlanta. She picks up her brother. They drive back to Florence. They load the body up, drive it back to South

Atlanta, and dump the body in a - - in a park. Judge, at this time she drives and drops off her brother. Then she drives back to Florence, picks up the child and her wife Jana, and they go down to the beach for a vacation that was already planned. They stay down there for about five days, Judge. Eventually, I think the guilt overcame Jana and she called law enforcement, and they eventually turned themselves in. Judge, it's been a long process. I mean this case is investigated by Lead Investigator Roger Tilton, along with Sarah Miller of the Sheriff's Office. They have done an excellent job. This case could not be any stronger. The evidence that they have accumulated really put the closing - - the finishing touches on it, so to speak. But, Judge, the one thing that lingered out there that they did not confess to was the murder weapon and that had to be extracted, if you will, from the child. That child - - when they got back from the beach, Ms. Cecelia Knox and Ms. Jana Knox called their family from Florida to come take the child and drive it back down - - drive him back down to Florida, and we had to go to considerable lengths to get the child and keep him here so that he could be a witness in the case. He provided the murder weapon, that it was a large hammer, Judge, that he - - she - - Ms. Cecelia Knox used to beat the victim. Judge, the last piece of the puzzle was the body, and it's sad and it's sad we had no idea where it was. And we triangulated cell phones. We dug through cell phone records and we tried our best to pinpoint a location, but it was like finding a needle in a haystack, Judge. Eventually, we met with Ms. Cecelia Knox and she - - I don't know whether she had forgotten where it was or if she just didn't want to tell us, but the information she gave us did not get us to the body. It just didn't get us quite there. It wasn't until the brother, who was arrested a time later, eventually gave up the location, and it was four months almost to the day from the murder that the body was found. And I want to show, Judge, if I could - - and these have been provided to defense counsel - - a photograph of the skull as recovered in the park and then the remains at autopsy.

(Plea Tr. pp. 9–13).

CURRENT ACTION BEFORE THIS COURT

In her original application for post-conviction relief, filed July 23, 2020, Applicant alleges she is being held in custody unlawfully based on:

1. Ineffective assistance of counsel
 - a. "Representation failed below reasonable standard"
2. Involuntary Guilty Plea
 - a. "Plea was unknowing"

On June 3, 2022, Applicant, through counsel, amended her application to include the following additional allegations:

3. Ineffective Assistance of Counsel
 - a. "Applicant was mistakenly advised by the court and led to believe that her sentence for Murder would be parole eligible in 85% instead of having to serve 100% or day for day (p. 6, Lines 17-20) and counsel Caroline Lawson failed to advise her."
 - b. "Applicants (*sic*) counsel Caroline Lawson failed to have the Applicant evaluated regarding competence and criminal responsibility despite being advised of Applicants (*sic*) history of mental health problems and the fact that Applicant was not taking her medications at the time of the guilty plea (p. 17 Line 24).
 - c. "Applicants (*sic*) counsel Caroline Lawson, failed to meet with the applicant (*sic*) a sufficient number of times to properly review the evidence and discuss this case with applicant (*sic*)."
 - d. "Applicants (*sic*) counsel Caroline Lawson failed to properly advise her regarding the potential sentence she was facing."
 - e. "Applicants (*sic*) counsel Caroline Lawson failed to advise the Applicant regarding her right to appeal."
 - f. "Applicants (*sic*) counsel Caroline Lawson, failed to review the states evidence with the Applicant and failed to properly investigate the facts of this case."

Applicant requests relief in the form of a new trial.

This Court has before it the Florence County Clerk of Court records regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records of this PCR action.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act¹ (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based on the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d

¹ S.C. Code Ann. §§ 17-27-10 *et seq.*

813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. Strickland v. Washington, 466 U.S. 668 at 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. Id. at 687-88; Cherry v. State, 300 S.C. 115, 117—18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that "[without proof of both deficient performance and prejudice to the defense... it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985), extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel. See Padilla v. Kentucky, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel's performance under the first prong of Strickland remains unchanged, the applicant must show that counsel's representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58-59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging her guilty plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56. The second, or "prejudice" prong, however,

"focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. at 58-59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

This inquiry "focuses on a defendant's decision making" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—**not** whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed the Court to evaluate and scrutinize their credibility. See, e.g., State v. Mercer, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009) ("In this post-trial setting, our jurisprudence recognizes the gatekeeping role of the trial court in making a credibility assessment."); Clemons v. Mississippi, 494 U.S. 738, 766 (1990) (Blackmun, J., concurring in part and dissenting in part) ("The trial judge who hears the witnesses live, observes

their demeanor and in general smells the smoke of the battle is by his very position far better equipped to make findings of fact which will have the reliability that we need and desire.").

Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant her application for post-conviction relief. See Rule 71.1(e), SCRCF (stating that in a post-conviction relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of facts and conclusions of law as required by § 17-27-80 of the South Carolina Code:

INITIAL FINDINGS

This Court finds applicable the strong presumption that at all stages of Plea Counsel's representation of Applicant, she rendered adequate assistance and exercised reasonable professional judgment in her representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, *supra*). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

This Court makes the following findings from the record: 1. Applicant understood the charge and potential sentence she faced at her plea hearing (Plea Tr. pp. 4–5); 2. Applicant affirmed

she had been treated previously for drug abuse and it did not affect her ability to understand the proceedings (Plea Tr. p. 5); 3. Applicant understood that she could receive a life sentence (Plea Tr. p. 5); 4. Applicant understood her right to a jury trial and that she waived those rights by pleading guilty (Plea Tr. p. 7); 5. Applicant indicated she had enough time with Plea Counsel (Plea Tr. p. 8); 6. Applicant indicated Plea Counsel answered all of her questions, and she had no more questions for Plea Counsel (Plea Tr. p. 8); 7. Applicant indicated no promises were made to her, and her decision to plead guilty was voluntary (Plea Tr. p. 8); 8. Applicant's plea was qualified as freely, knowingly, and voluntarily entered into (Plea Tr. p. 15).

ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

Allegation 2a: Involuntary Guilty Plea

Applicant alleges that her guilty plea was involuntary, as it was not knowingly entered into. This Court finds this allegation is without merit.

For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense, the maximum and minimum penalties, and the rights he is waiving by accepting the plea. Boykin v. Alabama, 395 U.S. 238 (1969); Roddy v. State, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant "lacks knowledge of material evidence in the prosecution's possession." Gibson v. State, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. at 34, 528 S.E.2d at 421 (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). "[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry

of the guilty plea and the record of the post-conviction hearing." Dalton, 376 S.C. at 138, 654 S.E.2d at 874 (quoting Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, "guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea." Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001); Richardson v. State, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

Guilty Plea Proceedings

The following colloquy occurred during the guilty plea proceedings:

The Court:	All right. Ms. Knox, you heard the facts as stated by the prosecutor as it relates to this charge and the death of the victim in this case. Do you agree with those facts?
[Applicant]:	Not all of them, but the majority of them.
The Court:	Do you agree that you took the life of the victim in this case with malice aforethought to satisfy the elements of this offense?
[Applicant]:	Yes, sir.
The Court:	And are you guilty of this charge?
[Applicant]:	Yes, sir.
The Court:	And how do you plead? Guilty or not guilty?
[Applicant]:	Guilty.
The Court:	All right. I find that there is a substantial factual basis for this plea. I also find the defendant's decision to plead has been entered into freely, voluntarily,

knowingly, and intelligently. That she has had the advice and counsel of an attorney with whom she has indicated she is completely satisfied. I'll accept her plea.

....

Mr. White: And, Judge, I want to make sure Ms. Lawson gets the last word. Probation did want to address Your Honor. I think she's on probation at the — at the current juncture.

The Court: All right. Yes, sir?

Probation: Yes, sir. She was sentenced in Richland County on February 6th of this year. Judge Manning sentenced her on an assault and battery second degree. He suspended that and put her on gave her three years, probation for one year, ordered that she continue taking her mental health medication. She transferred here to Florence, and this murder would have occurred maybe a month and a half after she got here, and this plea is a violation of that probation. The victim in the case -- in our case is the -- Jana Knox.

The Court: All right. Ms. Knox, it's just been conveyed to me that you were on probation at the time or that this plea here today is a violation of your probation. Do you understand that?

[Applicant]: Yes, sir.

The Court: Which could subject you to additional time. Do you understand that?

[Applicant]: Yes, sir.

The Court: Do you still want to plead guilty to this charge?

[Applicant]: Yes, sir.

The Court: All right. I previously accepted the plea. The defendant has indicated that even in light of the fact she's on probation and this is a violation of probation which could subject her to additional time, she still wishes to go forward with her guilty plea. Ms. Lawson, are you representing her on the probation matter as well?

Ms. Lawson: Yes, sir.

The Court: All right. Pursuant to her plea here today, I do find the defendant has willfully violated the conditions of her probation. Pursuant to such finding of a willful violation — as well as the previous finding or acceptance of a guilty plea to this murder. Anything further, Mr. White?

Mr. White: Judge, just for the record, it has been no indication as far as I'm concerned – and we can ask Ms. Lawson as well — any concern about Ms. Knox's mental health and her mental health status and her medication that she's on now. Or is she -- I don't know if she's on anything or not.

Ms. Lawson: She's not on anything —

Mr. White: Okay.

Ms. Lawson: — at the moment, Your Honor.

The Court: Well, in my discussions with her today or in my questioning of her here today, there's nothing that leads me or gives me any pause or concern concerning as it relates to her mental well-being. More specifically, there's no concern or pause that I have. That she has indeed entered this plea freely, voluntarily, knowingly, and intelligently.

