

Petition For A Writ Of Certiorari To
The Court of Appeals
The State of South Carolina
In the SUPREME COURT

Appeal from Calhoun County
Court of Common Pleas
Honorable Edgar Dickson, Circuit
Court Judge

Case No(s): 2021 GS 09-0362
2021 GS 09-0363

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SC Court of Appeals

Jason Harris Peele ... Pro-Se
✓ APPELLANT.

The State of South Carolina
RESPONDENT.

Petition For A Writ Of Certiorari

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Statement of Case

On Friday May 13th, 2022 Petitioner Jason H. Peele pled guilty to voluntary manslaughter under the advisement as well as the arrangement of his attorney (Breen Stevens Esq.) Formerly, of The Orangeburg County Public Defenders Office. Petitioner also pled guilty to armed robbery under North Carolina v. Alford, 400 U.S. 25, 91 S.Ct. (1970) under advisement of attorney Breen Stevens.

The Honorable Edgar Dickson sentenced Peele to concurrent terms of twenty-seven (27) years imprisonment with credit for 608 days time served. Appellant (Jason Peele) appeals his sentences and convictions based upon the grounds plea was accepted, as it resulted from false-promises and misleading information provided by his attorney Breen Stevens. Appellant was given a mitigation package stipulating he would receive 15.45 years as an absolute worst case scenario in the plea agreement. However, the record reflects otherwise.

ARGUMENTS

- 1) Did the Court of Appeals Err by not holding Petitioner's counsel of record (Breen Stevens) to the standard guaranteed by the 6th and 14th Amendments?

Appellant does contend that the record does reflect the voluntary agreement that his trial lawyer (B. Stevens) presented to him in the form of a mitigation package as well as several false promises made orally and distorted explanations of actual Law and SCrcp, prior to being taken in the presence of the Honorable Edgar Dickson. Petitioner does contend that counsel (B. Stevens) presented him and his family with the absolute worst case scenario of 15.45 years imprisonment. Counsel used this mitigation package to coerce Petitioner into accepting a plea that was actually unsubstantiated. A copy of this mitigation package is within the Appellant's record, as well as in his family's possession. A copy of the transcript will also contain proof of its introduction to the court. Had Appellant known it was even a possibility to receive anything over the 15.45 years promised he would never have accepted the falsely presented plea agreement introduced by Mr. Breen Stevens.

ARGUMENTS

2) Did Change of Venue affect the pre-trial agreement promised to Appellant by his attorney (B. Stevens)?

On May 13th, 2022 Appellant appeared before the Honorable Edgar Dickson at the Orangeburg County Courthouse. Appellant's case is in fact a Calhoun County matter. After opening statements, some time in the middle of proceedings, the Honorable Edgar Dickson began to inform petitioner that the venue had been changed due to an undisclosed reason. Petitioner did not understand these rights nor did counsel (B. Stevens) ask for a side-bar or a chance to fully explain the entire meaning and results of a Change of Venue and the effects it would have on proceedings to client (Jason H. Peele). This Change of Venue deprived Appellant the Due Process Right of having two witnesses present who were set to make oral statements to accompany the written statements they submitted on Peele's behalf. The written statements are also included in the record as well as in the mitigation package itself. Both of these witnesses had first-hand knowledge of incidents directly involved in Appellant's case as well as knew both the Appellant and the victim very personally. The Honorable Edgar Dickson did not honor the agreement presented to Peele as a promise by Mr. B. Stevens. Mr. Stevens had to remind the Honorable Edgar Dickson to accept Peele's guilty plea on record.

* Please See Transcript For Confirmation. *

ARGUMENTS

3) Did Appellant's counsel of record mislead petitioner into accepting a guilty plea?

Appellant contends that after contemplating his fate for 608 days, acknowledging his responsibility and discussing this matter with his family, he sat with counsel and decided upon the seemingly best course of action to resolve this legal matter and also to show his remorse and regret for the sequence of events that led to his incarceration. Petitioner contends that counsel failed to stand upon his written and verbal agreement presented in the mitigation package as well as promised orally. Appellant would have absolutely taken his case to trial before a jury of his peers for his fate to be decided due to overwhelming evidence that supports Appellant's explanation of events from that most unfortunate day. Counsel (B. Stevens) used Appellant's emotional state, false promises, distorted versions of Law and SCrCP, and a "mitigation package" to mislead and coerce Appellant into entering a guilty plea he did not understand or truly accept. No one of sound mind could ever say that causing the death of another human being is an easy thing to accept no matter the circumstances. This matter could have gone either way and petitioner acknowledges

that his life could have been taken but by the Grace of God it was not. Petitioner is only seeking terms thought to have been factual as promised and explained by Mr. Breen Stevens to Appellant and his family.

Please allow me (Appellant: Jason H. Peck) the opportunity to forward said "mitigation package" to this Honorable court. The reason for not including these documents directly is because they are not currently in my possession. These documents are with my family who are attempting to secure legal aid on my behalf.

* I'm asking that these documents (Mitigation Package) be accepted as a designated matter to be included on record for Appeal. *

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Conclusion

Petitioner only prays that this Honorable Court look into this matter with fairness and in regard to his being misled by counsel (Breen Stevens) into a plea agreement that turned out to be null and void as Petitioner did not receive what he was indeed promised for accepting a plea agreement.

For the reasons stated within this petition; the Appellant with Praying hands by God and His Country ask this Court to grant a Writ of Certiorari.

October __, 2022

Respectfully Submitted
Jason H. Peele

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