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Apr 22 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Carmen T. Mullen, Circuit Court Judge

ALEXIS D. GRANT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001791

JOHNSON PETITION FOR WRIT OF CERTIORARI

Lara M. Caudy
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ISSUE PRESENTED

Whether Petitioner's guilty plea was knowingly, intelligently, and voluntarily made where trial counsel pressured Petitioner into pleading guilty and, but for counsel's undue pressure, Petitioner would have proceeded to trial?

STATEMENT OF THE CASE

A Charleston County grand jury indicted Petitioner on December 5, 2017, for homicide by child abuse. App. 78-79. On November 9, 2021, Petitioner pled guilty as indicted before the Honorable Deadra Jefferson. App. 1. Assistant Solicitor Deborah Herring Lash represented the state. Megan Ehrlich represented Petitioner. App. 1.

During the hearing, the solicitor explained that Petitioner's child, Minor, who was roughly fourteen months old, was diagnosed with "failure to thrive" on April 24, 2017, by his pediatrician, because he was not gaining weight. Minor was hospitalized from April 24, 2017, until April 29, 2017, because of his condition. Upon his release, Minor was referred to "physical therapy to help him with muscle tone." At the time, Petitioner, Minor's father, Vashawn Williams, Minor, and his two year old sister, were living at the Intown Suites. The family only had one car and Williams worked. Petitioner told law enforcement that they had difficulty getting Minor to physical therapy due to lack of transportation. Consequently, Petitioner started doing physical therapy with Minor on her own. On May 11, 2017, while Williams was at work, Petitioner attempted to do physical therapy with Minor, became frustrated, and hit Minor several times in the head and knocked him down twice. Petitioner called Williams, who rushed home, and the couple called 911. However, Minor was pronounced dead shortly thereafter. He had multiple bruises on his skull and two skull fractures. App. 13, l. 18 – 14, l. 19.

Petitioner underwent a mental health evaluation for purposes of mitigation. App. 6, l. 19 – 7, l. 9. She was diagnosed with anxiety and depression and prescribed medications to help treat her conditions. App. 9, l. 16 – 10, l. 20. Petitioner was ultimately sentenced to the mandatory minimum of twenty years imprisonment pursuant to a negotiated plea agreement. App. 19, ll. 11-18.

On November 17, 2022, Petitioner filed an application for post-conviction relief (PCR) raising the claim argued in this petition. App. 21-28. The state filed a return to this application on August 11, 2023. App. 29-33. An evidentiary hearing was held on May 28, 2025, before the Honorable Carmen Mullen. App. 47. Assistant Attorney General Kylee Kanealey represented the state. App. 47. Denise Swope represented Petitioner. App. 47.

Petitioner testified at the hearing that this case was her first experience with the criminal justice system as she had no prior record. She had difficulty understanding the proceedings and only pled guilty because trial counsel pressured her. Specifically, Petitioner testified, “When someone keeps on coming at you with something, you know, like I don’t know how this court system works so . . .” App. 51, l. 15 – 52, l. 8. She explained that she did not fully understand the state’s evidence against her but she did not know what questions to ask trial counsel. App. 54, ll. 5-20.

Megan Ehrlich, Petitioner’s trial counsel, testified that Petitioner was in pretrial detention for years before she was eventually able to post bond about six months before she pled guilty. Counsel “consistently” met with Petitioner throughout her representation. Even after Petitioner posted bond, Ehrlich explained that she met with Petitioner virtually on Zoom and communicated by phone because Petitioner was living in Marion and could not travel to Ehrlich’s office in Charleston. However, on one occasion shortly before the case was scheduled for trial, Ehrlich drove to Marion and met with Petitioner at her family member’s house to review discovery. App. 57, l. 11 – 58, l. 10.

Ehrlich testified that she met with Dr. Nicholas Batalis, the forensic pathologist who conducted the autopsy, and retained her own pathologist, Dr. Kim Collins, to review the records. Ehrlich’s recollection was that Dr. Collins’s testimony, should the case have proceeded to trial,

would have been worse for the defense than Dr. Batalis's testimony. Dr. Collins focused on problems with Minor's failure to thrive in addition to blunt force trauma to the head. App. 58, l. 11 – 59, l. 9.

Ehrlich also testified that she had Petitioner undergo an independent psychiatric evaluation to explore the possibility that Petitioner had postpartum depression that may have impacted the case. Ehrlich used the results of this evaluation for purposes of mitigation. App. 60, ll. 10-18.