(Plea Tr. pp. 15–18).

PCR Evidentiary Hearing

On cross-examination, the following colloquy occurred:

Q: And so in your original application, you alleged that your guilty plea was unknowing. Can you explain a little bit for the Court what you meant by that?

A: No, I can't because it was knowing.

Q: Okay.

A: Yeah.

(PCR Tr. p. 12).

Findings

This Court finds the combination of the record and Plea Counsel's credible testimony at the evidentiary hearing provides Applicant knew the nature of the charges against her, the terms of her plea, and the consequences of pleading guilty pursuant to the requirements of Boykin v. Alabama, 395 U.S. 238 (1969) and Roddy v. State, 339 S.C. 29 (2000). Moreover, the plea colloquy cured any alleged deficiency regarding Plea Counsel's advice. The plea transcript reflects that Applicant entered her plea knowingly and voluntarily, engaged in an intelligent colloquy with

the plea court, and gave appropriate responses to the plea court's questions. Applicant has presented no valid reason why she should be able to depart from the statements made during her guilty plea as provided *supra*. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so). Thus, based on the record from the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty.

Accordingly, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3a: "Applicant was mistakenly advised by the court and led to believe that her sentence for Murder would be parole eligible in 85% instead of having to serve 100% or day for day (p. 6, Lines 17-20) and [Plea Counsel] failed to advise her."

Allegation 3d: "[Plea Counsel] failed to properly advise her regarding the potential sentence she was facing."

Applicant alleges Plea Counsel was constitutionally ineffective for failing to advise Applicant of the Court's misstatement of law or object to it on the record. Applicant also alleges Plea Counsel failed to advise her of the sentencing ranges she was facing. This Court finds these allegations are without merit.

Guilty Plea Hearing

The following colloquy occurred during Applicant's guilty plea proceeding:

The Court: The State indicates you're pleading guilty to murder. Is that correct?

[Applicant]: Yes, sir.

The Court: Do you understand it carries a minimum of 30 years up to life imprisonment?

[Applicant]: Yes, sir.

The Court: The State has indicated this plea is being entered into without recommendation or negotiation. Is that your understanding?

[Applicant]: Yes, Sir.

The Court: Understanding that I could give you up to life imprisonment today, do you still want to go forward and plead guilty to this charge?

[Applicant]: Yes, sir.

The Court: Do you also understand that under South Carolina Law that this is considered to be a violent offense, as well as a most serious offense?

[Applicant]: Yes, sir.

The Court: Do you understand that a most serious offense falls under the two-strike rule? In other words, if at some point you are released from the Department of Corrections and you are convicted by plea or trial of another most serious offense and the State has properly noticed you of their intent to seek life, the Court would have no alternative but to give you life. Do you understand that?

[Applicant]: Yes, sir.

The Court: In addition, do you understand that this Court - - whatever sentence this Court imposes, It's a no-parole offense? Do you understand that?

[Applicant]: Yes, sir.

The Court: All right, sir. Do you understand that if the Court were to give you a sentence of less than life, you would have to do at least 85 percent of it before you were even eligible for parole? Do you understand that?

[Applicant]: Yes, sir.

The Court: All right. Understanding the penalty of this charge for which you're pleading guilty to and understanding the consequences of such plea, do you still want to go forward and plead guilty to this charge here today?

[Applicant]: Yes, sir.

(Plea Tr. pp. 5–7).

PCR Evidentiary Hearing

On direct examination, Applicant testified that Plea Counsel told her that she would request a sentence of less than life, but she ended up getting a life sentence. (PCR Tr. p. 10). Applicant testified that she was aware and understood that she could receive a life sentence. *Id.* Applicant testified that Plea Counsel did not tell her she would get less than thirty years. *Id.* Applicant

testified that she recalled the plea court stating that she would be eligible for parole after serving eighty-five percent of her sentence if she received a sentence of less than life imprisonment during her plea hearing. (PCR Tr. p. 7; p. 12). Applicant testified that Plea Counsel did not inform her that the court's statement was incorrect, as she would be required to serve the day-for-day on a murder charge, nor did Plea Counsel correct the court regarding this misstatement. (PCR Tr. pp. 7–8). Applicant testified that she was sentenced to her "[n]atural life." (PCR Tr. p. 12). When asked whether she recalled the plea court informing her that whatever sentence it imposed would be for a no-parole offense, Applicant testified that she recalled the judge saying, "natural life, no parole." (PCR Tr. pp. 11–12).

On cross-examination, Applicant testified that she believed Plea Counsel explained the potential sentencing range with her. (PCR Tr. p. 15).

