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**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
In The Supreme Court

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On Petition for Writ of Certiorari to the Court of Common Pleas  
Appeal from Florence County  
Honorable D. Craig Brown, Plea Judge  
Honorable G. D. Morgan, Jr., Post-Conviction Relief Judge

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Appellate Case No. 2025-002499

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CECELIA E. KNOX, #383009,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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**RETURN TO PETITION FOR WRIT OF CERTIORARI**

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## TABLE OF CONTENTS

|                                                                                                                                                                                                                                                                                                            |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ISSUES PRESENTED.....                                                                                                                                                                                                                                                                                      | 1  |
| STATEMENT OF THE CASE.....                                                                                                                                                                                                                                                                                 | 2  |
| STATEMENT OF FACTS .....                                                                                                                                                                                                                                                                                   | 4  |
| STANDARD OF REVIEW .....                                                                                                                                                                                                                                                                                   | 6  |
| ARGUMENT .....                                                                                                                                                                                                                                                                                             | 7  |
| The post-conviction relief court correctly determined Petitioner failed to<br>establish the requisite prejudice to reverse her conviction where Petitioner<br>testified she knew she could receive life by pleading guilty, but she did not<br>want to go to trial and never intended to go to trial ..... | 7  |
| CONCLUSION.....                                                                                                                                                                                                                                                                                            | 11 |

### **PETITIONER'S ISSUE PRESENTED**

Did the PCR court err in excusing the clearly erroneous legal advice of counsel that a conviction for murder that resulted in less than a life sentence was eligible for parole after serving 85% of the time, an error reinforced by the plea court, on the sole basis that because petitioner was given a life sentence the error did not impact the guilty plea?

### **RESPONDENT'S COUNTERSTATEMENT OF ISSUES PRESENTED**

Whether the post-conviction relief court correctly determined Petitioner failed to establish the requisite prejudice to reverse her conviction where Petitioner testified she knew she could receive life by pleading guilty, but she did not want to go to trial and never intended to go to trial?

## STATEMENT OF THE CASE

In August 2019, the Florence County Grand Jury indicted Petitioner for murder and desecration of human remains (2019-GS-21-01151). On December 12, 2019, Petitioner appeared before the Honorable David Craig Brown and pleaded guilty as indicted to murder. Petitioner's indictment for desecration of human remains was *nolle pross'd*. Petitioner was represented by Caroline Bond Lawson, Esquire. Twelfth Circuit Assistant Solicitor James Ryan White, Esquire, prosecuted the case. Judge Brown sentenced Petitioner to life imprisonment. Petitioner did not file a direct appeal.

On July 23, 2020, Petitioner filed an application for post-conviction relief (PCR) alleging the following:

1. Ineffective assistance of counsel
  - a. "Representation failed below reasonable standard"
2. Involuntary Guilty Plea
  - a. "Plea was unknowing"

The State filed its Return and Motion for More Definite Statement on December 3, 2020, and requested an evidentiary hearing. Through counsel, on June 6, 2022, Petitioner filed an amended PCR application with the following allegations:

1. Ineffective Assistance of Counsel
  - b. "Applicant was mistakenly advised by the court and led to believe that her sentence for Murder would be parole eligible in 85% instead of having to serve 100% or day for day (p. 6, Lines 17-20) and counsel Caroline Lawson failed to advise her."
  - c. "Applicants counsel Caroline Lawson failed to have the Applicant evaluated regarding competence and criminal responsibility despite being advised of Applicants history of mental health problems and the fact that Applicant was not taking her medications at the time of the guilty plea (p. 17 Line 24).
  - d. "Applicants counsel Caroline Lawson, failed to meet with the applicant a sufficient number of times to properly review the evidence and discuss this case with applicant."
  - e. "Applicants counsel Caroline Lawson failed to properly advise her regarding the potential sentence she was facing."
  - f. "Applicants counsel Caroline Lawson failed to advise the Applicant

regarding her right to appeal."

- g. "Applicants counsel Caroline Lawson, failed to review the states evidence with the Applicant and failed to properly investigate the facts of this case."