Lastly, Ehrlich testified that she obtained data from the South Carolina Department of Corrections regarding the sentences of inmates who were incarcerated for homicide by child abuse so Ehrlich could get an idea of the range of sentences actually imposed. Ehrlich maintained that she did not obtain this data to pressure Petitioner into pleading guilty, but rather to give Petitioner all of the information so Petitioner could make an informed decision about how she wanted to proceed. App. 61, l. 8 – 62, l. 2.

By order filed July 29, 2025, the PCR court denied Petitioner relief. App. 72-77. The court found Petitioner freely, knowingly, and voluntarily pled guilty, and that trial counsel provided "representation and advice reasonable under prevailing professional norms." App. 75.

Because Petitioner's guilty plea was not knowingly, intelligently, and voluntarily made, this petition for writ of certiorari follows.

ARGUMENT

Petitioner's guilty plea was not knowingly, intelligently, and voluntarily made where trial counsel pressured Petitioner into pleading guilty and, but for counsel's undue pressure, Petitioner would have proceeded to trial.

Petitioner did not knowingly, intelligently, and voluntarily plead guilty. Petitioner only pled guilty because trial counsel pressured her to do so. But for counsel's undue pressure, Petitioner would have proceeded to trial.

The Sixth Amendment to the United States Constitution guarantees a defendant the right to the effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984). In order to show ineffective assistance of counsel as a ground for relief, Petitioner must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Id. at 686; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Strickland, 466 U.S. at 687-688.

The United States Supreme Court has established a two pronged test to evaluate allegations of ineffective assistance of counsel. In the context of a guilty plea, a petitioner must show that counsel's performance was deficient, and "there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); See Jackson v. State, 342 S.C. 95, 97, 535 S.E.2d 926, 927 (2000); Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000); Wolfe v. State, 326 S.C. 158, 164, 485 S.E.2d 367, 370 (1997); Rayford v. State, 314 S.C. 46, 48, 443 S.E.2d 805, 806 (1994). This Court has held that a "defendant's undisputed testimony that he would not have pled

guilty but for trial counsel's advice is sufficient to prove that defendant would not have pled guilty.” Smith v. State, 369 S.C. 135, 631 S.E.2d 260 (2006) (citing Jackson v. State, 342 S.C. 95, 97-98, 535 S.E.2d 926, 927 (2000)); Alexander v. State, 303 S.C. 539, 543, 402 S.E.2d 484, 485-86 (1991)).

The difference “between a valid guilty plea and an invalid guilty plea lies in the knowing and voluntary nature of the plea.” Berry v. State, 381 S.C. 630, 635, 675 S.E.2d 425, 427 (2009). “The longstanding test for determining the validity of a plea is whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.” Hill v. Lockhart, 474 U.S. 52, 56 (1985) (internal quotations omitted) (applying the two part test for claims of ineffective assistance of counsel in Strickland v. Washington, 466 U.S. 668 (1984), to claims of the same against plea counsel).


In this case, Petitioner only pled guilty because trial counsel repeatedly pressured her to do so. Counsel went so far as to obtain data from the Department of Corrections concerning the range of sentences inmates convicted of homicide by child abuse were serving. Counsel's undue pressure prevented Petitioner's guilty plea from being freely and voluntarily made and, consequently, rendered it invalid. Additionally, there is a reasonable probability that but for trial counsel's undue pressure, Petitioner would not have pled guilty and would have insisted on proceeding to trial.

Because Petitioner's guilty plea was not freely, knowingly, and voluntarily made, this Court should reverse her conviction and remand for a new trial.

CONCLUSION

Based on the foregoing argument, Petitioner respectfully requests this Court grant the petition for writ of certiorari and order further briefing on the issue presented. Petitioner ultimately requests this Court reverse her conviction and remand for a new trial.

Respectfully submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR PETITIONER

This 22nd day of April, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for Alexis Grant states:

1. She is an appellate defender for the South Carolina Office of Appellate Defense, and was appointed to represent Petitioner.
2. She has reviewed the record of petitioner’s post-conviction relief hearing, which was held on May 28, 2025, before the Honorable Carmen T. Mullen, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Alexis Grant.

Respectfully Submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR PETITIONER

This 22nd day of April, 2026.

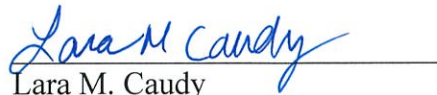
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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of her ability this Johnson Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



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