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The State Of South Carolina  
In The Supreme Court

S.C. SUPREME COURT

Writ Of Certiorari Florence County  
Court Of Common Pleas  
Honorable Thomas A. Russo, Circuit Court Judge,  
Honorable Michael Nettles, Circuit Court Judge

Ca/No: 2010-CP-21-1258

Stacy L. Evans.....Petitioner,  
SCDC#152040

VS.

State Of South Carolina.....Respondent.

Initial "Pro Se" Brief of Petitioner  
Petition for "Writ Of Certiorari"

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## STATEMENT OF ISSUES ON APPEAL

- 1 DID THE LOWER COURT ERR IN DENYING APPELLANT HIS RIGHT TO REPRESENT HIMSELF "PRO SE" IN HIS PCR HEARING WHEN HE REQUESTED TO REMOVE HIS COUNSEL FOR A CONFLICT OF INTEREST FOR REFUSING TO SUBPOENA HIS WITNESS AND REFUSING TO PROPERLY RAISE ALL AVAILABLE ISSUES ON HIS PCR TO PRESERVE FOR APPELLATE REVIEW.
- 2 DID THE LOWER COURT ERR IN DENYING APPELLANT'S 59(E) MOTION FOR A REHEARING TO RAISE ALL AVAILABLE ISSUES THAT WERE ON HIS ORIGINAL PCR THAT WERE NOT PRESERVED FOR APPELLATE REVIEW BECAUSE OF PCR COUNSEL'S CONFLICT OF INTEREST.
- 3 DID THE LOWER COURT ERR FOR FAILING TO SET FORTH SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW CONCERNING APPELLATE'S MOTION TO RELIEVE PCR COUNSEL AND HIS PCR APPLICATION AND HIS 59(E) HEARING AS REQUIRED BY §17-27-BD AND RULE 52(A) SCRPC AND DOES IT CONSTITUTE AN ABUSE OF DISCRETION.
- 4 WHETHER PCR COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE INVALID INDICTMENT IN VIOLATION OF §17-19-10D WHICH CHANGED THE NATURE OF THE OFFENSE, TO PRESERVE FOR APPELLATE REVIEW.

- 5 WHETHER THE SOLICITOR ENGAGED IN PROSECUTORIAL MISCONDUCT BY PRESENTING PICTURES FROM ANOTHER CRIME TO BOLSTER THE STATE'S CASE IN VIOLATION OF DUE PROCESS OF LAW, 14TH AMENDMENT.
- 6 WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE STATE USING FAISE EVIDENCE TO BOLSTER IT'S CASE AND FAILING TO SUPPRESS THIS EVIDENCE OF PICTURES FROM 2005.
- 7 WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT AND TO IMPEACH THE STATE'S WITNESSES INCONSISTENT TESTIMONY THAT WERE DIFFERENT FROM THE INITIAL STATEMENTS GIVEN TO POLICE IN WRITTEN TESTIMONY AND FAILING TO RECALL WITNESSES TO IMPEACH THEIR CREDIBILITY UNDER RULE 611(D).
- 8 WHETHER TRIAL COUNSEL AND PCR COUNSEL WAS INEFFECTIVE FOR FAILING TO SUBPOENA JAMES LANGSTON AND MARY ANN MATTHEWS WHICH VIOLATED APPELLANTS 6TH AMENDMENT RIGHT OF THE COMPULSARY CLAUSE AND WHETHER THE COURT ABUSED IT'S DISCRETION AT PCR BY REFUSING TO SUBPOENA HIS WITNESSES.
- 9 WHETHER COUNSEL WAS INEFFECTIVE FOR FAILURE TO DISCOVER AND UTILIZE PRIOR CRIMINAL AND MEDICAL RECORDS OF THE PROSECUTIONS WITNESSES UNDER RULE 609(A).

10. WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO ATTACK THE CHARACTER OF THE VICTIM AND THE STATES WITNESSES UNDER RULE 404(2) AND FAILING TO ATTACK REPUTATION EVIDENCE UNDER RULE 607, 608.
11. WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO LEADING THE VICTIM UNDER 611(C) AND THE STATE WITNESS.
12. WHETHER TRIAL COUNSEL WAS INEFFECTIVE FOR INTENTIONALLY MISADVISING APPELLANT THAT THEY COULD USE HIS ENTIRE RECORD FOR IMPEACHMENT PURPOSES WHICH PREVENTED HIM FROM PRESENTING A DEFENSE.
13. WHETHER TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO PRESENT A VALID DEFENSE AND WHETHER IT CONSTITUTED A CONFLICT OF INTEREST IN VIOLATION OF THE 6TH AMENDMENT.
14. WHETHER THE STATE PROVED BEYOND A REASONABLE DOUBT EVERY ELEMENT OF THE CRIME WITH APPELLANT WAS CHARGED AND WHETHER TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO PROPERLY PRESERVE FOR APPELLATE REVIEW AND WHETHER APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO ARGUE IT ON APPEAL FOR A CLEAR ERROR REVIEW.
15. WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE INVALID INDICTMENT VIOLATION OF THE 5TH AMENDMENT AND THE 14TH AMENDMENT.

