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**Jun 05 2026**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Greenville County

Honorable B. Alex Hyman, Circuit Court Judge

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CHRISTIAN SCOWCROFT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002035

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PETITION FOR WRIT OF CERTIORARI

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**INDEX**

INDEX..... i

ISSUE PRESENTED.....1

STATEMENT.....2

ARGUMENT

The PCR judge erred in denying petitioner’s allegation that both attorneys who represented him rendered ineffective assistance of counsel with respect to the mishandling of plea offers and negotiations in the case. ....3

CONCLUSION.....7

**ISSUE PRESENTED**

The PCR judge erred in denying petitioner's allegation that both attorneys who represented him rendered ineffective assistance of counsel with respect to the mishandling of plea offers and negotiations in the case.

## STATEMENT

Petitioner Christian Scowcroft was convicted of first degree burglary and grand larceny per jury trial held during the August 2017 term of the Greenville County General Sessions Court before Judge Perry H. Gravely, who sentenced him to an aggregate sentence of fifteen years. App. 1-358. Petitioner was represented by Attorney Randall Chambers at trial, and Assistant Solicitor Brann W. Fowler prosecuted the case. Petitioner appealed, but his convictions were affirmed by the South Carolina Court of Appeals. See State v. Scowcroft, Op. No. 2020-UP-061 (S.C. Ct. App. Filed March 11, 2020).

On August 31, 2020, petitioner filed a PCR application with the Greenville County Office of the Clerk of Court. App. 360-417. The Respondent filed a Return dated December 17, 2020. App. 418-427. An amended PCR application was filed on May 8, 2024. App. 429-431.

A PCR hearing was convened in the case on May 13, 2024, at the Greenville County Courthouse before Judge B. Alex Hyman. Petitioner was present at the hearing and represented by Sarah Morrison Henry, Esquire, and Assistant Attorney General Joshua A. Edwards appeared on behalf of the state. App. 432-498. On September 16, 2025, Judge Hyman filed an Order of Dismissal in the case. App. 511-521.

Petitioner appealed Judge Hyman's Order of Dismissal. This petition follows.

## ARGUMENT

The PCR judge erred in denying petitioner's allegation that both attorneys who represented him rendered ineffective assistance of counsel with respect to the mishandling of plea offers and negotiations in the case.

Petitioner was found guilty of entering a residence and confiscating guns and a play station found therein. The state presented evidence that a gun allegedly taken from the residence was subsequently pawned by petitioner. App. 457, l. 15 – p. 459, l. 1.

During the PCR hearing held in the case, it was revealed that petitioner was represented by a public defender initially, and subsequently by retained private counsel who appeared on his behalf at trial. Petitioner testified at the PCR hearing and stated that he received a plea offer for probation for a period of ten years and restitution in exchange for a plea to second degree burglary and grand larceny, but that he rejected it based on his public defender's advice that the state's case was weak (circumstantial evidence), which was in effect an implied suggestion to reject the offer, and due to advice that receiving stolen goods was most probably the only possible offense supported by the evidence in the case. Petitioner testified that he learned later that the evidence from a dump of his cell phone and his computer feeds had not been reviewed by his public defender before advising him on whether to accept or reject the state's plea offer. App. 441, l. 9 - p. 447, l. 20.

Petitioner testified further that trial counsel failed to convey the state's offer of probation prior to trial (subsequent to the first offer presented to his public defender), and that things would have changed had he known of said offer. Also, petitioner stated that trial counsel advised that a sentence of less than fifteen years was possible if he was convicted as charged. App. 447, l. 24 – 451, l.6. Additionally, petitioner testified that during the second day of his trial, an eight-year

plea offer was presented and that counsel encouraged him to accept the same, but ultimately he rejected it based on trial counsel's assurance that receipt of a sentence of less than fifteen years was possible in the case. App. 451, l. 8 – p. 452, l. 24.

Petitioner's public defender testified at trial and stated that she advised petitioner that the state's probation plea offer was a "good offer," but that petitioner requested a trial. Also, petitioner's public defender denied characterizing the case as a weak case, but that attorneys cannot engage in "twisting people's arms to plead." App. 456, l. 15 – p. 464, l. 8. Nonetheless, petitioner's public defender admitted that she should have been more forceful in her assessment regarding the benefits of accepting the plea offer, and she should have waited until all discovery information had been submitted before advising petitioner on whether to accept or reject the state's plea offer. App. 469 l. 14 – p. 470, l. 4; App. 474, l. 1 – p. 476, l. 10.

