

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Perry T. Gravely, Circuit Court Judge

Appellate Case No. 2026-000355

Laquavious T. Cleveland.....Petitioner,

vs.

State of South Carolina.....Respondent.

PETITION FOR WRIT OF CERTIORARI

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S.C. SUPREME COURT

QUESTIONS PRESENTED

1. DID THE CIRCUIT COURT ERR IN HOLDING PETITIONER'S TRIAL COUNSEL WAS NOT INEFFECTIVE FOR NOT KNOWING ABOUT OR EXPLAINING TO PETITIONER PLEA OFFERS MADE IN THE CRIMINAL CASE.
2. DID THE CIRCUIT COURT ERR IN HOLDING PETITIONER'S TRIAL COUNSEL WAS NOT INEFFECTIVE FOR REPRESENTING PETITIONER WITH ONLY TWO DAYS TIME PRIOR TO TRIAL.
3. DID THE CIRCUIT COURT ERR IN HOLDING PETITIONER'S TRIAL COUNSEL WAS NOT INEFFECTIVE FOR FAILING TO PRESERVE THE ISSUE OF THE VOLUNARINESS OF CLEVELAND'S STATEMENTS MADE AT TIME OF IS ARREST FOR APPEAL.

STATEMENT OF THE CASE

Petitioner Laquavious T. Cleveland (Cleveland) was indicted for Attempted Murder and Possession of Weapon During Commission of a Violent Crime in October 2012 in Oconee County.

Cleveland was represented by Charles R. Griffin (Griffin) who was retained a few days prior to trial. Cleveland's trial began on July 21, 2014, and a verdict of guilty of Attempted Murder and Possession of Weapon During Commission of a Violent Crime was returned on July 24, 2014. The Honorable Alexander S. Macaulay sentence Cleveland to Twenty-Two (22) years for Attempted Murder and Five (5) years consecutive for Possession of Weapon During Commission of a Violent Crime.

On July 28, 2015 Cleveland filed Motion to Vacate his conviction and sentence. On August 15, 2014, a hearing was held, and Judge Macaulay denied the motion.

Cleveland timely filed a Notice of Appeal. The Court of Appeals affirmed Cleveland's conviction on the basis that the issue of the voluntariness of Cleveland's statements was not preserved for appellate review because trial counsel did not make contemporaneous objection during the trial.

On June 5, 2017, Cleveland filed his Post Conviction Relief application. Cleveland amended his application on September 19, 2019. Cleveland asserted trial counsel was ineffective for only meeting with him 2 or 3 times prior to trial, and for not knowing of any plea offers or explaining any plea offer to Cleveland.

An evidentiary hearing was held on February 27, 2023 before the Honorable Perry H. Gravely.

On December 27, 2025, Cleveland's application was dismissed with prejudice.

The Order of Dismissal with prejudice was received on January 12, 2026, and Notice of Appeal was filed January 12, 2026. Petitioner filed Two (2) Motions to Extend Time for Filing Petition and Appendix. Petitioner was granted leave to file the Petition and Appendix until May 25, 2026.

Cleveland now seeks a Writ of Certiorari to review the dismissal of Cleveland's Application for Post-Conviction Relief.

STANDARD OF REVIEW

All defendants, in a criminal case have the right to the effective assistance of counsel pursuant to the Sixth and Fourteenth Amendments to the United States Constitution. Strickland v. Washington, 466 U.S. 668 (1984). Cleveland had the burden of proving Griffin's performance fell below and objective standard of reasonableness and Cleveland was prejudiced as a result of Griffin's performance by a preponderance of the evidence.

ARGUMENT

- I. TRIAL COUNSEL WAS INEFFECTIVE IN FAILING TO DISCOVER ANY PLEA OFFERS, TO DISCLOSE AND EXPLAIN ANY PLEA OFFERS TO CLEVELAND.

Cleveland testified during the evidentiary hearing that Griffin was not made aware of any plea offer made by the State; and he was not asked to sign any rejection of a plea offer.

(Vol III, p. 477, l. 24- p. 478 l. 3).