## STATEMENT OF THE CASE

APPLICANT IS INCARCERATED WITH THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS PURSUANT TO THE FLORENCE COUNTY CLERK OF COURT'S ORDERS OF COMMITMENT. APPELLANT WAS INDICTED AT THE DEC, 2008 TERM OF THE FLORENCE COUNTY GRAND JURY FOR KIDNAPPING AND THREE COUNTS OF CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE. JACK LAWSON, ESQUIRE, REPRESENTED THE APPELLANT. ON DEC 8, 2008 APPELLANT WAS CONVICTED OF KIDNAPPING AND ONE COUNT OF CRIMINAL SEXUAL CONDUCT, AND FOUND NOT GUILTY OF THE OTHER TWO COUNTS OF CRIMINAL SEXUAL CONDUCT. THE HONORABLE JUDGE J. ERNEST KINARD SENTENCED APPELLANT TO LIFE WITHOUT PAROLE. APPELLANT WAS REPRESENTED ON APPEAL BY LANELLE C. DURANT, ESQUIRE WHO PERFECTED THE APPEAL BY FILING AN PANDERS BRIEF. APPELLANT THEN VOLUNTARILY WITHDREW THE APPEAL AND THE COURT OF APPEALS DISMISSED THE ORDER DATED MARCH 12, 2010 WITH REMITTITUR ISSUED THE SAME DAY.

IN APPELLATE'S PRAPPLICATION HE ALLEGED THAT HE IS BEING HELD IN CUSTODY UNLAWFULLY FOR THE FOLLOWING REASONS:

1. INEFFECTIVE ASSISTANCE OF COUNSEL
2. CONFLICT OF INTEREST
3. PROSECUTORIAL MISCONDUCT
4. CLEAR ERROR OF COURT

APPELLATE STATED SEVERAL OTHER ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL AND DIRECT APPEAL ISSUES NOT PRESERVED FOR APPELLATE REVIEW BECAUSE OF INEFF-

EFFECTIVE ASSISTANCE OF COUNSEL. AT ONE POINT PCR COUNSEL FILED ONE AMENDMENT TO HIS PCR.

AT THE BEGINNING OF HIS PCR HEARING APPELLATE MADE A TIMELY MOTION TO BELIEVE HIS PCR COUNSEL TO REPRESENT HIMSELF PRO-SE FOR A CONFLICT OF INTEREST WHICH THE PCR JUDGE DENIED WITH NO REASONS.

APPELLANT THEN TRIED TO RAISE ISSUES IN HIS PCR THAT WERE IN HIS APPLICATION AND WAS PREVENTED BY COUNSEL AND THE COURT.

AS SHOWN IN THE FINAL ORDER APPELLANTS COUNSEL ONLY BROUGHT ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL. PCR COUNSEL WAIVED ALL HIS OTHER ISSUES AFTER APPELLATE OBJECTED TO PCR COUNSEL FAILING TO RAISE THEM PROPERLY IN HIS PCR. APPELLANT RECEIVED HIS FINAL ORDER OF DISMISSAL ON FEB 25, 2011. ON FEB 14, 2011 APPELLANT WROTE HIS PCR ATTORNEY REQUESTING HE FILE A 59(E) FOR A REHEARING TO RAISE ALL HIS ISSUES PROPERLY. COUNSEL REFUSED. ON FEB 22, 2011 APPELLANT FILED A MOTION TO BELIEVE COUNSEL FOR A CONFLICT OF INTEREST AND A MOTION TO PROCEED PRO-SE, AND A 59(E) TO RAISE 11 ISSUES NOT PRESENTED IN HIS PCR THAT CANNOT BE APPEALED BECAUSE THEY ARE NOT PRESERVED FOR APPELLATE REVIEW. ON MARCH 23RD, 2011 JUDGE MICHAEL NETTLES DENIED HIS MOTIONS. APPELLATE THEN FILES THIS APPEAL TO ADDRESS THESE ISSUES.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE - 1 ARGUMENT

DID THE LOWER COURT ERR IN DENYING PETITIONER HIS RIGHT TO REPRESENT HIMSELF "PRO SE" IN HIS PCR WHEN HE REQUESTED TO REMOVE HIS COUNSEL FOR A CONFLICT OF INTEREST FOR REFUSING TO SUBPOENA HIS WITNESSES AND REFUSING TO PROPERLY RAISE ALL AVAILABLE ISSUES ON HIS PCR APPLICATION TO PRESERVE FOR APPELLATE REVIEW.

ON JAN 13, 2011 PETITIONER FILED WITH THE LOWER COURT A MOTION TO RELIEVE HIS PCR COUNSEL. AT HIS PCR HEARING HE RENEWED THIS MOTION TO RELIEVE CHARLES T. BROOKS AS HIS PCR COUNSEL FOR A CONFLICT OF INTEREST AND TO ALLOW TO REPRESENT HIMSELF "PRO SE". PETITIONER CLAIMED COUNSEL DID NOT SUBPOENA HIS WITNESSES JAMES LANGSTON AND MARY ANN MATTHEWS AS HE STATED HE WOULD IN HIS LETTERS. FURTHER, COUNSEL REFUSED TO RAISE ALL HIS ISSUES ON HIS PCR CONSTITUTING A CONFLICT OF INTEREST. THESE WITNESSES WAS NEEDED TO SHOW AND IMPEACH GLORIA WILLIAMSON. SEE ATTACHED STATEMENT OF MARY ANN MATTHEWS. PETITIONER'S MOTIONS WERE DENIED AT THE PCR HEARING.

PETITIONER HAS A RIGHT TO REPRESENT HIMSELF UNDER THE U.S. CONSTITUTION. FARRETTA V. CALIFORNIA, 402 U.S. 806, 821 (1975). ALSO SEE MOORE V. CALDERON, 108 F.3d 261, 264 (9TH CIR. 1997) (6TH AMENDMENT RIGHT TO SELF-REPRE

SENTATION VIOLATED WHEN COURT DENIED DEFENDANT'S TIMELY REQUEST TO PROCEED PRO-SE AFTER KNOWING AND INTELLIGENT WAIVER.

SEE MYERS V. COLLINS, 8 F.3d 249, 252 (5TH CIR. 1993); STATE CRIMINAL DEFENDANT HAS RIGHT TO PRESENT PRO-SE MOTIONS AND BRIEFS ON APPEAL. FURTHER, PETITIONER WAS PREJUDICED BECAUSE HE WAS DENIED HIS "ONE BITE OF THE APPLE" TO FULL ADJUDICATION ON THE MERITS OF HIS ORIGINAL PETITION.

