RECEIVED

Jun 22 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO ANDERSON COUNTY
Court of Common Pleas
The Honorable Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2025-001145

Ezra Rysunn Williams,

Petitioner,

v.

State of South Carolina,

Respondent.

RETURN TO PETITION FOR A WRIT OF CERTIORARI

ALAN WILSON
Attorney General

D. RUSSELL BARLOW
Senior Assistant Deputy Attorney General

ZACHARY W. JONES
S.C. Bar No. 104174
Assistant Attorney General

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

PETITIONER'S STATEMENT OF THE ISSUES PRESENTED ii

RESPONDENT'S COUNTERSTATEMENT OF THE ISSUES PRESENTED ii

STATEMENT OF THE CASE 1

STATEMENT OF THE FACTS 2

STANDARD OF REVIEW 6

ARGUMENT 7

The PCR court correctly found Petitioner had not met his burden of proving prejudice from Counsel's failure to object to Detective Barton's testimony concerning information derived from Petitioner's cell phone, where Barton conceded on cross-examination that the phone records could not conclusively put Petitioner at the scene of the crime, and where Petitioner admitted at the evidentiary hearing that his codefendant Kyndra Howell had called him numerous times on the day of the incident. 7

CONCLUSION 11

PETITIONER'S STATEMENT OF THE ISSUES PRESENTED

1. Whether the PCR court correctly granted petitioner a belated appeal pursuant to *White v. State*, 263 S.C. 110, 108 S.E.2d 35 (1974), where the parties agree he did not knowingly and voluntarily waive his right to a direct appeal?

2. Whether the PCR court erred by refusing to find trial counsel ineffective for failing to object to conclusory statements made by Detective Barton concerning petitioner's cellphone and where petitioner was prejudiced by trial counsel's deficient performance?

RESPONDENT'S COUNTERSTATEMENT OF THE ISSUES PRESENTED

The PCR court correctly found Petitioner had not met his burden of proving prejudice from Counsel's failure to object to Detective Barton's testimony concerning information derived from Petitioner's cell phone, where Barton conceded on cross-examination that the phone records could not conclusively put Petitioner at the scene of the crime, and where Petitioner admitted at the evidentiary hearing that he had been in cell phone contact with his codefendant Kyndra Howell on the day of the incident.

STATEMENT OF THE CASE

Petitioner was indicted by the November 2012 term of the Anderson County Grand Jury armed robbery and the possession of a weapon during the commission of a violent crime. (2012-GS-04-02473; 2012-GS-04-02747). Petitioner was subsequently indicted by the December 2012 term of the Anderson County Grand Jury for murder and kidnapping. (2012-GS-04-02575; 2012-GS-04-02576). On August 10-12, 2015, Petitioner proceeded to trial before the Honorable R. Lawton McIntosh and a jury. Scott D. Robinson ("Counsel") represented Petitioner at trial. Rame Lambert-Campbell and Brantley Haigler represented the State. Petitioner was found guilty of all charges except murder. Judge McIntosh sentenced Petitioner to consecutive sentences of thirty years for armed robbery and twenty-five years for kidnapping. Petitioner was also sentenced to a concurrent sentence of five years for possession of a weapon during the commission of a violent crime.

Petitioner, through Counsel, filed a notice of appeal. On October 14, 2016, Petitioner's appeal was dismissed by the South Carolina Court of Appeals for failing to provide proof that the transcript had been delivered, as required by Rule 207 of the South Carolian Appellate Court Rules. *State v. Williams*, Appellate Case No. 2015-001904 (S.C. Ct. App. filed October 14, 2016). The Remittitur was returned on November 2, 2016.

Petitioner filed an application for post-conviction relief ("PCR") on December 1, 2016. An evidentiary hearing was convened at the Anderson County courthouse on August 22, 2023. Following the hearing, the PCR court ruled that Petitioner was entitled to belated review of direct appeal issues under *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). The PCR court denied and dismissed all other allegations raised in Petitioner's application.

