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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
The Honorable B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2025-002035

CHRISTIAN SCOWCROFT, Petitioner,

v.

STATE OF SOUTH CAROLINA, Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF THE ISSUE ON APPEAL

Whether the record supports the PCR court's credibility-based findings that Scowcroft rejected counsel's advice to plead guilty, and that Scowcroft failed to show deficiency or prejudice.

STATEMENT OF THE CASE

Petitioner Chistian Scowcroft was convicted in the Greenville County Court of General Sessions of burglary in the first degree and grand larceny and sentenced to 15 years' incarceration. His convictions were affirmed on appeal. Scowcroft filed an application for post-conviction relief, and an evidentiary hearing was convened before the Honorable B. Alex Hyman, Circuit Court Judge, on May 8, 2024. Scowcroft testified, as did both attorneys who represented him during the course of his case, Teal Johnson and Randy Chambers. Judge Hyman denied relief in a written order dated September 16, 2025. Scowcroft filed a petition for writ of certiorari on June 5, 2026. This return follows.

STANDARD OF REVIEW

In a PCR case, the appellate court will uphold the PCR court's factual findings if there is any evidence of probative value in the record to support them, and reviews questions of law de novo. Thompson v. State, 423 S.C. 235, 239, 814 S.E.2d 487, 489 (2018).

ARGUMENT

The record supports the PCR court's credibility-based findings that Scowcroft rejected counsel's advice to plead guilty, and that Scowcroft failed to show deficiency or prejudice.

The PCR court resolved this case on credibility grounds; the court did not believe Scowcroft's account of his dealings with his attorneys and instead credited his attorneys' testimony that Scowcroft ignored their advice to plead guilty and instead insisted on going to trial. The record amply supports this ruling. Further, the PCR court correctly found Scowcroft failed to show deficiency or prejudice as required by Strickland v. Washington, 466 U.S. 668 (1984). The choice whether to plead guilty was Scowcroft's. His attorneys were not required to "vehemently" persuade his to plead. This Court should deny certiorari.

"Where matters of credibility are involved, this Court gives great deference to a judge's findings, because this Court lacks the opportunity to directly observe the witnesses." Foye v. State, 335 S.C. 586, 589, 518 S.E.2d 265, 267 (1999). "This Court must affirm the findings of the PCR judge if they are supported by any evidence in the record." Id. In this case, the record amply supports the PCR court's findings.

Scowcroft claims his attorneys "mishandle[ed] plea offers and negotiations" in his case. Scowcroft testified that his original attorney, Teal Johnson with the Greenville Public Defender's Office, advised him that his case was "weak and circumstantial." Johnson denied ever telling him that. On the contrary, she testified "that's what Mr. Scowcroft wanted to characterize it as." App.459. She believed the case was strong, but Scowcroft insisted he would not plead guilty. The

State introduced an email from Scowcroft to Johnson dated November 17, 2016, wherein Scowcroft rejects the State's offer to plead guilty and receive a probationary sentence. The email states: "I cannot possibly plead guilty to a crime I did not commit. Especially a felony. That would be condemning me to a life diminished to constantly answering for the actions of another man and I will not lie and take responsibility for it. I would lose my engineering license and any chance of ever bettering myself as a person and a member of the community." Scowcroft asked Johnson to "keep fighting" for him and promised to "bring forth a team of lawyers to extend, suppress, and dismiss this case piece by piece." App.463. The State also introduced a letter Scowcroft wrote to the circuit Public Defender after he was convicted wherein Scowcroft expressed that he "wish[ed he] had listened" to Johnson's advice. App. 468.

Scowcroft's second attorney, Randy Chambers, testified Scowcroft hired him because "Teal had been trying to get him to plead guilty to burglary second," but Scowcroft wanted to go to trial . . . ." App.478. Chambers testified: "once I got the evidence and was able to go through it, I understood why Teal had encouraged him to plead guilty. I mean, it was a circumstantial case, but it was a very strong case." App.479. Chambers contradicted Scowcroft's claim that he had failed to relay a plea offer for probation. App.480. He testified he "implored" Scowcroft to take the deal. App.481. Scowcroft insisted on going to trial.

This testimony strongly supports the PCR court's ruling. Johnson and Chambers did everything they could to convince Scowcroft to accept the generous

plea offer he received. Scowcroft refused to listen to reason. He went to trial against his attorneys' advice and, predictably, was convicted.

Scowcroft alleges his attorneys did not do enough to pressure him to plead. The Sixth Amendment does not require that attorneys "vehemently" persuade their clients to waive their constitutional right to a jury trial. The decision whether to proceed to trial or plead guilty ultimately rests with the criminal defendant. Henderson v. Morgan, 426 U.S. 637, 650 (1976) ("Our cases make absolutely clear that the choice to plead guilty must be the defendant's . . . .") (White, J., concurring). Both of Scowcroft's attorneys advised him to plead guilty because the case against him was strong. Scowcroft refused to listen to their advice, a decision he later regretted. Scowcroft has failed to show either of his attorneys were deficient. Further, because Scowcroft was "adamant" about going to trial, he has failed to show a reasonable likelihood of a different result even if his attorneys had attempted to browbeat him into a guilty plea, conduct which could have given rise to an ineffective assistance of counsel claim in its own right. Certiorari should be denied.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the petition for writ of certiorari should be denied.

Respectfully submitted,

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November 4, 2026