On direct examination, Plea Counsel testified that she explained the sentencing range to Applicant. (PCR Tr. p. 19). Plea Counsel testified that Applicant was aware that the only offer the State made was to plead guilty to murder and receive a life sentence. Id. Plea Counsel testified to her recollection that the plea court advised Applicant that if the court gave her a sentence of less than life, she would be required to complete at least eighty-five percent of her sentence before becoming eligible for parole. (PCR Tr. p. 24). Plea Counsel testified that Applicant received an offer to plead to a life sentence and that this offer was noted on an offer sheet with the last line reflecting the word "life" in Mr. White's handwriting. (PCR Tr. p. 18). Plea Counsel testified that she advised Applicant of the potential sentencing range. (PCR Tr. p. 24).

On cross-examination, Plea Counsel testified that she explained the sentencing range to Applicant. (PCR Tr. p. 25). Plea Counsel testified that she never told Applicant she would get less than thirty years. Id.

Findings

This Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [her] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome her burden in proving Plea Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. This Court finds Plea Counsel credibly testified that she explained the sentencing range with Applicant. Also, from the record, this Court finds the plea court fully informed Applicant of the sentencing range. Nevertheless, Applicant also testified that she knew she could receive a life sentence. Therefore, Applicant has failed in her burden of proving and deficiency in Plea Counsel's performance or any resulting prejudice.

Turning to the next allegation, This Court notes that the record reflects the plea court gave an incorrect statement as to what Applicant would be required to serve if she was sentenced to anything less than life. Murder carries a mandatory minimum sentence of thirty (30) years, and that sentence is a day-for-day sentence. See S.C. Code Ann. § 16-3-20(A) (A person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life.). Here, Applicant was sentenced to life. This forecloses any argument that Plea Counsel was deficient for failing to object to the incorrect statement of the law from the plea court and any resulting prejudice. Applicant testified multiple times that she was aware she could be sentenced to life imprisonment, and the plea court informed her of the same.

Moreover, Applicant testified that she never intended to go to trial. (PCR Tr. p. 14). Applicant testified that she "would not have wanted to go to trial because [she] didn't want [her]

son to take the stand." (PCR Tr. p. 14). See Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007) (The applicant must prove prejudice by showing that, but for counsel's inadequacy, there is a reasonable probability he would not have pleaded guilty and, instead, would have insisted on going to trial.).

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland as laid out in Hill—that but for Plea Counsel's deficient performance, Applicant would have gone to trial and not pled guilty.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3b: "[Plea Counsel] failed to have the Applicant evaluated regarding competence and criminal responsibility despite being advised of Applicants (*sic*) history of mental health problems and the fact that Applicant was not taking her medications at the time of the guilty plea (p. 17 Line 24)."

Applicant alleged Plea Counsel was constitutionally ineffective for failing to investigate her mental health history or subject her to a competency evaluation prior to entering her guilty plea. This Court finds this allegation to be without merit.

Due process prohibits the conviction of a person who is mentally incompetent, and that right cannot be waived by a guilty plea. Jeter v. State, 308 S.C. 230, 232, 417 S.E.2d 594, 595 (1992) (citing Bishop v. U.S., 350 U.S. 961 (1956); Pate v. Robinson, 383 U.S. 375 (1966)). The test of competency to enter a plea is the same as required to stand trial: the accused must have

sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and have a rational as well as factual understanding of the proceedings against him. Id., 417 S.E.2d at 596 (citing State v. Lambert, 266 S.C. 574, 225 S.E.2d 340 (1976); Carnes v. State, 275 S.C. 353, 271 S.E.2d 121 (1980)). An applicant alleging incompetence in fact must show by a preponderance of the evidence she was incompetent at the time of his plea. Id.

An applicant alleging ineffective assistance of counsel for failure to seek a mental health evaluation, however, must still satisfy the two prongs of Strickland, though considered in reverse as a practical necessity: applicant must demonstrate (1) a 'reasonable probability' that he was not competent at the time of the crime or at the time of the plea, and (2) that counsel's failure to seek an evaluation was unreasonable. Id. at 233, 417 S.E.2d at 596. Counsel may reasonably rely on his own perceptions in deciding if a client is competent to stand trial. Id.

Guilty Plea Hearing

The following colloquy occurred at the guilty plea between Applicant and the plea court:

The Court: Have you ever been treated for alcohol abuse, drug abuse, or mental illness?
 [Applicant]: Yes, sir.
 The Court: What have you been treated for?
 [Applicant]: Drugs and – umm --
 The Court: When was that?
 [Applicant]: Maybe '17.
 The Court: Does that in any way affect your ability to know and understand what you're doing here today?
 [Applicant]: No, sir.
 The Court: I need you to speak up. Okay?
 [Applicant]: No, sir.
 The Court: Within the last 24 hours, have you taken any medication, drugs or alcohol?
 [Applicant]: No, sir.
 The Court: Are you aware of any physical, emotional or nervous problem that would prevent you or keep you from understanding what's going on here today?
 [Applicant]: No, sir.