AICE V. STATE, 409 S.E.2d 392, 395 (1991). PETITIONER'S ATTORNEY KNEW IF THE ISSUE WAS NOT RAISED IT WOULD NOT BE PRESERVED FOR APPELLATE REVIEW, THEREFORE, WAIVING REVIEW OF THOSE ISSUES. AN ISSUE MUST BE RAISED TO AND RULED ON BY THE TRIAL JUDGE TO PRESERVE FOR APPELLATE REVIEW. STATE V. WILLIAMS, 401 S.E.2d 168 (1991). FAILURE TO OBJECT WHEN EVIDENCE IS OFFERED CONSTITUTES A WAIVER OF RIGHT.

STATE V. BLACK, 462 S.E.2d 311 (1995). PETITIONER WAS PREVENTED FROM PROPERLY RAISING AND PRESERVING HIS ISSUES FOR APPELLATE REVIEW BY REPRESENTING HIMSELF "PRO-SE" WHEN PCR COUNSEL REFUSED TO AND THE COURT DENIED HIS MOTION.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE - 2 ARGUMENT

DID THE LOWER COURT ERR IN DENYING PETITIONER'S 59(E) MOTION FOR A REHEARING TO RAISE ALL AVAILABLE ISSUES THAT WERE ON HIS ORIGINAL PCR THAT WERE NOT PRESERVED FOR APPELLATE REVIEW BECAUSE OF PCR COUNSEL'S CONFLICT OF INTEREST.

ON 2-22-11 PETITIONER FILED A MOTION TO BELIEVE COUNSEL, MOTION TO PROCEED "PRO-SE", AND MOTION TO ALTER OR AMEND JUDGEMENT OR RECONSIDERATION PURSUANT TO RULE 59(E), S.C.R. CIV.P. BASED ON PCR COUNSEL'S CONFLICT OF INTEREST AT HIS PCR HEARING.

PETITIONER FILED A MOTION ON JAN 13, 2011 AND MADE A MOTION AT THE BEGINNING OF HIS PCR HEARING FOR A CONFLICT OF INTEREST. HIS MOTION WAS DENIED, PETITIONER TRIED TO RAISE HIS ISSUES BUT WAS CUT OFF BY THE COURT TELLING HIM TO ONLY ANSWER QUESTIONS YOUR LAWYER ASKS YOU. HE HAD NUMEROUS OTHER CLAIMS AS SHOWN IN HIS SUPPLEMENTAL AMENDMENT OF HIS 59(E) RAISING THE 11 ISSUES COUNSEL REFUSED TO RAISE IN HIS PCR SEE COPY OF MOTION AND PCR HEARING TRANSCRIPT. HIS MOTION WAS DENIED ON MARCH 23RD, 2011 WITH NO OTHER REASONS ATTACHED.

IN CYLER V. SULLIVAN, 446 U.S. 335 (1980), THE SUPREME COURT RULED THAT A DEFENDANT **CAN** DEMONSTRATE A 6TH AMENDMENT VIOLATION BY SHOWING: 1) THAT DEFENSE COUNSEL WAS ACTIVELY REPRESENTING CONFLICTING INTERESTS, SEE LOPEZ V. SCULLY, 58 F.3d 38, 41 (2d CIR. 1995), AND THAT

THE CONFLICT HAD AN ADVERSE EFFECT OF SPECIFIC INSTANCES OF COUNSEL'S PERFORMANCE. CYLER, 446 U.S. AT 348. SEE STOIA V. U.S., 22 F.3d 766, 769 (7TH CIR. 1994); CONFLICT OF INTEREST DEVELOPED WHEN COUNSEL PRESENTED QUESTIONABLE DEFENSE STRATEGY, FAILED TO FILE MOTIONS, AND FAILED TO APPEAR AT TRIAL.

PETITIONER FILED A VALID MOTION TO RELIEVE HIS PCR COUNSEL ON JAN 13, 2011. HE RENEWED THIS MOTION AT PCR. HE STATED PCR COUNSEL DID NOT SUBPOENA HIS WITNESSES, DID NOT GET DOCUMENTS AND RECORDS AND WAS REFUSING TO PROPERLY ARGUE ALL HIS ISSUES. THE LOWER COURT ABUSED ITS DISCRETION WHEN IT DENIED HIS VALID MOTION TO RELIEVE COUNSEL FOR A CONFLICT OF INTEREST. HE WAS PREVENTED FROM FACTUALLY DEVELOPING THE RECORD.

PETITIONER SHOULD BE GRANTED A NEW HEARING TO FULLY DEVELOP THE RECORD AS REQUIRED UNDER THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT AND S.C. LAW.

## STATEMENT OF ISSUE

### ISSUE - 3 ARGUMENT

DID THE LOWER COURT ERR IN FAILING TO SET FORTH SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW CONCERNING PETITIONER'S MOTION TO BELIEVE PCR COUNSEL AND FOR A 59(E) HEARING AS REQUIRED BY §17-27-80 AND RULE 52(A) S.C.R.P.

PETITIONER MADE MOTIONS TO BELIEVE COUNSEL ON JAN 13, 2011 AND AT PCR. HE THEN FILED ANOTHER MOTION TO BELIEVE COUNSEL AND A 59(E) MOTION TO RAISE ALL OF HIS ISSUES. HE RECEIVED HIS FINAL ORDER ON FEB 25, 2011, THE FINAL ORDER DID NOT SET FORTH SPECIFIC FINDINGS OF FACT OR CONCLUSIONS OF LAW ON HIS MOTION TO BELIEVE COUNSEL.