An evidentiary hearing was held on January 23, 2024, before the Honorable G. D. Morgan, Jr. Petitioner was present and represented by Ola A. Johnson, Esquire. Assistant Attorney General Shayla J. Flores represented Respondent. Petitioner testified on her own behalf. Respondent presented the testimony of Caroline B. Lawson, Esquire (Plea Counsel). In an order filed November 20, 2025, Judge Morgan denied relief and dismissed the application.

On December 22, 2025, Petitioner filed a timely notice of intent to appeal. On March 17, 2026, Petitioner filed her Petition for Writ of Certiorari.

This return to the petition for writ of certiorari follows.

## STATEMENT OF THE FACTS

The following reflects the facts as articulated by the State from the guilty plea transcript:

On April 21st, 2019, what can only be described as a brutal murder occurred here in Florence Count. Judge, the incident location is 724 McKeithan Road. At that particular residence resided Ms. Cecelia Knox, along with her wife Jana and an 11-year-old child. Judge, that weekend Jana was scheduled for surgery at McLeod, and the victim in this case, Ms. Tara Echevarria, was on her way to Florida from California and had decided to stop at the residence to visit her friend Jana. Judge, she could not have picked a more unfortunate time to be passing through. It just so happened that Ms. Cecelia Knox and Jana Knox during that weekend were involved in a domestic dispute. The State would put forth evidence that it would, you know, stem from a financial dispute. Judge, the dispute kind of spilled over at the hospital, at which time Ms. Cecelia Knox left the hospital to go home in an irate state of mind. Ms. Jana Knox, still at the hospital, calls home to the victim in the case and tells her to please protect the child because she thinks that she's going to do some kind of harm to her. Cecelia leaves the hospital. She arrives at that residence, and she begins to argue and confront the victim in this case, Ms. Echevarria. She's trying to get the child, and Ms. Echevarria is trying to get the child away from Ms. Knox. She calls 9-1-1 immediately, and that 9-1-1 call is -- is quite dark. You know, it's -- the last words that she would speak she's trying to get help for the child. Judge, the child gave a confession or actually gave a statement, two -- two separate statements, and describes what happens next. It's just absolutely bone chilling. Ms. Knox gets -- starts to beat on Ms. Echevarria in the guest room. She beats her so bad, Judge, that the puddle in the carpet and the wood flooring that the Sheriff's Office pulled up, you know, was at least two by two feet in diameter. Judge, the child then testified that Ms. Knox drags Ms. Echevarria into the bathtub, where she gets a hammer and, you know, strikes her twice in the back of the head. The Sheriff's Office followed up on that eventually and they could see the blood spatter from the Luminol tests across the bathroom wall. Judge, when Ms. Jana Knox calls home, she hangs up and then she immediately calls 9-1-1 and tells law enforcement to please get over to the house because she thinks that Ms. Cecelia Knox is going to harm the child. Law enforcement arrives. At that point, Ms. Echevarria is deceased inside. Ms. Knox tells the child to lie to law enforcement and together they go out and greet the law enforcement officer as he approaches and tell the officer that everything is fine, that the third party involved in the altercation has left the scene. Believing her and the child, law enforcement then departs. Judge, at that time Ms. Knox -- Ms. Cecelia Knox and the child, with the body, you know, still in the house, they drive and pick Ms. Jana Knox up at McLeod. They come back to the house. They get Ms. Echevarria's vehicle and they go back to McLeod where they hide it. Judge, Ms. Knox -- Ms. Cecilia Knox then takes the child and Ms. Jana Knox to a hotel room. Well, let me back up, Judge. Before that, they go on a shopping spree that night to buy various items to clean up the crime scene, and they have the child in tow while they're doing that. They go back. They clean up the crime scene. Then Ms. Cecelia Knox drives the child and Jana Knox to a hotel room to stay for a night. She drives

