

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S. Bryan Doby, Circuit Court Judge

Case No. 2024-CP-10-5758

Shannon L. Johnson

Appellant,

v.

State of South Carolina,

Respondent.

NOTICE OF APPEAL

Shannon L. Johnson hereby appeals the denial and dismissal of his application for post conviction relief in this case. An evidentiary hearing in the matter was convened before the Honorable S. Bryan Doby. Following the hearing, Judge Doby issued a written order denying and dismissing the application with prejudice filed August 17, 2026. Undersigned counsel was emailed a written filed copy of said order on or about September 18, 2026.

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September 16, 2026

s/ Denise Grainger. Swope
Denise Grainger, Swope
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Attorney for Appellant

Other Counsel of Record:

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Attorney for Respondent

Respondent.

ORDER OF DISMISSAL

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

Applicant is presently confined in the South Carolina Department of Corrections serving a cumulative fifty-year sentence. In June 2020, the Charleston County Grand Jury indicted Applicant for murder (2020-GS-10-00887) and possession of a weapon during the commission of a violent

crime (2022-GS-10-00888). On December 8, 2022, Applicant was convicted as indicted following a jury trial before the Honorable R. Keith Kelly. Laree Anne Hensley, Esquire represented Applicant. Assistant Solicitors B. Chad Simpson and Kelly Barber represented the State. Following his conviction, Judge Kelly sentenced him to fifty years' imprisonment for murder and five years' imprisonment for the possession of a weapon during the commission of a violent crime to be served concurrently. On December 15, 2022, Applicant filed a timely notice of appeal. Appellate Defender Robert M. Dudek, Esquire filed a brief on behalf of Applicant which was dismissed after review pursuant to Anders¹. State v. Johnson, Op. No. 2024-UP-366 (S.C. Ct. App. Filed October 23, 2024). The Remittitur was sent on November 8, 2024.

CURRENT APPLICATION

On November 18, 2024, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegation of ineffective assistance of counsel:

Trial Counsel failed to request a pretrial immunity from criminal prosecution pursuant to the South Carolina Persons and Property Act.

As relief, Applicant requests his sentence be reversed and remanded.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant

¹ Anders v. California, 386 U.S. 738 (1967)

has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to received relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance 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.

Failure to request a Pre-Trial Immunity Hearing

Applicant alleged Counsel was ineffective for failing to request pretrial immunity from criminal prosecution pursuant to the South Carolina Persons and Property Act. This Court finds this allegation is without merit.

Counsel testified that she did not make a pre-trial motion for an immunity hearing because of multiple reasons. Counsel testified that the victim in this case was at his home, and she did not feel like they would meet the standard of stand your ground. This Court finds Counsel's testimony

credible. The record strongly supports Counsel's assessment. Applicant has failed to overcome the presumption that Trial Counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). Therefore, Applicant has failed to prove Counsel was deficient.

Further, Applicant has failed to prove prejudice. Applicant has failed to show there is a reasonable probability he would have been granted immunity had counsel requested the hearing. The record reflects that this entire altercation was captured by a nearby surveillance video with audio and Applicant was at the victim's home where the element of the bringing on the difficulty is disproven conclusively. As a result, the trial court judge found Applicant did not present enough evidence to entitle him to a self-defense charge at trial and this conclusion was affirmed on appeal. Applicant presented no evidence to this Court to suggest he would have been granted pre-trial immunity had Counsel requested a hearing on it. The record has no evidence to support Applicant being granted immunity, and further Applicant presented no evidence to this Court to support this contention. Applicant has failed to prove that had counsel requested a pre-trial immunity hearing that he would have been successful and thus has failed to prove prejudice. Applicant has failed to prove deficiency and prejudice and therefore, this claim is denied.

Failure to Have Applicant Testify

Applicant alleged Counsel was ineffective for failing to have Applicant testify at trial. This Court finds this allegation is without merit.

Counsel testified that she discussed with Applicant the decision to testify and she was willing for him to take the stand. Counsel testified that she recalls Applicant's mom encouraging him not to take the stand and that it was Applicant's decision. Counsel testified that it is always

the client's decision whether or not to testify and that they discussed the advantage and disadvantages of him taking the stand. This Court finds Counsel's testimony credible. Applicant has failed to overcome the presumption that Trial Counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). Therefore, Applicant has failed to prove Counsel was deficient.

Further, Applicant has failed to prove prejudice. The trial transcript reflects the court engaged with a colloquy with Applicant about his right to testify where Applicant told the court he discussed with his lawyer whether or not he should testify, and that he did not wish to testify. (Trial Tr. p. 518). Additionally, Applicant did not provide to this Court testimony that would have had a reasonable probability of changing the outcome of his trial. Applicant has failed to show a reasonable probability that the outcome of the trial would have been different had he testified. See Cherry supra. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

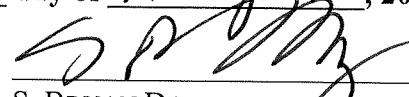
Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g),

SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 3 day of August, 2026.



S. BRYAN DOBY
Presiding Judge 2884
Ninth Judicial Circuit

Bishopville, South Carolina



ALAN WILSON
ATTORNEY GENERAL

August 12, 2026

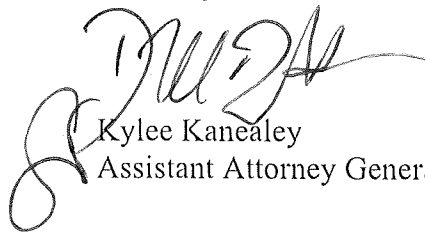
The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Re: **Shannon L. Johnson, Jr., #389708 v. State of South Carolina**
Case No. 2024-CP-10-05758

Dear Ms. Armstrong:

Enclosed for filing, please find the original Order of Dismissal, signed by the Honorable S. Bryan Doby, for the above-captioned case. Please forward a time-stamped copy back to our office for our file.

Sincerely,



Kylee Kanealey
Assistant Attorney General

KK/vh
Enclosure

cc: Denise G. Swope, Esquire