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Aug 12 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County

Honorable Edward W. Miller, Circuit Court Judge

ERIC NEAL PATTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000059

JOHNSON PETITION FOR WRIT OF CERTIORARI

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ISSUE PRESENTED

Were petitioner's guilty pleas the product of coercion from the solicitor's office, his family, and plea counsel rendering them involuntary?

STATEMENT

Petitioner was indicted in York County for: two counts of possession of a firearm by a felon; four counts of armed robbery; second-degree domestic violence; possession of crack cocaine; a weapons charge; and intimidation of a witness or court official. App. 159-60. On September 18, 2017, petitioner entered a negotiated plea before the Honorable John C. Hayes, III. App. 1. Willy Thompson represented the State. App. 1. Geoffrey Dunn represented petitioner. App. 1. Judge Hayes accepted the negotiated plea and sentenced petitioner to a total of eighteen years' imprisonment. App. 33-34. Petitioner did not appeal.

On August 31, 2022, petitioner PCR application was heard before the Honorable Edward Miller. App. 70. Ola Johnson represented petitioner and Zachary Jones represented the State. App. 70. On December 12, 2025, Judge Miller denied relief in a written order. App. 159. This petition follows.

ARGUMENT

Petitioner's guilty pleas were the product of coercion from the solicitor's office, his family, and plea counsel rendering them involuntary.

Petitioner wanted to go to trial. At the PCR hearing, petitioner testified that “since day one” he told plea counsel he was “innocent.” App. 91. The PCR judge asked petitioner whether it was correct that if he had not pled guilty he “would have gone to trial the next day.” App. 93. Petitioner replied, “Yes, sir. I thought it was starting that morning. That’s what [plea counsel] told me. Get my clothes and [we’re] going to proceed with picking a jury. That’s what I wanted.” App. 93.

Petitioner faced numerous serious charges and had a substantial criminal record. App. 4-6. He faced four separate armed robbery charges. App. 134-35. The State served him with a mandatory LWOP notice. App. 134-35. Plea counsel thought the State’s evidence on some of the armed robberies was weak, but understood that the solicitors intended to “tee up” the armed robbery charges one after the other until they got a conviction. App. 144. App. 134-35. The State only needed a conviction on one of the armed robberies to trigger LWOP under the recidivist statute. App. 143-44.

Petitioner’s brother and sister testified at the PCR hearing about the unusual circumstances leading up to his plea. The solicitors asked them to meet at Starbucks in Rock Hill to discuss petitioner’s charges. App. 97-98. Petitioner’s brother admitted he had been naïve and thought the meeting was out of “compassion.” App. 98. The solicitors told them that petitioner was young and if they got a conviction on one charge it would result in a life sentence. App. 98. They told him, “Hey, your brother is young. He has a young son. He can come out,

you know, be with his family.” App. 98. By the time of the PCR hearing, petitioner’s brother realized he met with wolves in “sheep clothing.” App. 98.

Petitioner’s sister not only attended the meeting at Starbucks, but had other conversations with the solicitors, both in-person and over the phone. App. 111-13. They told her petitioner had “reached the end of the road.” App. 111-13. She realized the State was using them as “bait because they know we could convince him to do whatever. . . .” App. 112. One of the solicitors testified at the PCR hearing and agreed they met at Starbucks. App. 123-25. She said the meeting was non-threatening and that the solicitors were “just kind of being candid about the situation.” App. 125. Plea counsel was not at the Starbucks meeting and said if petitioner’s family wanted to meet with the solicitor “there’s nothing improper about that.” App. 148-49.

Following the Starbucks meeting, petitioner’s brother and sister met with plea counsel and petitioner at the courthouse on the day of trial. App. 99-100. Petitioner’s sister told him “you got to do this.” App. 113. “[If] you don’t do this and this goes the other way I am not going to support you.” App. 113. “So yes, I begged and begged and pleaded and pleaded with him to take it.” App. 113.

Petitioner’s brother described him as “visibly shaking and saying I do not want to do this.” App. 107. His brother promised him he would take care of him if he pled guilty. App. 107-08. But he conditioned his support on petitioner pleading guilty. App. 108. The Attorney General asked the brother, “But at the time did you—I mean, I suppose what I’m asking is, did you threaten to withhold any help if he didn’t take the guilty plea?” App. 108. He responded, “Yeah, I did. I told him, I said—I said, if you don’t take this plea and you go in front of there and they find you guilty I’m not helping you out. I’m not going to do that. So he felt compelled.” App. 108. Petitioner’s brother was remorseful and angry about his complicity in

petitioner's guilty plea and said his eyes had been opened "to the evils" of the criminal justice system. App. 104.

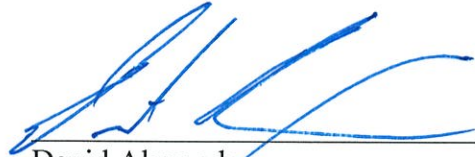
Judge Miller ruled from the bench after the testimony concluded and after declining to hear closing arguments from the attorneys. App. 151-53. He said petitioner had "buyer's remorse" and that eighteen years in prison might seem like a long time, but it was "not that much in comparison with a life sentence." App. 151-53. The court's later written order found plea counsel and the solicitors credible that they engaged in "persuasion, not coercion." App. 178.

The PCR court erred in upholding petitioner's coerced guilty plea. Guilty pleas that are the product of coercion are invalid. See Boykin v. Alabama, 395 U.S. 238 (1969) ("Ignorance, incomprehension, coercion, terror, inducements, subtle or blatant threats might be a perfect cover-up of unconstitutionality."); Hill v. Lockhart, 474 U.S. 52, 59 (1985) (holding that an applicant proves prejudice by showing that counsel's constitutionally deficient performance affected the outcome of the plea).

Under Boykin, the unusual circumstances of this case qualify as coercion and subtle threats. The solicitors' meeting with petitioner's family at Starbucks enlisted them as unwitting agents of the State. Petitioner's brother regretfully admitted that he threatened to withhold financial support unless petitioner immediately pled guilty. While the decision to plead guilty and avoid potential LWOP may appear rational—resulting in Judge Miller's conclusion about buyer's remorse—it remains the law that petitioner must freely and voluntarily waive his constitutional right to a jury trial and to put the State to its proof. Whether petitioner got a good deal is irrelevant. No dispute in the PCR record existed that petitioner was adamant that he wanted to go to trial. But for the coercion inside the courthouse while waiting to pick a jury, petitioner would have gone to trial.

CONCLUSION

For the foregoing reasons, this Court should grant certiorari, reverse petitioner's convictions, and remand for a new trial.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR PETITIONER

This 12th day of August, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for Eric Neal Patton states:

1. He is Deputy Chief Attorney for Capital Appeals for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. He has reviewed the record of petitioner's post-conviction relief hearing before Judge Edward W. Miller, which was held on , and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He 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 him as counsel for Eric Neal Patton.

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR PETITIONER

This 12th day of August, 2026.

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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of his 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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