Petitioner subsequently filed a notice of appeal and petition for a writ of certiorari in this

Court. This Return follows.[1]

STATEMENT OF THE FACTS

On July 2, 2012, Deputy Jeff Finley of the Anderson County Sheriff's Office was called to investigate an abandoned vehicle in Fair Play. (App. 103:23-106:20). This vehicle was eventually linked to missing person C.J. Patel ("Victim"), whom police tracked to his last known location at the home of Kyndra Howell. (App. 229:5-232:12). Kyndra Howell was interviewed by Detective Matthew McCarthy; she claimed that Victim had reached out to her to solicit commercial sex prior to his disappearance, but she had turned him down, and he had left without issue. (App. 102:2-24). However, Zachary Gantt, who was also at the residence at the time, turned himself in after learning there was a warrant out for his arrest and confessed to torturing and murdering Victim with the help of Kyndra Howell, Jeremiah Johnson, and Ezra Williams (Petitioner). (App. 118:1-120:15, 154:14-155:3). Gantt led police to where Victim's body had been dumped in the woods off of Highway 29, twenty-two miles from where Victim's car was found. (App. 111:15-112:24). Victim was found lying on his back with his hands tied behind him with a cord, and police located a 9-milimeter shell casing next to his body. (App. 112:14-24).

Gantt pled guilty to murder, armed robbery, kidnapping, and possession of a weapon during the commission of a violent crime in November 2014, and testified against Petitioner at trial. (App. 117:18-23). Gant described how on the day of the incident he was at Howell's home when she received a call from Victim. (App 122:2-24). Howell asked Gantt to leave, after which Gantt exited

---

[1] As required by Rule 243(i), SCACR, Petitioner included in his Petition for a Writ of Certiorari the issue of whether the PCR court correctly found Petitioner was entitled to belated review of direct appeal issues pursuant to *White v. State*, 263 S.C. 110, 108 S.E.2d 35 (1974). Respondent does not contest the grant of belated review. Respondent's position regarding the direct appeal issue now raised by Petitioner is set forth in the Brief of Respondent Pursuant to *White v. State*, filed alongside this Return.

the home but remained on the property where some time later he observed Howell in the passenger seat of a black car, with the Victim in the driver's seat. (App. 123:20:124:21). Gantt observed Howell and the Victim enter Howell's house, at which point Jeremiah Johnson came out of the home and approached Gantt. (App. 124:25-125:11). When Gantt went to leave, Johnson and Howell called him over and asked if he wanted to help them rob the Victim, which Gantt agreed to. (App. 126:19-127:14).

Gantt testified that Howell lured Victim into one of the rooms where he and Johnson attacked Victim, striking him repeatedly in the head before pulling him to the floor and tying his arms with a cord. (App. 1127:21-128:15). The group took Victim's credit cards, phone, and the seventy dollars in cash he had on his person before asking for Victim's PIN number. (App. 128:24-129:7). Victim refused to give them the PIN number until Johnson began to beat him again, at which point he gave a PIN number which the group learned was fake when they attempted to use the cards and the PIN failed. (App. 129:14-130:14).

Gantt testified that at some point after this Petitioner arrived at Howell's home and discovered Victim bound on the floor. (App. 132:1-11, 134:2-23). Petitioner agreed to join the group's plan and began to beat Victim. (App. 135:7-19). When Victim still refused to give them his PIN number Petitioner sharply escalated the torture, heating up a kitchen knife on the stove to burn and cut Victim with, and spraying bug spray in Victim's eyes while Victim screamed in pain. (App. 135:19-136:13). When Victim still refused to give them his PIN number, the group decided to remove Victim from the house, carrying him out the backdoor and placing him in the back of his own car. (App. 138:22-140:21). Gantt testified that he, Petitioner, and Johnson drove Victim out to Big Walker Road, where they pulled off into a wooded area. (App. 138:22-143:20). Johnson

and Petitioner took Victim into the woods, with Gantt joining them shortly after. (App. 143:16-145:6).

