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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Certiorari to Spartanburg County  
Honorable William A. McKinnon, Circuit Court Judge

MARK ALLEN BRADBERRY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT,

APPELLATE CASE NO. 2021-001449

PRO-SE RESPONSE TO JOHNSON PETITION

Respectfully Submitted,  
Mark Allen Bradberry

Mark Allen Bradberry  
SCDC# 368749

B.R.C.I. Marion-196  
4460 Broad River Rd.  
Columbia, S.C. 29210

## Relevant Facts

In October 2014, Petitioner lived with his mother, Connie Bataille. App. 283, 11. 24-25. He found his mother dead on October 29, 2014. App. 128, 11. 19-23; App. 137, 11. 1-3; App. 148, 11. 1-25; App. 284, 11. 8-10. Still mourning the recent loss of his son and traumatized by the sight of his deceased's mother, Petitioner fled the residence in his mother's car. App. 291, 11. 14-24; App. 292, 11. 6-9; App. 294, 11. 7-23. He ended up in Myrtle Beach S.C., the last place where he spent time with his deceased son. App. 294, 11. 20-23. Overcome with grief at the loss of his son and now his mother, Petitioner decided to commit suicide. App. 294, 1. 20; App. 295, 1. 25; App. 296, 1. 8. Petitioner planned to jump off the pier to drown, but he lacked the courage. App. 296, 11. 19-24. He also tried - multiple times - jumping off the hotel roof, but was unable to go through with it. App. 296, 11. 22-24; App. 297, 11. 2-12. Petitioner even drafted a last will and testament and wrote letters to his family regarding his desire to die. App. 143, 1. 19 - App. 145, 1. 4; App. 145, 1. 20 - App. 146, 1. 2; App. 239, 1. 17 - App. 241, 1. 4; App. 257, 1. 18 - App. 258, 1. 13.

Unable to kill himself, Petitioner returned to Spartanburg County several days later. App. 297, 11. 22-24. He went to the home of a friend, but the friend did not answer when he knocked on the door. App. 298, 11. 14-20. Petitioner returned to his car and took approximately thirty Klonopins, again attempting to commit suicide. App. 298, 1. 22 - App. 299, 1. 10. The strong prescription medicine rendered him unconscious. App. 299, 11. 11-12. The next thing he remembered he was being held in the county detention center. App. 299, 11. 13-23.

## Argument #1

Appellate counsel for Petitioner's direct appeal, Susan B. Hackett, provided ineffective assistance of counsel when she filed an "Anders Brief" despite all the case law, evidence, circumstances, and facts that support - The trial judge erred in failing to direct a verdict of acquittal on all charges where the state failed to present any direct or substantial circumstantial evidence that Petitioner committed the charged offenses - violating Petitioner's USCA Const. V Amend. rights to due process because an "Anders Brief" doesn't require the state to respond, presenting the claim to the court as having no merit, prohibiting petitioner's claim from getting proper judicial review, as well as prohibiting petitioner from completely exhausting his claim to the highest state court, allowing the state a chance to properly resolve the claim as required in Federal Civil procedure § 2254 governing Habeas corpus for state inmates, also violating the Petitioner's rights to effective assistance of counsel as guaranteed by the VI and XIV Amend. U.S. Const.

## Argument #2

Appellate counsel for Petitioner's Writ of Certiorari, Lara M. Caudy, provided ineffective assistance of counsel when she filed a "Johnson Petition" despite all the case law, evidence, circumstances, and facts that

that support— The post-conviction relief judge erred by finding trial counsel was not ineffective when counsel failed to elicit testimony from petitioner concerning why petitioner did not call 911 when he discovered his mother's body, specifically he feared being treated as a suspect based on his prior experience with law enforcement after the tragic death of his son from a firearm accident, and where petitioner was prejudiced by counsel's deficient performance because there is a reasonable probability the jury would have acquitted petitioner if it had known this history— violating petitioner's USCA Const. VI Amendment rights to due process because a "Johnson Petition" doesn't require the state to respond, presenting the claim to the court as having no merit, prohibiting petitioner's claims from getting proper judicial review, as well as, prohibiting petitioner from completely exhausting his claims to the highest state court, allowing the state a chance to properly resolve the claims as required in federal civil procedure §2254 governing habeas corpus for state inmates, also violating the petitioner's rights to effective assistance of counsel as guaranteed by the VI and XIV Amernds. U.S. Const.