to Atlanta. She picks up her brother. They drive back to Florence. They load the body up, drive it back to South Atlanta, and dump the body in a -- in a park. Judge, at this time she drives and drops off her brother. Then she drives back to Florence, picks up the child and her wife Jana, and they go down to the beach for a vacation that was already planned. They stay down there for about five days, Judge. Eventually, I think the guilt overcame Jana and she called law enforcement, and they eventually turned themselves in. Judge, it's been a long process. I mean this case is investigated by Lead Investigator Roger Tilton, along with Sarah Miller of the Sheriff's Office. They have done an excellent job. This case could not be any stronger. The evidence that they have accumulated really put the closing -- the finishing touches on it, so to speak. But, Judge, the one thing that lingered out there that they did not confess to was the murder weapon, and that had to be extracted, if you will, from the child. That child -- when they got back from the beach, Ms. Cecelia Knox and Ms. Jana Knox called their family from Florida to come take the child and drive it back down -- drive him back down to Florida, and we had to go to considerable lengths to get the child and keep him here so that he could be a witness in the case. He provided the murder weapon, that it was a large hammer, Judge, that he -- she -- Ms. Cecelia Knox used to beat the victim. Judge, the last piece of the puzzle was the body, and it's sad and it's sad we had no idea where it was. And we triangulated cell phones. We dug through cell phone records and we tried our best to pinpoint a location, but it was like finding a needle in a haystack, Judge. Eventually, we met with Ms. Cecelia Knox and she -- I don't know whether she had forgotten where it was or if she just didn't want to tell us, but the information she gave us did not get us to the body. It just didn't get us quite there. It wasn't until the brother, who was arrested a time later, eventually gave up the location, and it was four months almost to the day from the murder that the body was found. And I want to show, Judge, if I could -- and these have been provided to defense counsel -- a photograph of the skull as recovered in the park and then the remains at autopsy.

(App. pp. 9-13).

## STANDARD OF REVIEW

The standard of review for post-conviction relief depends on the specific issue before the appellate court. Smalls v. State, 422 S.C. 174, 810 S.E.2d 836, 839 (2018). When reviewing factual findings, the appellate courts defer to the post-conviction relief court's factual findings and will uphold them if there is any probative evidence in the record to support them. Buckson v. State, 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018); Smalls, 422 S.C. at 180–81, 810 S.E.2d at 839–40 (citing Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016); Jordan v. State, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013)). Appellate courts give great deference to a PCR court's credibility findings because appellate courts lack the opportunity to directly observe the witnesses. Foye v. State, 335 S.C. 586, 589, 518 S.E.2d 265, 267 (1999). However, pure questions of law will be reviewed *de novo* without deference to the lower court. Smalls, 422 S.C. at 180–81, 810 S.E.2d at 839–40. Appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

## ARGUMENT

**The post-conviction relief court correctly determined Petitioner failed to establish the requisite prejudice to reverse her conviction where Petitioner testified she knew she could receive life by pleading guilty, but she did not want to go to trial and never intended to go to trial.**

On appeal, Petitioner asserts the post-conviction relief court erred in not finding Plea Counsel's representation constitutionally ineffective where Plea Counsel misadvised Petitioner that she could be eligible for parole if she received a sentence of less than life. However, the record reflects that any alleged deficiency by Plea Counsel did not induce Petitioner to plead guilty.

To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice because of counsel's deficient performance. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." Watson v. State, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To establish prejudice, the applicant must prove "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985). When reviewing a guilty plea, the Strickland deficiency prong remains unchanged—an applicant must show counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58–59. To show prejudice, an applicant must show a reasonable probability exists "that, but for counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

Petitioner asserts that Plea Counsel “informed petitioner that a sentence of thirty years with 85% credit was a possibility in connection with the plea.” (Petitioner’s PWC p. 4). However, it is not clear that Plea Counsel herself provided such advice. At the post-conviction relief hearing, Plea Counsel was asked about whether she provided this advice, and she testified to the following:

MS. FLORES: So getting into those allegations a little bit, do you have any recollection of whether you advised applicant that her sentence for murder would be parole eligible if she wasn't sentence to life after serving 85 percent of that sentence?

PLEA COUNSEL: No, I do not, and that's not indicated in my plea notes, but I assumed Judge Brown would have told her that.

(App. p. 62).