Gantt testified that Petitioner pulled out a gun and told Victim to tell them his PIN number. (App. 145:7-13). When Victim refused, Petitioner shot Victim point-blank in the head. (App. 145:14-15). Gantt testified that the gun Petitioner used was a HiPoint 9-milimeter, and that Petitioner shot Victim once in the right side of his head. (App. 145:16-24). After that, Petitioner, Johnson, and Gantt left Victim's body in the woods and returned to Howell's home, where they shared a blunt and split the seventy dollars they stole from Victim. (App.147:6-148:14, 161:4-16).[2]

At some point in the early morning Jonathon "Bug" Johnson also visited Howell's home looking for drugs. (App. 182:17-183:11). Bug testified at trial that, when he arrived at Howell's home, Petitioner met him at the door and informed Bug that they did not have any drugs at the time, but that he would pay him if Bug would clean Petitioner's car for him. (App. 185:10-186:20). Bug agreed and cleaned the car, after which he accompanied Petitioner, Johnson, and Gantt to the site where they dumped Victim's vehicle. (App. 186:5-20).

Dr. Brett Woodard conducted Victim's autopsy and testified that Victim arrived to the morgue on July 12 in a stage of advanced decomposition, with his arms still tied behind his back. (App. 199:8-202:8). Dr. Woodard testified that, consistent with Gantt's testimony, Victim had a single gunshot wound to his right temple, superficial cuts along his legs, a potential burn on his abdomen, and bruising on his wrists that indicated he was restrained prior to his death. (App.

---

[2] Gantt's mother, Kizzie Roebuck, also testified at trial, and stated that shortly before Petitioner's arrest she warned him police were looking for him, to which Petitioner informed her that he was not worried about being arrested because he "wasn't on camera," since he'd come in through Howell's backdoor during the incident. (App. 176:6-20). Mrs. Roebuck also reported seeing a gun on Petitioner during that conversation. (App. 180:17-20).

202:19-205:6). Dr. Woodard further testified that based on his analysis Victim had been dead for a week to ten days prior to police finding his body. (App. 211:23-212:2).

Finally, Detective Danny Barton with Anderson County Sheriff's Office testified. (App. 226:1-11). Detective Barton was the lead investigator on Victim's case and testified that following Gantt's confession and the discovery of Victim's body he arrested Howell and Petitioner together at a local convenience store. (App. 251:2-22). Pursuant to a search warrant Detective Barton searched Howell's house and confiscated a hidden DVR system connected to the security cameras around the property. (App. 257:1-16). The State entered the footage into evidence, and Detective Barton testified that the timeline captured on the footage was consistent with Gantt's story. (App. 257:22-258:19) (State's Exhibits 31, 32). Detective Barton testified Petitioner's vehicle could be seen on the video pulling onto Howell's property, and that the vehicle movements were also consistent with Gantt's timeline. (App. 267:6-278:8). Detective Barton also testified about Petitioner's jail phone calls to girlfriend Martha Everett, entered as State's Exhibit 40. (App. 317:1-2). The Defense objected on foundation grounds, which the trial court overruled. (App. 315:20-21). Detective Barton also testified to the basis for Petitioner's arrest warrant, over the Defense's hearsay and Rule 403 objections. (App. 344:18-349:18).

Following deliberations, the jury found Petitioner not guilty of murder and guilty of kidnapping, armed robbery, and possession of a weapon during the commission of a violent crime. (App. 478:14-479:9).

STANDARD OF REVIEW

The post-conviction relief court's findings of fact receive great deference during appellate review and will be upheld if "any evidence of probative value" exists in the record to support the lower court's findings. *Sellner v. State*, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016). Questions of law are reviewed *de novo*, and appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. *Id.*; *Smalls v. State*, 422 S.C. 174, 180–81, 810 S.E.2d 836, 839 (2018).

ARGUMENT

The PCR court correctly found Petitioner had not met his burden of proving prejudice from Counsel's failure to object to Detective Barton's testimony concerning information derived from Petitioner's cell phone, where Barton conceded on cross-examination that the phone records could not conclusively put Petitioner at the scene of the crime, and where Petitioner admitted at the evidentiary hearing that his codefendant Kyndra Howell had called him numerous times on the day of the incident.

Petitioner alleges Counsel was ineffective for failing to object when Detective Barton testified as follows:

> Q. [A]fter Mr. Williams was arrested, were you able to – did he have a cell phone?
> A. Yes sir, he did.
> Q. Did y'all attempt to get his cell phone records?
> A. Yes, sir, we did.
> Q. And what did you learn from his cell phone records?
> A. The day of the incident, he and Kyndra Howell had had contact about all day long. The contact kind of stopped right around, right before or right around the time that this incident happened.
> During – when the incident was occurring, there were a few more texts and phone calls made between Kyndra and Ezra.