Assistant Solicitor Lindsay Simmons testified that she believed a plea offer of ten (10) years or less was made to trial counsel – she recalls the number seven years. (Appendix Vol.. III, pages 511-512).

Griffin testified he believed Mr. Day (Cleveland's former attorney) had received an offer of ten (10) years but he did not know of any plea offer in the file. (App. Vol. III, p. 495, l. 21 – p. 496. L. 3). Griffin testified he wanted to make an offer of seven years- but Cleveland did not want it. (App. Vol III, 3p. 501, l. 7 – 10).

The United States Supreme Court in Missouri v. Frye, 566 U.S. 134 (2012) held that the effective assistance of counsel extends to the consideration of plea offers as that right is applied to "all'critical' stages of the criminal proceedings."

The Circuit Court erred in not finding trial counsel was ineffective for not knowing of any plea offers; for not disclosing any plea offer to Cleveland; and, for not explaining any alleged offers to Cleveland.

For Cleveland to make a voluntary, knowing, and intelligent decision to proceed to trial he must have had the knowledge of any plea offer versus sentencing range a defendant would face if convicted. Griffin failed to provide the necessary information to make an informed decision whether to proceed to trial or plead guilty and the Circuit Court erred in holding trial counsel was not ineffective for the failure to do so.

- II. THE CIRCUIT COURT ERRED IN HOLDING THAT TRIAL COUNSEL WAS NOT INEFFECTIVE FOR TAKING ON REPRESENTATION OF CLEVELAND IN A TRIAL FOR ATTEMPTED MURDER AND POSSESSION OF WEAPON DURING COMMISSION OF A VIOLENT CRIME TWO DAYS PRIOR TO TRIAL.

Trial Counsel undertook representation of Laquavius Cleveland less than a week prior to trial. Griffin testified he got the file when he met with Judge Macaulay, in chambers, when he requested a continuance, which the judge denied. (App. Vol, III page 491. 19-22). Trial counsel testified he was prepared best he could – met with Judge on Monday, picked up the file and began trial Wednesday. (App, Vol, III, p. 492, l. 23 – p. 493, l. 3).

The Circuit Court erred in failing to find trial counsel was not ineffective when he had less than 2 days to prepare to defend a charge of attempted murder and possession of weapon during commission of a violent crime.

III. DID THE CIRCUIT COURT ERR IN HOLDING PETITIONER'S TRIAL COUNSEL WAS NOT INEFFECTIVE FOR FAILING TO PRESERVE THE ISSUE OF THE VOLUNTARINESS OF CLEVELAND'S STATEMENTS FOR APPEAL.

Cleveland appealed his conviction to the Court of Appeals. The appeal was Affirmed on the ground that the issues raised on the appeal had not been preserved during the trial. Trial Counsel filed a motion in limine to exclude Cleveland's statement made to the Oconee County Sheriff's Office. The trial Judge denied the motion. During the trial, trial counsel failed to make contemporaneous objections regarding Cleveland's statement, therefore the issue was not preserved for appeal. *State v. Sweet*, 374 S.C. 1, 647 S.E.2d 202 (2007). Cleveland's appellate counsel testified the failure of Griffin to preserve the issue of whether Cleveland's post-arrest statements were freely, knowingly and voluntarily made was an error. (App. Vol. III, p. 509, l. 21 – p. 520, l.5).

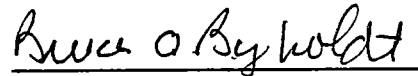
The Circuit Court erred in holding trial counsel was not ineffective for failing to preserve the issue of the voluntariness of Cleveland's statements made at the time of his arrest for

appellate review.

CONCLUSION

Petitioner Cleveland asserts he was denied the effective assistance of counsel by Charles R. Griffin, Esq. during his trial for attempted murder and possession of a weapon during the commission of a violent crime. Laquavius Cleveland respectfully requests the Court to grant his request for a Writ of Certiorari to Review the denial of Laquavius Cleveland's Application for Post-Conviction Relief and grant Cleveland's request for a new trial.

May 22 , 2026



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