

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

PRO SE RESPONSE TO  
WRIT OF CERTIORARI

MARION WADE FRYE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2021-001406

THE 19th day of Sept., 2022

**RECEIVED**

SEP 26 2022

S.C. SUPREME COURT

MARION W. FRYE

SCDC # 375354

Evans Correctional Inst.

610 Hwy 9 West

Bennettsville, SC 29512

Marion Wade Frye Jr

1.) BRADY DUE PROCESS Violation.

Prosecution Failed To DISCLOSE Favorable Material, evidence of description of Property Described and Sought within Search WARRANTS of Specified dates, Starting From 9/30/15 through 10/3/15 of Search Warrants Signed by Judge BUCK. Evidence Would Uncover facts Favorable of Potential Defences, and disprove elements of charge of Murder. For if Material Would have been disclosed to the Defendant the is a reasonable Petitioner Would not have Pled under North Carolina V. Alford at trial and Continued with trial. The Overall result of the Proceeding and Sentencing Would be Different.

2.) Ineffective assistance of trial Counsel. Counsel failed to Disclose Rule 5 Discovery in full to defendant that later revealed Favorable evidence. Material. APPENDIX P. 773, Exhibit, The Material evidence would uncover Potential Defences and would disprove witnesses Contradictive Testimony. If evidence would have been discovered and disclosed to the defendant and introduced and Presented to the Jury, PETITIONER Would Not have Pled under North Carolina V. Alford and Proceeded at trial

3.) Counsel failed to return and Investigate Crime Scene, APPENDIX: P. 755; 12-21, Counsel failed to investigate the Bullet trajectory and where bullet ricocheted, For after I was detained no investigators returned to alleged Crime Scene, and the Potential of evidence was favorable to defendant and defence.

Due to Counsel's failure to investigate Crime Scene he was unfamiliar with the Facts and Potential defences of accident and involuntary manslaughter, due to struggle over Weapon and bullet trajectory.

4.) Counsel violated my 6th amendment, of my request and the Compulsory Process for Obtaining Witnesses requested in my favor. Counsel has a duty to retain Services of Forensic Science, Blood Spatter analyst, Expert can testify to how both defendant and Victim were Positioned when Victim was shot regarding the back spatter on the back of defendant's white pants and explain this from the blood pattern. The scientific evidence is favorable to defendant's defence and it was present and presented to jury defendant would not have Plead under North Carolina v. Alford.

5.) Counsel failed to introduce Cornor's Report of Witness Statements recorded, or call to Question such Contradictive Statements recorded for Cornor to Testify.

6.) Counsel violated my 14th Amendment of my request for a Pretrial hearing regarding Protection of Person and Property Act Under § 16-11-440 (c) which assure my right to equal Protection of such Immunities and due Process of Laws Passed, Counsel's reasoning was not of my Best Interest.

7.) Joanna K Delany's, Johnson Petition  
P. 3; line 18-19, is Speculation of what  
Raymond Boyer thought, and Prejudice  
Petitioner.

APPENDIX 347; 18-21

" Josh was already turned because I think was  
trying to -- because he heard Katie screaming  
and I think he was looking for his girlfriend  
and he was just trying to get away."

Again See Appendix p. 322; 15-20

" After the shot was fired, because I closed my  
eyes and grabbed my side, I think Josh was turned  
because I remember hearing Katie screaming and  
I think he was looking for her and that's when  
he turned his back."

Marlon Wade Frye  
SCDC# 375354

610 Hwy 9 west

Bennettsville, SC 29512

the 19th day of Sept. 2022

Marlon W. Frye Jr.

RECEIVED

SEP 26 2022

S.C. SUPREME COURT