PETITIONER RENEWED HIS MOTIONS ON FEB 25, 2011 BY 59(E) AND A SUPPLEMENTAL PLEADING. ON MARCH 23RD, 2011 THESE MOTIONS WERE DENIED WITH NO REASONS.

SEE BRYSON V. STATE, 493 S.E. 2d 500, ON WRIT OF CERTIORARI, ORDER DISMISSING HIS POST-CONVICTION RELIEF APPLICATION DOES NOT COMPLY WITH S.C. CODE ANN. §17-27-80 (1985) AND RULE 52(A) S.C.R. CIV.P. BECAUSE IT DOES NOT CONTAIN SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW WITH REGARD TO EACH ISSUE RAISED IN HIS APPLICATION AND AT THE HEARING THEREON. ALSO SEE PRUITT V. STATE, 423 S.E. 2d 127 (1992); MCGRAY V. STATE, 408 S.E. 2d 241 (1991).

STATEMENT OF ISSUE ON APPEAL  
ISSUE - 4 ARGUMENT

WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE INVALID INDICTMENT IN VIOLATION OF §17-19-100 WHICH CHANGED THE NATURE OF THE OFFENSE.

APPLICANT CONTENDS THAT TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE SUBSEQUENT INDICTMENT IN VIOLATION OF §17-19-100 WHICH CHANGED THE NATURE OF THE OFFENSE. SEE HOPKINS V. STATE, 451 S.E.2d 389 (1994); STATE V. RIDDLE, 391 S.E.2d 253 (1990). AS SHOWN IN THE TRIAL TRANSCRIPT Pg. 9, LINES 14-15, THE COURT WAS HANDED TWO INDICTMENTS, ONE WAS THE ORIGINAL THE OTHER INDICTMENT HAD NEW ALLEGATIONS WHICH CHANGED THE NATURE OF THE OFFENSE. ON Pg. 10, LINES 6-19 MS. PARR CLAIMED THAT THE CHARGES WERE NOT DIFFERENT THAT THEY WERE TYPO'S OR SOMETHING. THEY CLAIMED A CHARGE WAS CHANGED INADVERTENTLY. A DEFENDANT HAS A CONSTITUTIONAL RIGHT FOR A GRAND JURY TO CONSIDER HIS CASE AND DECIDE WHETHER TO ISSUE A SUFFICIENT INDICTMENT. STATE V. MEANS, 626 S.E.2d 348, 367, S.C. 374 (S.C. 2006). PETITIONER WAS PREJUDICED BECAUSE HE WAS NOT GIVEN NOTICE OF THE CHANGE UNTIL THE DAY OF TRIAL, THE INDICTMENT WAS MULTIPICIOUS FURTHER, HE WAS NOT GIVEN OR SERVED NOTICE OF LIFE WITHOUT PAROLE ON THIS CHARGE.

STATEMENT OF ISSUE ON APPEAL  
ISSUE - 5 ARGUMENT

WHETHER THE SOLICITOR ENGAGED IN PROSECUTORIAL MISCONDUCT BY PRESENTING PICTURES FROM ANOTHER CRIME TO BOLSTER THE STATE'S CASE IN VIOLATION OF DUE PROCESS OF THE 14TH AMENDMENT.

PETITIONER CONTENDS THAT THE SOLICITOR ADMITTED INTO EVIDENCE PICTURES FROM ANOTHER CRIME DATED FROM 1-19-2005, EXHIBITS 5-A-5B, THEIR WAS NO AUTHENTICATION OF THESE PICTURES TO PROVE THEY BELONGED TO VICTIM. THE PICTURES WERE USED TO BOLSTER THE STATES CASE. THIS CASE WAS BASED ON CREDIBILITY OF THE VICTIM AND DEFENDANT, PETITIONER'S DUE PROCESS RIGHTS WERE VIOLATED BY THE STATE ADMITTING FALSE EVIDENCE TO BOLSTER IT'S CASE. SEE NAPUE V. ILLINOIS, 360 U.S. 264, 269 (1959), THESE PICTURES SHOWED BRUISING OF THE LEFT EYE AND THE POLICE REPORT STATED TWO PICTURES OF THE RIGHT EYE WERE TAKEN. FURTHER, TESTIMONY OF THE NURSE AND DOCTOR SHOWED NO BRUISING OF THE EYE WAS NOTED. PJ. 244-245 TRIAL TRANSCRIPT, PJ. 249 LINES 19-20. ALSO SEE BROWN V. BORG, 951 F.2d 1011 (9TH CIR. 1991), ARGUING FALSE EVIDENCE TO JURY WAS MISCONDUCT SERIOUS ENOUGH TO WARRANT THE GRANTING OF HABEAS CORPUS. ALSO SEE ATTACHED EVIDENCE 106 SHEETS. NO EVIDENCE OF THE PICTURES ARE ENTERED.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE-6 ARGUMENT

WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE STATE USING FALSE EVIDENCE TO BOLSTER ITS CASE AND FAILING TO SUPPRESS THIS EVIDENCE OF PICTURES FROM 2005.