Additionally, Petitioner never testified that Plea Counsel provided that advice. Petitioner only testified that Plea Counsel did not correct the plea judge's advice. (App. pp. 7-8). As to this issue, the post-conviction relief court found that the plea court gave an incorrect statement as to what Petitioner could serve if she received less than a life sentence. (App. p. 93). However, the post-conviction relief court found that Petitioner failed to prove prejudice, since Petitioner testified that she knew she could receive a life sentence, did receive a life sentence, and testified that it was never her intention to go to trial. (App. pp. 52, 57, 93-94); See Hill at 59 (To show prejudice, an applicant must show a reasonable probability exists "that, but for counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.").

Even assuming Plea Counsel did specifically provide this advice, Petitioner's argument fails. Petitioner argues that the PCR court's holding "represents a fundamental misapprehension of the law regarding a guilty plea. The appropriate question before the PCR court was, in light of plea counsel's acknowledged error regarding the sentence exposure, would petitioner have still pled guilty?" (Petitioner's PWC p. 5). Petitioner frames the issue as the PCR court "excusing the clearly

erroneous legal advice . . . on the *sole basis* that because petitioner was given a life sentence the error did not impact the guilty plea" rather than analyzing prejudice based on whether Petitioner would have still pleaded guilty. (Petitioner's PWC p. 1, 5) (emphasis added). In doing so, Petitioner ignores the PCR court providing precisely that analysis regarding this allegation:

Moreover, Applicant testified that she never intended to go to trial. (PCR Tr. p. 14). Applicant testified that she "would not have wanted to go to trial because [she] didn't want [her] son to take the stand." (PCR Tr. p. 14). See Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007) (The applicant must prove prejudice by showing that, but for counsel's inadequacy, there is a reasonable probability he would not have pleaded guilty and, instead, would have insisted on going to trial.).

(App. pp. 93-94).

Petitioner's own testimony that she would not go to trial directly supported the PCR court's finding that she failed to prove prejudice. That testimony is also consistent with Plea Counsel's statements at the guilty plea that Petitioner expressed a desire to plead guilty ever since her initial meeting with Plea Counsel. (App. p. 18). The only testimony Petitioner offered as to what she expected out of her guilty plea was that Plea Counsel was going to ask for "30, 40, 50 years," but then she was "slammed with natural life," which she testified she understood was a possibility when she entered the plea. (App. p. 52).

The foregoing shows Petitioner *wanted* to plead guilty, and it was not the issue regarding parole eligibility that induced her plea; rather, Petitioner pleaded guilty in the hopes that she would receive less than life, but knowingly took the risk of a life sentence. There is no evidence in the record—and Petitioner does not even assert here—that Petitioner would have insisted on going to trial rather than pleading guilty but for the erroneous advice of the court/Plea Counsel. See Hill v. Lockhart at 60, 371 ("We find it unnecessary to determine whether there may be circumstances under which erroneous advice by counsel as to parole eligibility may be deemed constitutionally ineffective assistance of counsel, because in the present case we conclude that petitioner's

allegations are insufficient to satisfy the Strickland v. Washington requirement of "prejudice." Petitioner did not allege in his habeas petition that, had counsel correctly informed him about his parole eligibility date, he would have pleaded not guilty and insisted on going to trial. *He alleged no special circumstances that might support the conclusion that he placed particular emphasis on his parole eligibility in deciding whether or not to plead guilty.* Indeed, petitioner's mistaken belief that he would become eligible for parole after serving one-third of his sentence would seem to have affected not only his calculation of the time he likely would serve if sentenced pursuant to the proposed plea agreement, *but also his calculation of the time he likely would serve if he went to trial and were convicted.*" (emphasis added)).

Petitioner overtly agreed she would not have taken the case to trial and did not testify that the erroneous advice regarding her parole eligibility impacted her decision. This was properly considered and discussed by the PCR court in finding that Petitioner did not meet the prejudice standard. Therefore, the PCR court correctly found Petitioner failed to prove prejudice as to this allegation.

Accordingly, certiorari should be denied.

## CONCLUSION

For the reasons stated above, this Court should affirm the post-conviction relief court's order. Should this Court grant Certiorari, Respondent requests permission under the rules to brief the issues discussed above fully.

Respectfully submitted,

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