(App. 309:3-19). Petitioner argues this testimony was inadmissible hearsay. He also argues that Barton's testimony amounted to improper lay opinion testimony. Petitioner argues that Counsel was ineffective for failing to object to this testimony.

In a PCR action, the applicant bears the burden of proving the allegations in his application by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985); Rule 71.1(e), SCRCP. Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just

result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland.* First, the applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). When counsel articulates a valid reason for employing a certain trial strategy, such conduct will not be deemed ineffective. *Underwood v. State*, 309 S.C. 560, 562, 425 S.E.2d 20, 22 (1992).

Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 117–18, 386 S.E.2d at 625. "The likelihood of a different result must be substantial, not just conceivable." *Harrington*, 562 U.S. at 112. "The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury." *United States v. Basham*, 789 F.3d 358, 371–72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

The PCR court agreed with Petitioner that Counsel could have objected to the challenged portion of Barton's testimony on hearsay grounds. (App. 738). The PCR court further found that there was no clear strategic reason for Counsel's failure to object. (App. 738). Accordingly, the PCR court found "Detective Barton's testimony . . . was deficient [*sic*]," presumably meaning that Counsel's failure to object to Detective Barton's testimony constituted deficient performance under *Strickland*. (App. 738).

However, the PCR court found that Petitioner had failed to prove he was prejudiced by Counsel's failure to object. The PCR court noted that Barton's testimony on this point was limited and merely established that there were calls between Petitioner and his codefendant, Kyndra Howell, on the day in question, which were interrupted near the time of the incident. The PCR court also noted that Barton expressly conceded on cross-examination that Petitioner's cell phone records did not establish that Petitioner was at the scene of the crime. (App. 357:1-8). The PCR court further noted that Barton's testimony about Petitioner's phone contact with Kyndra Howell did not tend to corroborate any details of the testimony against Petitioner by Gantt and Johnson, neither of whom mentioned anything about phone calls between Petitioner and Howell. For these reasons, the PCR court found that Petitioner had failed to prove "a reasonable probability that the result of the proceeding would have been different" if Counsel had objected. (App. 739). The PCR court's prejudice finding is supported by substantial evidence and should not be disturbed.

Barton's testimony about the cell phone contact between Petitioner and Howell was indeed limited; it covered no more than a few lines of the transcript. By itself, it did not tend to establish any element of the offense. It was only relevant insofar as it tended to further show that Petitioner knew Howell and was in contact with her on the day of the incident, facts which were not seriously in dispute at trial and which Petitioner repeatedly conceded at the PCR hearing. (App. 593:23-

594:7; 598:19-25; 606:13-19; 608:1-25; 611:13-612:11). Counsel was also able to get Barton to admit that the cell phone records did not conclusively put Petitioner at the scene of the crime, further limiting their possible prejudicial effect.

The burden is on Petitioner to establish that, but for Counsel's deficient conduct, there is a reasonable probability that the result of his trial would have been different. The PCR court found Petitioner failed to meet his burden of proof on this issue. The PCR court's factual findings on this point are clearly supported by substantial evidence in the record and are entitled to deference. Therefore, Respondent respectfully asks this Court to deny the Petition for a Writ of Certiorari.

CONCLUSION

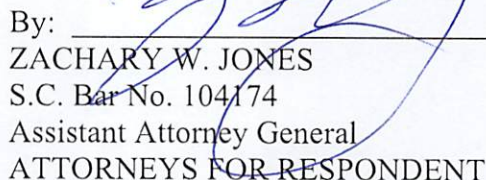
For the foregoing reasons, this Court should deny the Petition for a Writ of Certiorari and should leave undisturbed the correct decision of the PCR court. Should this Court decide to grant the petition, Respondent requests permission to more fully brief the issues herein.

Respectfully submitted,

ALAN WILSON
Attorney General

D. RUSSELL BARLOW
Senior Assistant Deputy Attorney General

ZACHARY W. JONES
S.C. Bar No. 104174
Assistant Attorney General



By: ______________________________
ZACHARY W. JONES
S.C. Bar No. 104174
Assistant Attorney General
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

June 22, 2026