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**May 06 2026**

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Charleston County

Honorable Carmen T. Mullen, Circuit Court Judge

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DESIREE BROWN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001795

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JOHNSON PETITION FOR WRIT OF CERTIORARI

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JOANNA K. DELANY  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR PETITIONER

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**ISSUE PRESENTED**

Whether the court erred in denying post-conviction relief where Petitioner was coerced into pleading guilty by threats from her codefendant, since Petitioner's pleas were not knowingly, voluntarily, and intelligently tendered?

## STATEMENT

### *Procedural history*

Petitioner, Desiree Brown, was accused of attempted murder and third-degree arson, offenses which occurred in Charleston County. App. 75 – 78. On August 1, 2022, Petitioner appeared before the Honorable Diane S. Goodstein for a guilty plea hearing. Petitioner's appearance was made virtually. Petitioner was represented by Melisa Gay. Jordan Norvell prosecuted the case. The parties had negotiated a twenty-year sentence on the attempted murder. App. 1; App. 3, ll. 3-23. Petitioner waived presentment of the offenses to the Grand Jury. App. 4, ll. 22-25. The court accepted Petitioner's pleas. App. 24, ll. 9-14. In accordance with the plea negotiations, Petitioner was sentenced to a twenty-year term of imprisonment for attempted murder and a fifteen-year term of imprisonment for third-degree arson, with sentences to be served concurrently. App. 27, ll. 5-12.

On or about October 7, 2022, Petitioner filed an application for post-conviction relief (PCR). App. 29 – 34. On October 4, 2024, the State served its return. App. 35 – 40. On or about May 22, 2023, Petitioner filed an amended application. App. 41 – 45. On or about November 14, 2023, Petitioner sent a letter to the Attorney General's Office regarding after-discovered evidence. App. 46 – 51. A PCR hearing was held on May 30, 2025, before the Honorable Carmen T. Mullen. Denise Swope represented Petitioner. Kylee Kanealey appeared on behalf of the State. App. 52. On July 29, 2025, the PCR court issued an order of dismissal. App. 67 – 74.

### *Relevant facts*

On June 18, 2021, Petitioner's wife, Rondoshia Brown (Complainant), was stabbed multiple times and left in a warehouse parking lot. Complainant's car was subsequently burned.

The State alleged Appellant was the driver of the car, Complainant was the passenger, and the women picked up Appellant's codefendant (Lyric Whitfield), who rode in the backseat. While driving to a convenience store, Whitfield began to stab Complainant. Petitioner pulled the car into the warehouse parking lot and Complainant exited or was pushed out of the car. Thereafter, the State alleged Petitioner stabbed Complainant. Complainant had a lengthy recovery, and she and Petitioner divorced. App. 18, l. 10 – 21, l. 16; App. 29. Counsel told the plea court that Whitfield was a violent person who was largely responsible for the crimes. App. 25, ll. 4-22.

In her PCR filings, Petitioner wrote that she pleaded guilty based on threats to her life and her family by Whitfield, who instructed her she must plead guilty. App. 42. Petitioner explained Whitfield, not Petitioner, stabbed Complainant, and Petitioner did not know of Whitfield's ill intentions beforehand. App. 47 – 48. At the PCR hearing, Petitioner explained she pleaded guilty because Whitfield threatened her into doing so, as Whitfield believed Petitioner's pleas would result in Whitfield's own charges being dropped. App. 57, ll. 15-20. Petitioner stated she did tell plea counsel about the threats, and plea counsel stated she would inform the judge. App. 57, l. 21 – 58, l. 2. Petitioner testified her pleas were involuntarily entered, and she wished to go to trial. App. 58, ll. 3-8.

Plea counsel testified she attempted to use Whitfield's threats against Petitioner during plea negotiations with the solicitor, to no avail. App. 62, ll. 12-25. Plea counsel claimed Petitioner wanted to plead guilty, and counsel's assessment was Petitioner would not fare well at trial. App. 63, l. 13 – 64, l. 8. Plea counsel testified Petitioner's plea would not make the codefendant's case better. App. 62, ll. 15-18.

The PCR court addressed the voluntariness of Petitioner's pleas in its order of dismissal, including the allegation that Petitioner was threatened into pleading guilty by her codefendant.