PETITIONER CLAIMS THAT DURING TRIAL HE BROUGHT TO COUNSEL'S ATTENTION THAT THE PICTURES THAT WERE BEING USED WERE FALSE BECAUSE IT HAD DATES OF 1-19-2005 ON THEM AND YOU COULD NOT IDENTIFY THE PERSON ON THE PICTURES. SEE EXHIBITS. TRIAL COUNSEL DISREGARDED HIS COMPLAINTS AND ALLOWED THE STATE TO ADMIT THEM WITH NO OBJECTION OR AUTHENTICATION IN VIOLATION OF RULE 902(4), RULE 1005 AND RULE 1002, REQUIREMENTS OF ORIGINALS. AT PCR COUNSEL CLAIMED HE CAUGHT HER IN A LIE BUT GAVE NO EXPLANATION WHY HE DID NOT OBJECT TO THE STATE ADMITTING THIS EVIDENCE. COUNSEL WAS INEFFECTIVE FOR FAILING TO SUPPRESS THIS EVIDENCE AND ALLOWED THE STATE TO BOLSTER ITS CASE WITH FALSE EVIDENCE. SEE HUYNH V. KING, 95 F.3d 1052, 1057-58 (11TH CIR. 1996); RUMMEL V. ESTELLE, 498 F.549P 793 (W.D. TEX. 1980). SEE STATEMENT OF DEPUTY SUMMERSETTE Pg. 10 STATING LACERATION OF RIGHT EYE. ALSO SEE KIMMELMAN V. MARRISON, 477 U.S. 365 (1986). COUNSEL'S FAILURE TO CONDUCT ANY PRETRIAL DISCOVERY WAS PREJUDICIAL AND FAILURE TO FILE TIMELY SUPPRESSION MOTION WAS UNREASONABLE.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE - 7 ARGUMENT

WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT AND TO IMPEACH THE STATE'S WITNESSES INCONSISTENT TESTIMONY THAT WERE DIFFERENT FROM THE INITIAL STATEMENTS GIVEN TO POLICE IN WRITTEN TESTIMONY AND FAILING TO RECALL WITNESS TO IMPEACH THEIR CREDIBILITY UNDER RULE 611(D).

PETITIONER CONTENDS COUNSEL WAS INEFFECTIVE FOR FAILING TO IMPEACH GLORIA WILLIAMSON WITH THE INCONSISTENT TESTIMONY OF LEGRAND STATING HOW THEY LEFT THE BAR, AND THIS WITNESS COMMITTING PERJURY. SEE PG. 58, PG. 60 LINES 4-7, PGS 153-154, PG. 138 LINES 8-9. ON PG. 141-143 LEGRAND TESTIFIES EXACTLY AS GLORIA WILLIAMSON, ON PG. 152, LINE 9 HE CONTRADICTS HIS STATEMENTS UNDER OATH COMMITTING PERJURY. SEE PGS 153-154, LINES 10-21. PG. 156 STATES HE LEFT STACY IN THE POOL AREA. POSTONS ORIGINAL STATEMENT PG. 3 SHOWS A DIFFERENT STORY. DENA SIEGAR TESTIFIES SHE SEES STACY AND THE VICTIM SHOOTING POOL PG. 173-174. SHE THEN TESTIFIES SHE SEEN VICTIM LEAVE WITH LEGRAND AND STACY. SEE PG. 174-175, PG. 181. FURTHER, HAD MARY ANN MATTHEWS STATEMENT AND TESTIMONY BEEN INTRODUCED IT WOULD HAVE PORTRAYED A TOTALLY DIFFERENT STORY. SEE ATTACHED STATEMENT. HAD COUNSEL INTRODUCED THIS WITNESS AND STATEMENT IT COULD HAVE ATTACKED THE CREDIBILITY OF THE VICTIM AND SHOWED INCONSISTENCIES IN THE STATE'S WITNESSES TESTIMONY. HAD COUNSEL

RECALLED GLORIA WILLIAMSON HE COULD HAVE CROSS EXAMINED HER AND HAD HER TO EXPLAIN WHY SHE WENT TO THE CAR WITH LEGRAND AND WITH STACY AND WAS HANGING IN THE WINDOW AND THEN SHE COULD HAVE EXPLAINED WHERE SHE AND DEFENDANT WENT AFTER MARY ANN MATTHEWS LEFT WITH LEGRANDE. THE VICTIM STATED TO LEGRANDE, I WILL BE ALL RIGHT, I'M RIGHT BEHIND, I'LL JUST HAVE A COUPLE OF DRINKS, I'M RIGHT BEHIND YOU, AND I MEAN WITHIN 5 MINUTES I WAS WALKING OUT THE DOOR. SEE PG. 59 THE VICTIM MADE IT LOOK LIKE STACY WAS WAITING FOR HER AND IN FACT SHE WAS OUTSIDE WITH HIM THE WHOLE TIME. COUNSEL SHOULD HAVE HAD HER EXPLAIN HOW SHE COULD DO BOTH WHICH ONE IS TRUE. COUNSEL WAS INEFFECTIVE FOR FAILING TO ATTACH THE PRIOR INCONSISTENT STATEMENTS OF THE STATED WITNESSES. SEE U.S. V. MARTINEZ, 988 F.2d 685, 698 (7TH CIR. 1993); ALSO SEE HALL V. WASHINGTON, 106 F.3d 742, 749 (7TH CIR. 1997); BERRYMAN V. MORTON, 100 F.3d 1089, 1096-1102 (3d CIR. 1996). COUNSEL'S STRATEGY IN RAPE CASE NOT TO USE VICTIMS PRIOR INCONSISTENT TESTIMONY INEFFECTIVE BECAUSE WHOLLY UNREASONABLE.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE - 8 ARGUMENT

WHETHER TRIAL COUNSEL AND PCR COUNSEL WAS INEFFECTIVE FOR FAILING TO SUBPOENA JAMES LANGSTON AND MARY ANN MATTHEWS WHICH VIOLATED PETITIONER'S 6TH AMENDMENT RIGHT OF THE COMPULSARY PROCESS AND WHETHER THE COURT ABUSED ITS DISCRETION AT PCR BY REFUSING TO SUBPOENA HIS WITNESSES.

