

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

—————
Certiorari to Greenwood County

Honorable S. Bryan Doby, Circuit Court Judge
—————

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Jun 15 2026

S.C. SUPREME COURT

ZYTAWN KEINAS CHILDS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002046
—————

JOHNSON PETITION FOR WRIT OF CERTIORARI
—————

Wanda H. Carter
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER

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ISSUE PRESENTED

The PCR judge erred in denying petitioner's allegation that the loss of the case file by his attorneys resulted in a failure to develop an adequate defense on his behalf and that his guilty pleas that followed were given involuntarily in the case.

STATEMENT

Petitioner Zy'Twan Keinas Childs pled guilty to homicide by child abuse, resisting arrest, and possession of methamphetamine during the February 2023 term of the Greenwood County General Sessions Court before Judge Griffith whereinafter he was sentenced to imprisonment for a period of twenty-three years. App. 23-52. Attorneys Tristan M. Shaffer and Colie J. Stancil represented petitioner prior to the plea proceeding, and Deputy Solicitor C. Yates Brown prosecuted the case. Subsequently, the appeal in the case was dismissed.

On August 23, 2026, petitioner filed a PCR application with the Greenwood County Office of the Clerk of Court. App. 61-68. The respondent filed a Return dated March 4, 2025. App. 69-79.

A PCR hearing in the case was convened on April 3, 2025, before Judge S. Bryan Doby. App. 80-153. Petitioner was represented by Attorneys Faulkner Wilkes and Robert C. Childs at the PCR hearing, and Assistant Attorney General Zachary W. Jones appeared on behalf of the state. On July 11, 2025, Judge Doby filed an Order of Dismissal in the case therein denying petitioner's allegations of ineffective assistance of trial counsels in the case. App. 164-174. A SCRCRCP Rule 59(e) motion was filed, but subsequently denied by Judge Doby. App. 175-185.

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

ARGUMENT

The PCR judge erred in denying petitioner's allegation that the loss of the case file by his attorneys resulted in a failure to develop an adequate defense on his behalf and that his guilty pleas that followed were given involuntarily in the case.

On April 2, 2021, petitioner's daughter (toddler) died while in his care due to fentanyl poisoning.

During the PCR hearing held in the case, petitioner testified in effect that he lost all hope regarding the development of a defense in his case and receipt of a good outcome when he learned that his attorneys lost his case file, and that he was encouraged to "take a plea" probably in part because his case file was lost. App. 113, lines 3-9; App. 114, lines 2-8.

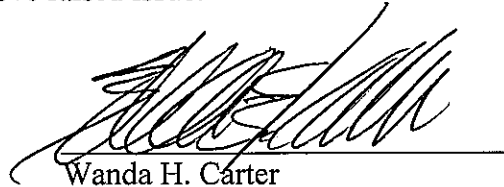
The first attorney assigned to petitioner's case testified that the case file had indeed been lost. App. 124 l. 19 – p. p. 125, l. 5. Petitioner's second attorney, who was plea counsel in the case, testified that he did not advise petitioner to plead guilty based on the unavailability of his case file. App. 139, lines 16-22.

Negligence associated with the matter of the loss of a client's case file is serious enough to warrant review and investigation by a disciplinary board. See In Re Ham, 387 S.C. 297, 692 S.E.2d 532 (2010), and In Re Hursey, 395 S.C. 527, 719 S.E.2d 670 (2011). Therefore, the loss of petitioner's case file by counsels in the instant case supported petitioner's claim of ineffective legal assistance. Clearly, the loss of the case file would suggest that the ability to develop a legal defense on petitioner's behalf was greatly impaired. Hence the reason most probably behind petitioner decision to plead guilty as charged was surely based primarily on the impact of the loss of his case file on the lack of sufficient means available to develop a full defense to

present in his case. Thus, petitioner's lost case file was the basis for the assertion of his position that the dynamics surrounding the same rendered his guilty pleas involuntarily given in the case.

CONCLUSION

Based on the foregoing argument, counsel for petitioner would request that this petition be granted and full briefing allowed 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 15th day of June, 2026.

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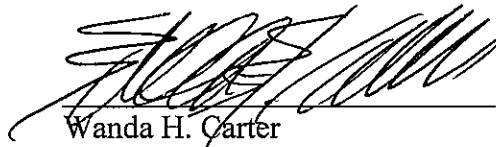
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Zy'Tawn Keinas Childs states:

1. She is Chief 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 S. B. Doby, which was held on April 3, 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 Zy'Tawn Keinas Childs.

Respectfully Submitted,



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 15th day of June, 2026.

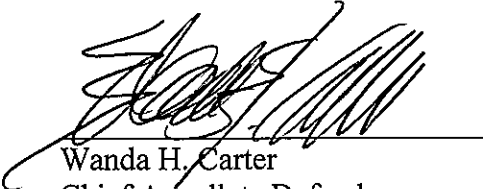
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CERTIFICATE OF COUNSEL

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 15th day of June, 2026.