App. 71 – 73. The order stated the PCR court found Petitioner had not established deficiency or prejudice. App. 72 – 73. The order stated: “Counsel credibly testified that Applicant wanted to plead guilty. Further, Applicant told the plea court that no one forced, threatened, pressured or intimidated her into pleading guilty. (Tr. 21).” App. 72. “Counsel testified that Applicant told her about the co-defendant but the Applicant’s decision to plead would not impact the co-defendant’s case in any way. Applicant did not prove that her alleged threat from her co-defendant rendered her plea involuntary.” App. 72.

This petition for writ of certiorari follows.

## ARGUMENT

The court erred in denying post-conviction relief where Petitioner was coerced into pleading guilty by threats from her codefendant, since Petitioner's pleas were not knowingly, voluntarily, and intelligently tendered.

“[T]he Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently by defendants.” *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). *See Hill v. Lockhart*, 474 U.S. 52, 56 (1985) (The decision to plead guilty must be a voluntary and intelligent choice among the alternative courses of action open to the defendant.); *Sanders v. Leeke*, 254 S.C. 444, 447, 175 S.E.2d 796, 797 (1970) (“A plea of guilty, if induced by promises which deprive it of the character of a voluntary act, is void and should be set aside.”). “[T]he question in each case of claimed coercion is whether, under all the facts and circumstances, the guilty plea was voluntarily and understandingly entered.” *Smith v. State*, 255 S.C. 417, 418, 179 S.E.2d 210, 210 (1971). “[T]he voluntariness of a guilty plea is not determined by an examination of a 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 also from the record of the PCR hearing.” *Roddy v. State*, 339 S.C. 29, 33, 528 S.E.2d 418, 420 (2000). *See also Sweet v. State*, 255 S.C. 293, 298, 178 S.E.2d 657, 659 (1971) (“The present claims by appellant that his plea was coerced and entered through ignorance of his rights are overwhelmingly refuted by the record.”).

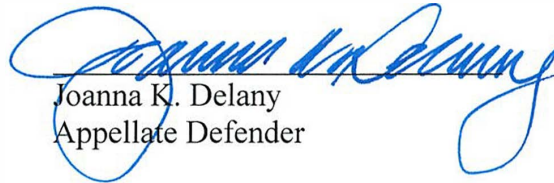
The Sixth Amendment guarantees the right to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The United States Supreme Court has established a two-pronged test to evaluate allegations of ineffective assistance of counsel. A petitioner must prove “that counsel’s performance was deficient” and fell below reasonable professional norms,

and the deficient performance prejudiced her. *Id.* “A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty, but would have insisted on going to trial.” *Rolen v. State*, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009) (citing *Hill v. Lockhart*, *supra*). “The crux of the inquiry is whether counsel’s ineffective performance affected the outcome of the plea process, not whether the defendant would have been successful had he gone to trial.” *Frierson v. State*, 423 S.C. 257, 262, 815 S.E.2d 433, 436 (2018).

Petitioner established counsel’s deficient performance resulted in her entry of pleas that were not knowingly, intelligently, and voluntarily made. Petitioner wanted a trial, but she was threatened by her violent codefendant, who instructed her to plead guilty. Petitioner’s family was also threatened. Petitioner told counsel about the threats, and counsel stated she would alert the judge, but counsel did not tell the plea judge. At the PCR hearing, counsel did not dispute that the codefendant threatened Petitioner. Had counsel advised the court of the threats, the court could have engaged in a colloquy with Petitioner regarding whether these threats had coerced her into pleading guilty. Where, as here, a defendant is coerced into pleading guilty by threats, her plea is not a voluntary choice between alternative courses of action that are meaningfully open to her. *See Hill v. Lockhart*, 474 U.S. at 56. Petitioner established deficiency and prejudice, and the court erred by denying post-conviction relief. *Strickland v. Washington*, 466 U.S. at 687.

**CONCLUSION**

Based on the foregoing argument, Petitioner respectfully requests this Court grant the petition for writ of certiorari and order full briefing on this issue.



Joanna K. Delany  
Appellate Defender

ATTORNEY FOR PETITIONER

This 6th day of May, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

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Counsel for Desiree Brown states:

1. She is 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 before Judge Carmen T. Mullen, which was held on May 30, 2025, 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 Desiree Brown.

Respectfully Submitted,



Joanna K. Delany  
Appellate Defender

ATTORNEY FOR PETITIONER

This 6th day of May, 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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This 6th day of May, 2026.