PETITIONER CLAIMS TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO SUBPOENA JAMES LANGSTON OWNER OF THE BAR TO TESTIFY THAT DEFENDANT AND VICTIM WAS IN THE BAR SHOOTING POOL AND THEY WERE TOGETHER AFTER LEBLANDE LEFT. COUNSEL WAS INEFFECTIVE FOR NOT CALLING MARY ANN MATTHEWS TO TESTIFY TO CONTRADICT GLORIA WILLIAMSON. THIS COULD HAVE CAUSED REASONABLE DOUBT AS TO WHAT ACTUALLY HAPPENED. SEE PG. 65-66, PG. 100 TRIAL TRANSCRIPT. PG. 104, LINES 18-24 VICTIM DENIES LEAVING WITH DEFENDANT. PG. 99, LINES 1-16. PG. 369 SHOWS COUNSEL DID HAVE A WITNESS. PCR WAS TOLD TO SUBPOENA THESE TWO WITNESSES AS SHOWN BY THE EXHIBITS. AT PCR PETITIONER TRIED TO HAVE THE WITNESSES SUBPOENAED AND WAS DENIED BY THE COURT. COUNSEL HAD AN OBLIGATION TO USE THESE WITNESSES UNDER RULE 611(D) AND PURSUANT TO GLOVER V. STATE, 458 S.E.2d 538 (1995) WHICH STATES WITNESSES HAVE TO BE PRODUCED AT PCR TO TESTIFY WHAT SHE/HÉ WOULD HAVE TESTIFIED TO. THE COURT ABUSED ITS DISCRETION IN REFUSING TO SUBPOENA THESE WITNESSES. SEE TUCHER V. PRELESNIK, 181 F.3d 747, 757 (6TH CIR. 1999); ALSO SEE HARRIS V. REED, 894 F.2d 871, 878 (7TH CIR. 1990) (EN BANK).

# STATEMENT OF ISSUE ON APPEAL

## ISSUE - 9 ARGUMENT

WHETHER COUNSEL WAS INEFFECTIVE FOR FAILURE TO DISCOVER AND UTILIZE PRIOR CRIMINAL AND MEDICAL RECORDS OF THE PROSECUTIONS WITNESSES UNDER RULE 609(A)(1).

PETITIONER CONTENDS COUNSEL WAS INEFFECTIVE FOR FAILING TO DISCOVER AND UTILIZE PRIOR CRIMINAL RECORDS OF LEGRANDE POSTON AND FAILED TO DISCOVER AND UTILIZE PRIOR MEDICAL HISTORY OF VICTIM AND HER HUSBAND TO DETERMINE IF A CDU OCCURED IN 1-19-2005 WHICH WOULD SHOW THE PICTURES CAME FROM THIS INCIDENT. A DEFENDANT IS ENTITLED TO A MORE COMPLETE INVESTIGATION INTO MATTERS DIRECTLY RELATED TO THE CREDIBILITY OF THE PROSECUTIONS WITNESSES. PETITIONER CLAIMS NO INVESTIGATION WAS DONE INTO THESE MATTERS. TRIAL COUNSEL AT PCR CLAIMED HE RAN A NCIC AND NONE WAS FOUND. HAD AN INVESTIGATION BEEN DONE IT MIGHT HAVE CONVINCED JURORS TO DISBELIEVE THOSE WITNESSES. PETITIONER CLAIMS LEGRAND POSTON HAD A CRIMINAL RECORDS. TRIAL COUNSEL AND PCR COUNSEL WAS INEFFECTIVE FOR NOT PULLING THOSE RECORDS AT TRIAL AND PCR. SEE NICHSON V. PEOPLE OF MICHIGAN, 327 N.W.2d 333 (1982), CITE AS 120 MICH, APP. 681 AND FURTHER, THIS WAS NOT A LEGITIMATE TRIAL STRATEGY.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE-10 ARGUMENT

WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO ATTACK THE CHARACTER OF THE VICTIM AND THE STATE'S WITNESSES UNDER RULE 404(2) AND FAILING TO ATTACK REPUTATION EVIDENCE UNDER RULE 607, 608.

PETITIONER CONTENDS THAT COUNSEL SHOULD HAVE ATTACKED THE CHARACTER OF THE VICTIM. FIRST SHE ADMITTED SHE WAS GOING THRU A DIVORCE. SHE STATED SHE HAD SEXUAL RELATIONS ON FEB 17, TH. NO INQUIRY WAS MADE BY COUNSEL ON CROSS-EXAM TO DISCOVERY WHO THIS WAS. THIS COULD HAVE SHOWN SHE WAS SEEING SOMEONE OR STILL SEEING HER HUSBAND AND IT WOULD HAVE GIVEN HER CAUSE TO PARK IN THE WOODS TO HAVE SEX. Pg. 96 Pg. 84, Pg. 259, LINE 17 SHOWS ANOTHER GENTLEMAN WAS AT HER APARTMENT. NO I.D. WAS MADE. BASED ON HER STATEMENT TO THE DOCTOR SHE WAS SEXUALLY ACTIVE BEFORE MEETING DEFENDANT. ON Pg. 395 IN CLOSING ARGUMENTS COUNSEL STATED ADULTRY AIN'T A SWEET THING TO LOOK AT. IF VICTIM WAS IN A RELATIONSHIP IT WOULD HAVE GIVEN THE JURY REASON TO WHY THEY WOULD PARK IN THE WOODS TO HAVE SEX. FURTHER, SEE WAS GETTING COUNSELING RELATED TO HER DIVORCE AND A HUSBAND WHO WAS VERBALLY ABUSIVE AND PHYSICALLY AGGRESSIVE, PER HER REPORT. THIS WOULD GIVE REASONS WHY SHE WOULD HAVE BEEN AFRAID TO GO TO HER APARTMENT. SEE Pg. 128. COUNSEL SHOULD HAVE DEVELOPED THIS ATTACK ON HER REPUTATION.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE - II ARGUMENT

WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO LEADING THE VICTIM UNDER RULE 611(C) AND THE STATES WITNESS (LEGRANDE POSTON).