(Plea Tr. pp. 4–5).

The following colloquy occurred between the plea court, Plea Counsel, and the solicitor:

Mr. White: Judge, just for the record, it has been no indication as far as I'm concerned - - and we can ask Ms. Lawson as well - - any concern about Ms. Knox's mental health and her mental health status and her medication that she's on now. Or is she - - I don't know if she's on anything or not.

Ms. Lawson: She's not on anything - -

Mr. White: Okay.

Ms. Lawson: - - at the moment, Your Honor.

The Court: Well, in my discussions with her today or in my questioning of her here today, there's nothing that leads me or gives me any pause or concern concerning as it relates to her mental well-being. More specifically, there's no concern or pause that I have. That she is fully aware of what's going on here today. That she has indeed entered this plea freely, voluntarily, knowingly, and intelligently.

(Plea Tr. pp. 17–18).

PCR Evidentiary Hearing

On direct examination, Applicant testified in the affirmative that Plea Counsel and Applicant discussed her past mental health issues. (PCR Tr. p. 8). Applicant testified that she could not recall if she informed Plea Counsel that she was taking medication at the time of her plea. Id. Applicant testified that she believed she reviewed her mental health records with Plea Counsel and informed Plea Counsel that she went to Pee Dee Mental Health and Columbia Mental Health. Id.

On cross-examination, Applicant testified that she was evaluated before her PCR evidentiary hearing but the doctor was not present to testify. (PCR Tr. p. 13). Applicant testified that she did not believe she requested that Plea Counsel have her mental health evaluated prior to entering her guilty plea. Id. Applicant testified in the affirmative that she understood her actions

when she entered her plea. (PCR Tr. p. 14). Applicant testified that she believed that Plea Counsel should have requested that Applicant's mental health be evaluated, as she had been seeing mental health specialists back-to-back, had anger problems, and had been diagnosed with post-traumatic stress syndrome. Id.

On direct examination, Plea Counsel testified that from her notes she was aware of Applicant's history of mental health issues. (PCR Tr. p. 21). Plea Counsel testified that she could not recall if Applicant informed her that she had stopped taking her medication. Id. Plea Counsel testified that Applicant was always "lucid" in their meetings and had a good understanding of their discussions. (PCR Tr. pp. 21–22). Plea Counsel testified that she did not seek a mental health evaluation because her interactions with Applicant did not cause her to have any concerns with her mental competency. (PCR Tr. p. 22).

On cross-examination, Plea Counsel testified Applicant did not sign a HIPAA release in order for Plea Counsel to gain access to all of her records. (PCR Tr. p. 26). Plea Counsel testified that her notes reflect a medication list Applicant gave her and her diagnoses. Id. Plea Counsel testified that Applicant never voiced an issue with her medications at the jail. (PCR Tr. pp. 26–27).

Findings

This Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [her] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome her burden in proving Plea Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. This Court finds that based on the record and the testimony rendered at the evidentiary hearing, that Applicant has failed to

present any evidence that Applicant was incompetent at the time of her guilty plea. This Court further finds from Plea Counsel's **credible** testimony that the decision to not seek an evaluation was reasonable based on her perceptions during her interactions with Applicant. See Garren v. State, 423 S.C. 1, 813 S.E.2d 704 (2018) (finding counsel will not be found deficient where they reasonably relied on their perceptions of a defendant's competency in determining if an evaluation was necessary); see also Jeter v. State, 308 S.C. 230, 417 S.E.2d 594 (1992) (finding counsel acted reasonably in relying on his own perceptions of a defendant's competency).

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3c: "[Plea Counsel] failed to meet with the applicant (*sic*) a sufficient number of times to properly review the evidence and discuss this case with applicant (*sic*)."

Applicant alleged Plea Counsel was constitutionally ineffective for failing to meet with her a sufficient number of times to properly review the evidence and discuss her case. This Court finds this allegation is without merit.

Federal case law holds that there is no constitutional minimum number of meetings between attorneys and their clients to satisfy competency. Campbell v. Polk, 447 F.3d 270, 279 fn.2 (4th Cir. 2006) (no constitutional minimum number of meetings to satisfy competency); United States v. Olson, 846 F.2d 1103, 1108 (7th Cir. 1988) (reciting that there is no constitutional minimum number of meetings between attorney and client and observing that an experienced attorney may get more out of a single meeting than a neophyte). "Brevity of time spent in consultation, without more, does not establish that counsel was ineffective." Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980) (holding it is not enough to merely show that counsel only met with

his client twice before trial as long as counsel devoted sufficient time to insure an adequate defense and to become thoroughly familiar with the facts of the case and the law applicable to the case, and holding the record revealed that counsel was so prepared.).

