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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

Honorable Edward W. Miller, Circuit Court Judge

MONTEZ T. DRAYTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-001085

JOHNSON PETITION FOR WRIT OF CERTIORARI

Wanda H. Carter
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ISSUE PRESENTED

Petitioner's plea was given involuntarily because he was coerced into pleading guilty.

STATEMENT OF FACTS

Petitioner Montez Drayton pled guilty to assault and battery of a high and aggravated nature[1] before Judge Kirk Griffin at the May 2021 term of the Sumter County General Sessions Court and was sentenced to fourteen years imprisonment. Petitioner did not appeal his conviction or sentence. Attorney Timothy L. Griffin represented petitioner in the case, and Assistant Solicitor John P. Meadows prosecuted the case. App. 1-108.

On March 2, 2022, petitioner filed a PCR application with the Sumter County Office of the Clerk of Court. App.110-163. A Return was filed on September 16, 2022. App. 164-178. On November 2, 2022, a PCR hearing was held before Judge Edward W. Miller. App. 180-213. Petitioner was present at the hearing and represented by Attorney James K. Falk, and Assistant Attorney General Zachary W. Jones appeared on behalf of the state. On April 16, 2026, Judge Miller issued an Order denying and dismissing petitioner's PCR action. App. 215-230.

Petitioner appealed. This petition follows.

[1] A trial commenced on May 27, 2021, at the Sumter County General Sessions Court whereinafter midway through, petitioner entered a guilty plea on the offense of ABHAH in exchange for the dismissal of other charges emanating from this case and charges from other cases against him.

ARGUMENT

Petitioner's plea was given involuntarily because he was coerced into pleading guilty.

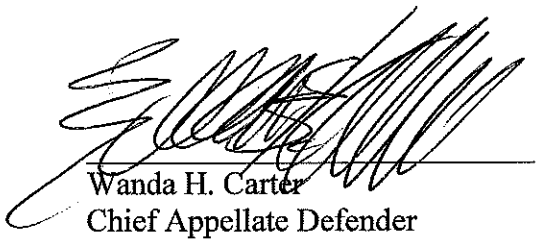
Petitioner was accused of throwing a pot of hot liquid on a female causing burns to her body. App. 205, l. 17 – p. 206, l. 10. At the PCR hearing in the case, petitioner testified in effect that he "felt trapped" into pleading guilty in order to receive a fifteen-to-twenty-year sentence on the assault charge because he was told by trial counsel regarding the possibility of a ninety-year sentence on all other charges if he did not plead guilty according to the plea negotiation. App. 184, l. 5 – p. 195, l. 22. Trial counsel testified and stated that there were other outstanding charges totaling thirteen offenses that would ultimately have been filed against petitioner (some unrelated to this case) and as a result, the plea agreement included the dismissal of those charges. App. 202, l. 8 – p. 203, l. 11; App. 210. L. 1 – p. 211, l. 10.

The question to be answered in resolving a complaint of claimed coercion in pleading guilty is whether under all of the facts and circumstances one's guilty plea was voluntarily entered. State v. Smith, 255 S.C. 417, 179 S.E.2d 210 (1971), citing to Sweet v. State, 255 S.C. 293, 178 S.E.2d 657 (1971). Also, even though a guilty plea may not be held invalid if the defendant was motivated to plead in order to receive a lesser penalty; nonetheless, the long standing test for determining the validity of a guilty plea is whether the plea is a voluntary plea among alternate courses of action open to the defendant because some circumstances indeed present intrinsically coercive situations. Gustine v. State, 325 S.C. 123, 480 S.E.2d 444 (1997), citing to Hill v. Lockhart, 474 U.S. 52 (1985), and Brady v. United States, 397 U.S. 742 (1970). Therefore, "the better approach is to determine on a case-by-case basis whether a defendant voluntarily enter[ed] a plea of guilty." See Gustine v. State, supra.

In the case at bar, petitioner felt "trapped," i.e. coerced, into pleading guilty to the assault charge in exchange for the dismissal of a plethora other charges that would have been filed against him. Per these circumstances in the instant case, petitioner did not plead guilty voluntarily.

CONCLUSION

Based on the foregoing argument, petitioner requests that this Court grant the petition and allow full briefing on the above-raised issue.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 12th day of November, 2026.

STATE OF SOUTH CAROLINA

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for Montez Drayton states:

1. She is Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's post-conviction relief hearing before Judge Edward W. Miller, which was held on Nov. 2, 2022, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She 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 her as counsel for Montez Drayton.

Respectfully Submitted,

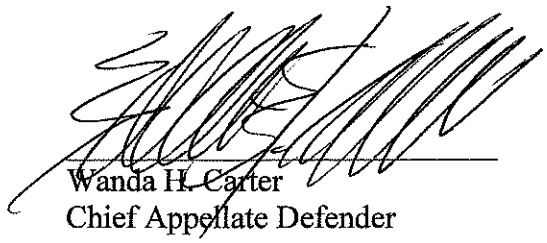
Wanda H. Carter
Chief Appellate Defender

This 12th day of November, 2026.

ATTORNEY FOR PETITIONER

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of her 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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This 12th day of November, 2026.