

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUL 17 2026

S.C. SUPREME COURT

Keelon Butler,

Petitioner,

v.

State of South Carolina

Respondent.

Petition for Leave to Proceed
Pursuant to Rule 243(c) SCACR

Petitioner, Keelon Butler,
Proceeding pro se, respectfully
Petitions this Honorable Court
for leave to proceed pursuant to rule
243(c), SCACR, and in support thereof
states as follows:

This Petition is filed in response to this Court's order directing Petitioner to seek leave to proceed within twenty (20) days. Petitioner respectfully submits that this case presents exceptional circumstances and substantial constitutional violation that warrant review in order to prevent a fundamental miscarriage of justice.

The PCR Court entered a Conditional order of Dismissal, to which Petitioner timely filed objections setting forth constitutional errors that had not been adequately addressed.

Despite those objections, the PCR Court entered a final order of Dismissal, and Petitioner timely sought appellate review.

Petitioner's claims are based upon Newly discovered evidence and the denial of constitutional rights during the guilty plea proceeding.

Specifically, Petitioner contends that the Plea Court failed to ensure that he understood the essential elements of the offense before accepting his guilty Plea. As a result, Petitioner's plea was not entered knowingly, intelligently, and voluntarily as required by the Due process clause of the Fourteenth Amendment.

The United States Supreme Court has consistently held that a guilty plea is valid only when the defendant knowingly, intelligently, and voluntarily waives his Constitutional rights. In Boykin v. Alabama, 395 U.S. 238

(1969), the Court held that the record must affirmatively demonstrate that a guilty plea is involuntary where the defendant was not informed of an essential element of the offense. These decisions recognize that a defendant cannot intelligently plead guilty without understanding the nature of the charge.

In this case, the record fails to establish that Petitioner under-

stood the essential elements of offense before entering his Plea. Without such an understanding, Petitioner's waiver of his constitutional rights could not have been knowing, intelligent, or voluntary. Consequently, the conviction rests upon a constitutionally defective guilty plea.

Petitioner further submit that Newly discovered evidence materially affects the validity of the conviction and provides an additional basis for Judicial review.

When considered together, the Newly discovered evidence and

the constitutional defects
surrounding the guilty plea
demonstrate extraordinary
circumstances that justify
review under Rule 243(c)
SCACR.

If this Court declines to
grant leave to proceed, Pet-
itioner will be denied any
meaningful opportunity to
obtain review of substantial
constitutional violations af-
fecting the validity of his
conviction.

Permitting a conviction obtained
through an unknowing and in-
voluntary guilty plea to remain

uncorrected would result in a fundamental miscarriage of justice.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant leave to proceed pursuant to Rule 243(C), SCACR, permit review of Petitioner's constitutional claims, and grant such other and further relief as this Court deems just and proper.

Respectfully Submitted,
s/Keon Butler

Keon Butler, Pro se
Date 7/14 2026