South Carolina case law has established that even if Counsel only met with his client very briefly, that alone does not establish that he was unprepared or ineffective at trial. See Harris v. State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (citing Easter) (finding "Even if the meetings were brief, this fact alone is not indicative of inadequate trial preparation."), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

Additionally, "brevity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation." Smith v. State, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012). Applicant must show evidence indicating "how additional preparation or communication would have resulted in a different outcome." Id.; see Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (where application failed to show ineffective assistance of counsel based on lack of preparation by neglecting to show evidence of what counsel failed to discover or what defenses counsel could have pursued had he more fully prepared for the case); Skeen v. State, 325 S.C. 210, 214-15, 481 S.E.2d 129, 132 (1997) (where applicant failed to show ineffective assistance of counsel when he did not present evidence showing how additional preparation would have impacted the trial).

Guilty Plea Hearing

The following colloquy occurred at Applicant's guilty plea hearing between Applicant and the plea court:

The Court:	You're represented by Ms. Lawson. Are you satisfied with her representation?
Applicant:	Yes, sir.
The Court:	Have you talked to her enough?

Applicant: Yes, sir.
 The Court: Understood your talks with her?
 Applicant: Yes, sir.
 The Court: Need any more time to talk to her?
 Applicant: No, sir.
 The Court: Have any complaints about her?
 Applicant: No, sir.

(Plea Tr. pp. 7–8).

PCR Evidentiary Hearing

On direct examination, Applicant testified that she saw Plea Counsel maybe two or three times. (PCR Tr. p. 9–10). Applicant testified that Plea Counsel provided her with all of her discovery. (PCR Tr. p. 11). Applicant testified that she felt she did not see Plea Counsel enough. Id.

On cross-examination, Applicant testified that Plea Counsel met maybe two or three times with her for about forty-five minutes each time. (PCR Tr. p. 14). Applicant testified that Plea Counsel shared the discovery with her prior to entering her plea. (PCR Tr. p. 15).

On direct examination, Plea Counsel testified that her notes reflected six meetings with Applicant. (PCR Tr. p. 22). Plea Counsel testified that they reviewed the evidence thoroughly in Applicant's case. Id.

On cross-examination, Plea Counsel testified that her notes reflected that she met with Applicant six times. (PCR Tr. p. 26). Plea Counsel testified that she showed Applicant all the photographs and evidence, but she could not recall if Applicant watched one of the interviews with her or not. (PCR Tr. p. 29).

Findings

This Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all

significant decisions in [her] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome her burden in proving Plea Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. This Court finds Plea Counsel credibly testified that she met with Applicant six times and reviewed all of the discovery with Applicant. This Court further finds Applicant failed to present "any evidence of how additional preparation or communication would have resulted in a different outcome." Smith v. State, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (Ct. App. 2012); see Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998) (explaining that, where an applicant failed to present any evidence of what counsel could have discovered or what other defenses he would have requested counsel pursue had counsel more fully prepared for the trial, applicant failed to show his counsel's lack of preparation prejudiced him); Harris v. State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (finding that, when there is evidence counsel met with a defendant in preparation for trial and there is no evidence additional preparation on the part of counsel would have affected the outcome at trial, counsel cannot be said to have been ineffective), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

Moreover, to whatever extent Applicant was not entirely satisfied with the amount of time spent in consultation with Plea Counsel, she was presented an opportunity to express her dissatisfaction to the plea court, and knowingly opted not to do so, instead choosing to proceed with her guilty plea.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or

omissions to prove the second prong of Strickland as laid out in Hill—that but for Plea Counsel's deficient performance, Applicant would have gone to trial and not pled guilty.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3e: "[Plea Counsel] failed to advise the Applicant regarding her right to appeal."

Applicant alleges Plea Counsel was constitutionally ineffective for failing to file a direct appeal of her guilty plea. This Court finds this allegation is without merit.

Though counsel is required to make certain that a defendant is made fully aware of his or her right to appeal after a trial, a different standard applies to a guilty plea:

Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea.

Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008) (citations omitted); see also Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000) (imposing the duty to consult when there is reason to think either that a rational defendant would want to appeal or that the particular defendant reasonably demonstrated interest in doing so); contra Frazer v. South Carolina, 430 F.3d 696 (4th Cir. 2005) (reading Flores-Ortega to mean counsel generally has a duty to consult with his client regarding whether to pursue an appeal). Therefore, in a collateral action attacking a guilty plea, the "bare assertion that a defendant was not advised of appellate rights is insufficient to grant relief." Jones v. State, 382 S.C. 589, 596, 677 S.E.2d 20, 23–24 (2009) (quoting Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)).

Where an applicant reasonably demonstrates an interest in appealing, or where there is a reason to think a rational defendant would want to appeal, and where Counsel fails to either initiate that appeal or comply with Anders procedure, "White permits consideration of the full trial record on [an] issue in conjunction with appellate review of the PCR proceeding under an exception to the prohibition against appellate courts considering appeals in the absence of notice of direct appeal given and timely served." Smith v. State, 309 S.C. 413, 415, 424 S.E.2d 480, 481 (1992) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)).