Petitioner's trial counsel testified at the PCR hearing and stated that he understood petitioner's position to be that he wanted a trial, and that there was no undelivered offer made in the case as the state's original offer of probation, which was rejected by petitioner, remained alive up until the trial was held in the case. App. 477, l. 22 – p. 481, l. 24; App. 492, lines 13-19. Additionally, trial counsel stated that he never advised petitioner that he could get a sentence of less than fifteen years. App. 482, l. 2 – p. 483, l. 23. Finally, trial counsel testified that on the second day of the trial a plea offer for an eight-year sentence (non-violent) was extended to petitioner, but that the offer was also rejected by petitioner per his (petitioner's) belief that the jury would not convict him. App. 486, l. 16 – p. 487, l. 5; App. 491, l. -p. 492, l. 14.

A defendant has a right to effective assistance of counsel during the plea bargaining process. See Lafler v. Cooper, 132 S.Ct. 1376 (2012). In Lafler v. Cooper, *supra*, the Supreme Court held that counsel was ineffective in advising the defendant to reject a plea offer. Lafler was charged

under Michigan law with assault with intent to murder and three other offenses and the prosecution offered to dismiss two of the charges, and to recommend a 51-to-85-month sentence on the other two, in exchange for a guilty plea, and Lafler expressed a willingness to accept the offer, but he rejected the offer per his attorney's advice on the ground that the prosecution would be unable to establish intent to murder because the victim had been shot below the waist. Lafler was convicted on all counts at trial and received a mandatory minimum 185-to-360-month sentence. The rule applies in South Carolina as well. See also Judge v. State, 321 S.C. 554, 471 S.E. 2d 146 (1196), where the Court held that the Sixth Amendment protects defendants against ineffective assistance of counsel during the plea bargaining process. State v. Judge, *supra*, was overruled on other grounds by Jackson v. State, 342 SC 95, 535 S.E. 2d 926 (2000), to the extent that a petitioner's statement that he was prejudiced by counsel's deficient performance at the plea bargaining process can satisfy the prejudice prong of the two-pronged test to be met in ineffective assistance of counsel cases. In Judge, the issue was whether counsel was ineffective in advising the defendant to reject a plea offer and opt for a trial by jury. In Jackson, *supra*, the Court held that counsel was ineffective in failing to advise the defendant that the crime he was pleading to was a felony and that but for that omission, the defendant would not have plead guilty in his case.

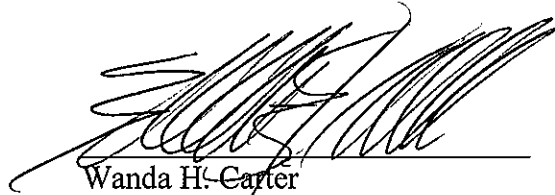
Specifically, with respect to plea offers, the Sixth Amendment right to effective assistance of counsel extends to this area also. See Missouri v. Frye, 132 S.Ct. 1399 (2012). In Missouri v. Frye, counsel did not communicate the plea offer to the defendant and as a result, the plea offer expired. Note also Missouri v. Frye, 132 S.Ct. 1399 (2012), where the court held that counsel was ineffective in allowing a plea offer to a defendant to lapse, which resulted in nonacceptance of the offer and "further proceedings led to a less favorable outcome" for the defendant. Compare Davie v. State, 381 S.C. 601, 675 S.E. 2d 416 (2009), where the Court held that counsel's

failure to inform the defendant of a written plea offer that was substantially less than the sentence he received after pleading guilty constituted ineffective assistance of counsel because the defendant was unaware of the existence of the plea offer (mail snafu after counsel moved to another office) until after the plea offer had expired, and because he would have accepted that plea offer had it been communicated to him. See also Bell v. State, 410 S.C. 436, 765 S.E.2d 4 (2014), where the Court held that counsel was ineffective in failing to extend the state's plea offer of ten years to the defendant prior to sentencing (which was when he first time he heard of the offer) and that the defendant was prejudiced by counsel's deficient performance as he received a twenty-year sentence instead. In Bell, the case had been transferred to counsel and there was note in the previous attorney's file indicating that a plea offer of ten years had been made, but a review of the file revealed no notes or any indication showing that the plea offer was conveyed to the client by either counsel who represented the client.

Here, the public defender mishandled the plea offer by not strongly urging that it be accepted and in failing to review all discovery materials before advising petitioner on the same. Also, trial counsel erred in failing to vehemently urge that petitioner take the plea offer submitted during the middle of the trial rather than suggesting in effect to reject the offer because favorable sentencing consequences would result in the case if convicted at trial. Counsels' deficient performance regarding the mishandling of plea offers and negotiations in petitioner's case violated the Sixth Amendment. See Hill v. Lockhart 474 U.S.52 (1985). Moreover, but for counsels' errors in this regard, a reasonable likelihood existed that petitioner would have accepted the offers and received a sentence that was different from the fifteen-year term of imprisonment handed down in his case.

**CONCLUSION**

Based on the foregoing argument, counsel for petitioner would request that this Court grant the petition and allow full briefing on the above-raised issue.

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter  
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 5th day of June, 2026.