### Argument #3

PCR Counsel, Sussannah Ross, provided ineffective assistance of counsel when she

failed to properly investigate and present trial counsel Robert B. Hall's ineffectiveness, including the claims presented as well as the ones not presented - violating Petitioner's USCA Const. VI Amend. rights to due process because a court can not properly rule on claims presented ineffectively nor claims not presented, in compliance to standards required by Strickland v. Washington, 466 U.S. 668 (1984), prohibiting Petitioner from receiving proper appellate review, further prohibiting petitioner from completely exhausting his claims in the highest state court as required in federal civil procedure § 2254 governing habeas corpus for state inmates, also violating the Petitioner's rights to effective assistance of counsel as guaranteed by the VI and XIV Amends. U.S. Const.

#### Argument #4

Trail Counsel, Robert B. Hall, provided ineffective assistance of counsel when he failed to properly investigate and an reasonable defense, failed to present substantial circumstantial evidence to Petitioner's actual innocence, failed to have the Petitioner subjected to mental health screening, failed to have an expert present testimony concerning the reactions of the mind of a victim of severe trauma, failed to present expert testimony concerning the effects of taking so much of the medication in which Petitioner

took in yet another attempt at suicide, failed to object to the prosecutor presenting his belief of the probable result of taking so much medication as if his testimony was evidence, with the weight of his office behind it, as if he was an expert - violating Petitioner's USCA Const. II Amend. Rights to due process, and his rights to effective assistance of counsel as guaranteed by the VI and XIV Amendments. U.S. Const., had Mr. Hall done a reasonably effective job it is highly likely the jury would have acquitted petitioner.

### Discussion

The judicial system in this state has severely failed the Petitioner. An innocent man has been sent to prison for the murder of his mother; Not because he guilty, but because he is a trauma victim who's resulting mental health break down lead him to make irrational choices after finding his mother murdered. The petitioner is and has been since his arrest highly medicated due to his mental health. As well as prior to his arrest. He spends his days comatose in his cell still mourning the loss of his son and mother, all while the person who killed his mother runs free to hurt more people. None of his attorneys have stepped up with some real effort in helping him. One wrote him a letter making jokes about how his case reminded them about a movie. This is no joke.

No one has considered his actual innocence and and repeatedly put a heavily medicated trama victim on the stand to defend himself. To do the job the attorneys are supposed to do for a man in his condition. This is unacceptable.

An innocent man's life is on the line, a kind hearted, gental man, but attorneys repeatedly present his case as having no merit. Robbing the petitioner from being able exhaust his claims, or recieve proper judicial review.

Attorney Robert B. Hall has been found ineffective again and again for failing other clients just as he has failed the petitioner. Even to the extent of refusing to return Petitioner's case file upon request, preventing petitioner from being able to get the help need to better file this response.

Each argument discusses the facts behind them. As if it matters, because just like every other no merit brief that goes in front of this court, no one properly reviews the pro-se responses. Just in case of the mericale of someone caring, here are some questions that need to be considered concerning this man's innocence:

1) Where is the rest of the victims jewelry?  
Could she really have only had three pieces of jewelry? The three peices that witnesses testified had already been given to the petitioner prior to this

case? Who ever killed the victim took all her jewelry, why is no one asking about it, or looking for it?

2) Why would a man "stage a scene" then leave to kill himself? If petitioner were guilty and had staged the scene to look like a robbery, wouldn't it make sense to report a robbery afterwards?

3) Why has no one shown the video footage of the petitioner at the top of the hotel about to jump? They showed every other video. I would have hurt the states case that's why.

4) Why would the petitioner have to look at the bank documents? He had access to the account, he knew how much money was in it, he had his own money in it.

5) Where are the murder weapons? Why is no one looking for them or asking about them? The state avoided that, why? Where are the bloody cloths and shoes that the petitioner would have had on had he done this? No one is asking for those are they? Why?

6) The petitioner has clearly suffered a severe traumatic event twice in his life that has caused him documented mental health issues; why has he not been evaluated by a specialist? Why haven't the results been presented in court?

Why is no one asking these questions? Because as soon as the state claimed the petitioner killed

his mother, the first thought that comes to mind is that the petitioner is a monster and belongs in prison. Then through that bias the attorneys appointed to petitioner put little to no effort into his defense.

The petitioner is innocent. He needs real trauma and mental health counseling as well as needs this court to grant him a new trial or new PCR hearing where the right questions will be asked, expert testimony presented, and the right evidence presented so that he receives a fair hearing.

### Conclusion

WHEREFORE, in consideration of the above mentioned facts and arguments the petitioner moves this court to grant him a new trial, a new PCR hearing, or vacate his sentence and release an innocent man from prison.

This the 20th day of November, 2022.

Respectfully Submitted,  
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