

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
The Frank R. Addy, Circuit Court Judge

Appellate Case No. 2023-001372

LAWTON LEROY HOLLOWAY,

Petitioner,

v.

THE STATE,

Respondent.

BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Deputy Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUE ON CERTIORARI.....	1
STATEMENT OF THE CASE	2
STANDARD OF REVIEW.....	3
ARGUMENT.....	4
The PCR court correctly rejected Holloway’s claim that counsel provided ineffective assistance by failing to argue defense of habitation at his immunity hearing because counsel did raise defense of habitation in his written motion and raised the substance of that argument at the hearing along with his self-defense argument, and the trial court correctly denied relief after wholly rejecting Holloway’s non- credible testimony.	4
CONCLUSION	6

TABLE OF AUTHORITIES

Cases

<u>Dunn v. Reeves</u> , 594 U.S. 731, 739 (2021).....	5
<u>Smalls v. State</u> , 422 S.C. 174, 180–81, 810 S.E.2d 836, 839 (2018)	4
<u>State v. Rye</u> , 375 S.C. 119, 124, 651 S.E.2d 321, 323 (2007)	6
<u>Strickland v. Washington</u> , 466 U.S. 668, 687 (1984)	5, 7

STATEMENT OF ISSUE ON CERTIORARI

Whether the PCR court correctly denied relief where Holloway claimed counsel was ineffective for failing to argue defense of habitation at his immunity hearing, where the record showed counsel did raise defense of habitation in his written motion and raised the substance of that argument at the hearing along with his self-defense argument, and the trial court correctly denied relief after wholly rejecting Holloway's non-credible testimony.

STATEMENT OF THE CASE

In 2017, Petitioner Holloway was convicted of voluntary manslaughter and possession of a weapon during the commission of a violent crime by a Spartanburg County jury after a trial before the Honorable R. Keith Kelly, Circuit Court Judge. Petitioner, intoxicated, stabbed an invited guest in the back.¹ Petitioner was represented by James Price III, James Price IV, and Powers Price, Esquires. Petitioner was sentenced to 20 years' and five years' imprisonment, respectively. In his direct appeal, Holloway claimed the trial court erred by denying his motion for immunity under the Protection of Persons and Property Act. His convictions were affirmed in an unpublished decision.

Petitioner filed an application for post-conviction relief on November 1, 2022. An evidentiary hearing was held on June 20, 2023, at the Spartanburg County Courthouse before the Honorable Frank R. Addy, Circuit Court Judge. The PCR court denied relief in a written order on August 18, 2023.

Petitioner appealed and the supreme court transferred the matter to this Court. Appointed counsel filed a no-merits petition for writ of certiorari under Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), and moved to be relieved. This Court denied the motion. Counsel filed an amended petition raising the issue whether trial counsel was ineffective for failing to argue defense of habitation at the immunity hearing. This Court granted certiorari on March 19, 2026.

¹ The facts of the case are laid out in in the Brief of Respondent from Petitioner's direct appeal. (App.571-75).

STANDARD OF REVIEW

The appellate court will defer to a PCR court's findings of fact if there is any evidence in the record to support them. Smalls v. State, 422 S.C. 174, 180–81, 810 S.E.2d 836, 839 (2018). However, questions of law are reviewed de novo, with no deference to trial courts. Id.

ARGUMENT

The PCR court correctly rejected Holloway's claim that counsel provided ineffective assistance by failing to argue defense of habitation at his immunity hearing because counsel did raise defense of habitation in his written motion and raised the substance of that argument at the hearing along with his self-defense argument, and the trial court correctly denied relief after wholly rejecting Holloway's non-credible testimony.

The PCR court correctly denied relief. The substance of Holloway's defense of habitation argument was raised at his immunity hearing, even though the trial court's ruling was couched in terms of self-defense. As the PCR court found, Holloway's lead trial counsel—who had over 40 years of experience as a criminal defense attorney—did “present argument related to defense of habitation at the immunity hearing and at trial.” (App.694, 663–66). Although the trial court did not specifically rule that Holloway did not act in defense of habitation, the trial court was aware of the argument and implicitly rejected it in its ruling. Trial counsel ably presented the substance of the claim, providing assistance well within “the range of competence demanded of attorneys in criminal cases.” Strickland v. Washington, 466 U.S. 668, 687 (1984). Holloway has failed to show counsel “took an approach that no competent lawyer would have chosen,” Dunn v. Reeves, 594 U.S. 731, 739 (2021), and has thus failed to overcome the “strong presumption” that counsel provided effective assistance.

And in any case, Holloway failed to show prejudice because the defense of habitation claim was meritless. The trial court rejected Holloway's testimony outright, finding it not credible. The trial court gave an extremely detailed ruling explaining its decision. (App.147–52). This Court correctly affirmed that

credibility-based ruling on direct appeal. Even if trial counsel had requested a ruling specifically addressing his defense of habitation argument (which Holloway made via written motion), the result would have been the same because Holloway's story made no sense and was inconsistent with the physical evidence. (App.630). The trial court rightly rejected it.

To establish defense of habitation, the defendant must "establish that a trespass has occurred and that his chosen means of ejectment were reasonable under the circumstances." State v. Rye, 375 S.C. 119, 124, 651 S.E.2d 321, 323 (2007). Holloway, through his non-credible testimony, did neither. If stabbing an invited guest seven times in the back is not a reasonable way to protect one's self or others, surely it is not a reasonable way to eject someone from a home. Thus the distinction between defense of habitation and defense of self was of no consequence in this case because his defense was meritless under either theory.

The trial court clearly did not believe that Holloway's actions were justified, and his findings are supported by the record. The trial court rejected Holloway's non-credible version of events outright, finding his story not credible and inconsistent with the physical evidence, which showed Holloway stabbed the victim seven times in the back before stabbing him in his neck and chest. The stabbing took place near the front door, not near the kitchen as Holloway claimed, and the victim had no defensive wounds. App.577. Holloway left the scene and provided a drunken, rambling statement to police when he returned. At the immunity hearing, Holloway claimed the victim threatened to rape his girlfriend and daughter, and

“kill [his] entire family,” while choking his sleeping girlfriend, Lisa Wood. App.90. Every other witness refuted Holloway’s testimony, including Lisa Wood, whom Holloway claimed to be protecting. App.272–78.

Because the trial court wholly rejected Holloway’s farcical testimony, the only slightly different argument that Holloway acted in defense of habitation rather than defense of self would not have affected the outcome of the immunity hearing. Likewise, even if the issue had been preserved for review, it would not have been successful on appeal for the same reasons his self-defense claim was not successful at trial or on appeal. Accordingly, Holloway has not shown prejudice, i.e. a reasonable probability of a different outcome. Strickland, 466 U.S. at 695. This Court should affirm.

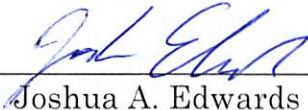
CONCLUSION

For the foregoing reasons, the judgment of the lower court should be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Deputy Attorney General

BY: 
Joshua A. Edwards
Bar # 101188

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 18, 2026