PETITIONER CONTENDS COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO LEADING THE VICTIM ABOUT HOW SUPPOSIDLY THE DEFENDANT SEXUALLY ASSAULTED HER. SEE PG. 78-79, ON PG. 141, TRIAL TRANSCRIPT MS. PARR ASKS ON PG. 141 LINE 11 TO LEGRANDE POSTON ON DIRECT EXAMINATION, Q) NOW, DO YOU RECALL SEEING A KNIFE THAT EVENING, A) YES MAYAM, HE PRESENTED ONE HE SHOWED ME. LINE 12, LINE 19. Q) OKAY. BUT HE SHOWED YOU A KNIFE? A) UH-HUH Q) AND WHAT DID HE SAY ABOUT THE KNIFE?

COUNSEL SHOULD HAVE OBJECTED TO LEADING THE WITNESSES THAT IMPROPERLY BOLSTERED THE CASE. FURTHER, TESTIMONY BY LEGRANDE POSTON WAS USED IMPROPERLY TO INFER THAT DEFENDANT HAD A KNIFE THAT WAS USED AND WAS NOT ACTUALLY SEEN BY VICTIM. THE STATES WITNESS LEADING QUESTIONS ASKED BY THE SOLICITOR IMPROPERLY COLLABORATED THE VICTIMS ALLEGATIONS. SEE PG. 73, LINES 18-20.

# STATEMENT OF ISSUE ON APPEAL

## ISSUE - 12 ARGUMENT

WHETHER TRIAL COUNSEL WAS INEFFECTIVE FOR INTENTIONALLY MISADVISING PETITIONER THAT THEY COULD USE HIS ENTIRE RECORD FOR IMPEACHMENT PURPOSES WHICH PREVENTED HIM FROM PRESENTING A DEFENSE.

PETITIONER CONTENDS TRIAL COUNSEL MISADVISED HIM BEFORE AND DURING TRIAL THAT THEY COULD USE HIS ENTIRE RECORD TO IMPEACH HIM IF HE TESTIFIED. COUNSEL AND THE COURT FAILED TO EXPLAIN THEY COULD ONLY USE HIS RECORD FROM THE PAST 10 YEARS RULE 609(B) AND THAT ANY OF THOSE CONVICTIONS COULD BE CHALLENGED ON THE GROUNDS OF RELEVANCE. SEE PG. 310, TRIAL TRANSCRIPT, LINES 8-10. IN PCR COUNSEL CLAIMED IT WAS HIS TRIAL STRATEGY NOT TO LET THE DEFENDANT TESTIFY BECAUSE HE WAS NOT CREDIBLE. COUNSEL FAILED TO TAKE INTO ACCOUNT HIS GIRLFRIEND COULD COLLABORATE HIS TESTIMONY HE CLAIMED THIS GIRL WANTED ME TO KILL HER HUSBAND AND PAID HIM WITH SEX. SEE MONSA LABRANCHE STATEMENT. FURTHER, MARY AND MATTHEWS COULD HAVE COLLABORATED HIS STORY THEY WENT OUT TOGETHER AND WAS LEFT IN THE PARKING LOT. PETITIONER'S COUNSEL WAS DISHONEST AND KNOWINGLY MISADVISED HIM WHICH SHOWS A CONFLICT OF INTEREST. SEE CYLER V. SULLIVAN, 446 U.S. 335 (1980). GALLEGO V. U.S., 174 F.3d 1196, 1197 (11TH CIR. 1999); COUNSEL'S REFUSAL TO ALLOW DEFENDANT TO TESTIFY WOULD BE INEFFECTIVE. (22)

# STATEMENT OF ISSUE ON APPEAL

## ISSUE 13 - ARGUMENT

WHETHER TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO PRESENT A VALID DEFENSE AND WHETHER IT CONSTITUTED A CONFLICT OF INTEREST IN VIOLATION OF THE 6TH AMENDMENT.

PETITIONER CONTENDS THAT COUNSEL WAS INEFFECTIVE IN FAILING TO PRESENT A DEFENSE AND THAT COUNSEL INTENTIONALLY FAILED TO SUBPOENA TWO WITNESSES, JAMES LANGLISTON AND MARY ANN MATTHEWS THAT COULD HAVE IMPEACHED THE CREDIBILITY OF THE VICTIM. SEE STATEMENT MARY ANN MATTHEWS, TESTIMONY OF VICTIM. COUNSEL FURTHER FAILED TO ELICIT PETITIONER'S DEFENSE THAT THE VICTIM PROPOSED TO HIM TO KILL HER HUSBAND FOR SEX FROM DEFENDANT'S GIRLFRIEND MONA LABRANCHE. SHE WROTE A DETAILED STATEMENT THAT WAS NOT INTRODUCED AT TRIAL. PETITIONER EXPLAINED THIS DEFENSE TO COUNSEL ON NUMEROUS OCCASSIONS AND HE FAILED TO DEVELOP THIS DEFENSE. COUNSEL STATED AT PCR THAT HE BELIEVED HE WOULD NOT MAKE A GOOD WITNESS BECAUSE OF HIS PRIOR RECORD BUT DID NOT MENTION MARY ANN MATTHEWS OR MONA'S STATEMENT. DEFENDANT COULD HAVE MOUNTED A VIABLE DEFENSE. COUNSEL'S DECISION NOT TO PRESENT A DEFENSE WAS NOT REASONABLE TRIAL STRATEGY. SEE HARRIS V. REED 894 F.2d 871, 878 (7TH CIR. 1990) (EN BANC); TUCKER V. PRELESNIK, 181 F.3d 747, 757 (6TH CIR. 1999); AND HART V. GOMEZ, 174 F.3d 1067, 1073 (9TH CIR. 1999).