PCR Evidentiary Hearing

On direct examination, Applicant testified that she believed she was informed of her right to appeal by Plea Counsel and that she thinks she asked Plea Counsel to file an appeal. (PCR Tr. pp. 10–11).

On cross-examination, Applicant testified that Plea Counsel explained her right to appeal to her. (PCR Tr. pp. 15–16). Applicant testified that she believed she told Plea Counsel she wanted to appeal. (PCR Tr. p. 16).

On direct examination, Plea Counsel testified that she explained to Applicant her right to appeal. (PCR Tr. p. 24).

On cross-examination, Plea Counsel testified that she explained to Applicant her right to an appeal, but Applicant never asked her to file an appeal. (PCR Tr. pp. 27–28).

Findings

This Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [her] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome her burden in proving Plea Counsel's representation was deficient and any

resulting prejudice from that alleged deficiency. See Butler, supra. This Court finds Plea Counsel **credibly** testified that she informed Applicant of her right to appeal and that Applicant did not request that she file an appeal. This Court finds Applicant's testimony on this matter **not credible** and **not persuasive** where her testimony on certain matters was direct and concise and, in this matter, was passive and uncertain. Additionally, this Court has reviewed the guilty plea transcript and finds no nonfrivolous grounds present that would have warranted an appeal.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove that she requested Plea Counsel file an appeal on her behalf or that there was any extraordinary circumstance(s) that would have warranted the filing of an appeal. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3f: "[Plea Counsel] failed to review the State's evidence with the Applicant and failed to properly investigate the facts of this case."

Applicant alleges Plea Counsel was constitutionally ineffective for failing to review the State's evidence with her or properly investigate the facts of her case. This Court finds this allegation is without merit.

"[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." Strickland, 466 U.S. at 690-91. "In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." Id. at 691. "In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments." Id.

"The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions." Id. "Counsel's actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant." Id. "In particular, what investigation decisions are reasonable depends critically on such information." Id.

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Guilty Plea Proceedings

The following colloquy occurred between Applicant and the plea court:

The Court:	You're represented by Ms. Lawson. Are you satisfied with her representation?
[Applicant]:	Yes, sir.
The Court:	Have you talked to her enough?
[Applicant]:	Yes, sir.
The Court:	Understood your talks with her?
[Applicant]:	Yes, sir.
The Court:	Need any more time to talk to her?
[Applicant]:	No, sir.
The Court:	Have any complaints about her?

[Applicant]: No, sir.

(Plea Tr. pp. 7–8).

PCR Evidentiary Hearing

On direct examination, Applicant testified that Plea Counsel provided all her discovery. (PCR Tr. p. 11). Applicant testified that Plea Counsel hired a private investigator who met with her. Id.

On cross-examination, Applicant testified that Plea Counsel shared and reviewed all of her discovery with her. (PCR Tr. p. 15; p. 16). Applicant testified that the only part she wanted Plea Counsel to investigate was her mental health. (PCR Tr. p. 16). Applicant testified that maybe it would have helped, but maybe it would not have helped if Plea Counsel had investigated her mental health. Id.

On direct examination, the following colloquy occurred with Plea Counsel:

- Q: And what was your understanding of applicant's history of mental health issues?
- A: So, according to my notes, looking back, I know that she had been diagnosed with PTSD in the past, I believe bipolar disorder. She had been counseling from a pretty young age since she was a teenager, had gone to behavioral health, just drug issues and untreated mental illness. I knew the medications that she had been prescribed for basically irritability and anti-psychotics. I reached out to her mother, I believe spoke with her about that as well. So, yeah, I did have an understanding as to her mental health history.
- Q: And did applicant inform you at any point that she had stopped taking her medications?
- A: I don't recall.
- Q: In your opinion, did applicant appear to be lucid during your conversations?
- A: She did, and she's very pleasant to sit down and talk to, seemed to have a very good understanding, very respectful to me at all times, had a good understanding of every piece of discovery that we looked at together.
- Q: And did applicant ever -- did you ever have applicant evaluated for those mental health issues?

- A: No, I did not. I did not, and that's based upon the lucidity of our conversations. I knew that she had kind of had a history of abuse in her past. I asked her, would you like for me to dig into that for you? It may or may not be relevant. And she told me, no, I don't really want to talk too much more about that. I don't want you digging into, you know, that portion of my life, but we did talk a significant bit about her mental health history.
- Q: And so in just confirming, it's your testimony that you didn't see a need to have applicant evaluated just from your interactions with her?
- A: No, not from a *Blair* -- from a *Blair* standpoint from my interactions with her.

(PCR Tr. pp. 21–22).

Plea Counsel testified that the discovery in the case was voluminous, and she reviewed it with Applicant at length. (PCR Tr. p. 23). Plea Counsel testified that she did investigate the facts surrounding the case. (PCR Tr. p. 24).

On cross-examination, Plea Counsel testified that Applicant did not sign a HIPAA release, so she could not gain access to Applicant's mental health records. Plea Counsel testified that she attempted to contact Applicant's mother to shed some light on her past. (PCR Tr. p. 28).

Findings

As an initial matter, this Court finds by Applicant's own testimony that Plea Counsel shared and reviewed all of the discovery with Applicant. Thus, Applicant has failed in her burden of proving Plea Counsel's performance was deficient and any resulting prejudice from the alleged deficiency.

Turning to Plea Counsel's alleged failure to investigate, this Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [her] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome her burden in proving

Plea Counsel's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, supra. This Court finds Plea Counsel credibly testified that she conducted her own independent investigation into the facts of Applicant's case. As found *supra*, this Court again reasserts its finding that Plea Counsel's performance was not deficient in not having Applicant mentally evaluated. Plea Counsel credibly testified that she asked Applicant if she would like for her to investigate her mental health history and Applicant told her no. Furthermore, Applicant did not sign a HIPAA form. Additionally, Applicant's testimony on this matter was speculative at best and mere speculation is not enough to meet her burden. See Moorehead v. State, 329, 496 S.E.2d 415 (1998) (failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result).

Moreover, to whatever extent Applicant was not entirely satisfied with Plea Counsel's representation, she was presented an opportunity to express her dissatisfaction to the plea court, and knowingly opted not to do so, instead choosing to proceed with her guilty plea.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland as laid out in Hill—that but for Plea Counsel's deficient performance, Applicant would have gone to trial and not pled guilty.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant her application. Therefore, this application for post-conviction relief must be **DENIED and DISMISSED WITH PREJUDICE**.

This Court notifies the Applicant that she 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), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. 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 30 day of September, 2025

[Signature]
G. D. MORGAN, JR.
Presiding Judge
Twelfth Judicial Circuit

[Signature], South Carolina

FILED
25 NOV 2025 12:23
DORIS POULSON O'HARA
CCCP & G.S.
FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY
[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

WITNESSES

Roger W. Tilton

Florence County Sheriff

Ryan White

ARREST WARRANT NUMBER

2019A2110100287

2019GS2101151A

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 8/24/2019

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019-GS-21-01151

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

AUGUST

TERM

2019

THE STATE

vs.

CECELIA ELAINE KNOX

Indictment for

MURDER; AND
DESECRATION OF HUMAN REMAINS

2019 AUG 22 11:30
 CORRECTIONS CLERK
 0009 2 05
 FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 MURDER; AND
 DESECRATION OF HUMAN REMAINS

At a Court of General Sessions, convened on AUGUST 22, 2019 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

CDR: 0116 16-03-0010,0020

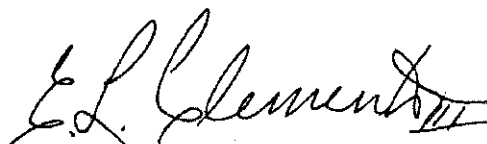
That CECELIA ELAINE KNOX did in Florence County, on or about April 21, 2019, willfully, feloniously, and intentionally kill the victim, Tara Echevarria, with malice aforethought, either express or implied, by means of blunt force trauma, and the victim did die as a proximate result thereof on or about April 21, 2019 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO- DESECRATION OF HUMAN REMAINS

CDR: 0471 16-17-600(A)

That CECELIA ELAINE KNOX did in Florence County on or about April 21, 2019, unlawfully, willfully, knowingly, and without proper legal authority to do so, desecrate, destroy and/or damage the remains of a deceased human being, to wit: Tara Echevarria, in violation of Section 16-17-600(A), S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

112

STATE OF SOUTH CAROLINA

COUNTY OF Florence
 STATE VS.
Cecelia Elaine Knox

AKA:

Race: Black Sex: F Age: 31DOB: -1988 SS#: Address: Mckeithen RoadCity, State, Zip: Florence, SC 29501DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder (30- LIFE)

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

102584
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ § 56-5-2995 (DUI Assessment) \$12 \$ § 56-1-286 (DUI Breath Test) \$25 \$ Proviso (Public Def/Probation) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114 (BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/ Deputy Clerk E. RagnCourt Reporter: K. Smith

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-21-01151A/W#: 2019A2110100287Date of Offense: 4/21/2019S.C. Code § : 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

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SCCA/217 (04/2018)

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ beginning

\$ paid to Public Defender FundOther: Pay \$40 PD fee☐ Appointed PD or appointed other counsel,

§Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge P. CampJudge Code: 2160Sentence Date: 12-12-19