## STATEMENT OF ISSUE ON APPEAL

### ISSUE 19 ARGUMENT

WHETHER THE STATE PROVED BEYOND A REASONABLE DOUBT EVERY ELEMENT OF THE CRIME WITH PETITIONER WAS CHARGED AND WHETHER TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO PROPERLY PRESERVE FOR APPELLATE REVIEW AND WHETHER APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO ARGUE IT ON APPEAL FOR A CLEAR ERROR REVIEW, THE STAT IS REQUIRED TO PROVE BEYOND A REASONABLE DOUBT EVERY ELEMENT OF THE CRIME HE IS CHARGED WITH, THE DUE PROCESS CLAUSE REQUIRES IT, INRE WINSHIEP 1397, U.S. 358, 364 (1970) SULLIVAN V. LOUISIANA 1508 U.S. 275, 278 (1973). PG. 368, TRIAL TRANSCRIPT, TRIAL COUNSEL MOVED FOR A DIRECTED VERDICT ON THE BASIS THAT THERE IS A FAILURE OF EVIDENCE TO PRESENT TO THE JURY. PG 420, COUNSEL RENEWED THIS MOTION, COUNSEL FAILED TO ARGUE THE STAT FAILED TO PROVE ITS CASE BEYOND A REASONABLE DOUBT. BASED ON THE EVIDENCE COUNSEL SEE'S ITS WAS ALL OR NOTHING. THE JURY FOUND DEFENDANT GUILTY OF TWO OF THE FOUR COUNTS OF (CSC) BUT FAILED TO EXPLAIN HOW WHEN THE OFFENSES OCCURED FROM THE SAME CRIME, TRIAL COUNSEL SHOULD HAVE PRESERVED AN OBJECTION AND APPELLATE COUNSEL SHOULD HAVE TRIED TO OBTAIN A CLEAR ERROR REVIEW.

## STATEMENT OF ISSUE ON APPEAL

### ISSUE-15- ARGUMENT

WHETHER COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO THE INVALID INDICTMENT VIOLATION OF THE 5TH AMENDMENT AND THE 14TH AMENDMENT.

UNDER THE LAW 14-5-780 FLORENCE COUNTY DO NOT HAVE TERMS ON THE MONTH OF AUGUST AND NOVEMBER MY INDICTMENT WITH THE DATE OF AUGUST 28, 2008 AND NOVEMBER 20, 2008 I KNOW THE LAW 14-5-780. IS THE LAW FLORENCE COUNTY DO NOT HAVE SUBJECT MATTER JURISDICTION TO INDICTMENT ME, WITH OUT A CONSENT ORDER FROM CHIEF JUSTICE TOAI MY COUNSEL WAS INEFFECTIVE FOR NOT OBJECT TO THE INVALID INDICTMENT,

### CONCLUSION

COUNSEL CONDUCT SO UNDERMINED THE PROPER FUNCTIONING OF THE ADVERSARIAL PROCESS THAT THE TRIAL CANNOT BE REIFIED UPON AS HAVING A JUST RESULT. STRICKLAND V. WASHINGTON 406 U.S. 68, 104, S.Ct. 2052 2064 (1984) BUTLER V. STATE 334 S.E.2d 813 (1985). FIRST THE APPLICANT MUST PROVE THAT COUNSEL PERFORMANCE WAS DEFICIENT, CHERRY 385 S.E.2d AT 625 (CITING STRICKLAND SUPRA, SECOND), COUNSEL PERFORMANCE MUST HAVE PREJUDICED THE APPLICANT SUCH THAT "THERE IS A REASONABLE PROBABILITY THAT, BUT FOR COUNSEL UNPROFESSIONAL ERRORS THE RESULT OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT," CHERRY 386 S.E.2d 625 "A REASONABLE PROBABILITY IS A PROBABILITY SUFFICIENT TO UNDERMINE CONFIDENCE IN THE OUT COME OF TRIAL." JOHNSON V. STATE 480 S.E.2d 733, 735 (1997) BASED NOT THIS BRIEF PETITIONER REQUESTS CERTIORARI BE GRANTED AND ALLOW FULL BRIEFING ON ALL ISSUE AND REMAND RECURRY TO BRYSON V. STATE

State of South Carolina

In The Supreme Court

"Writ of Certiorari" Florence County  
Honorable Thomas A. Russo, Circuit Court Judge  
Honorable Micheal Nettles, Circuit Court Judge

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Ca/No:2010-CP-21-1258

Stacy Evans.....Petitioner

Vs.

State of South Carolina.....Respondent

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Designation of matter to be included  
in the record on appeal-Appendix

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Petitioner proposes the following to be  
included in the record on appeal:

1. Copy of PCR
2. Letter to Charles T. Brooks requesting the subpoena of his witnesses for PCR.
3. Letters from Charles T. Brooks stating he would subpoena witnesses.
4. Amended complaint.
5. Letter to Charles T. Brooks requesting him to file a 59(e), Certificate of Service.
6. Notice of Appeal.
7. Certificate of Service, motion to relieve PCR counsel dated Jan 13, 2011.
8. Order of dismissal from pcr date Feb 22, 2011.

9. Motion to relieve counsel and 59 (e) motion dated Feb 25,2011.
10. Supplemental 59 (e) motion dated March 9,2011.
11. Final order denying 59 (e).
12. Copy of indictments, copies of transcript pg's 9-10,421-423.
13. Florence county sherriff's report.
14. Statement of Gloria Williamson.
15. Pictures dated 1-19=2005.
16. Florence County sherrif office evidence log sheets.
17. Testimony of Gloria Williamson, trial transcript, pg's 53-60  
65-68,76,92-98,101-102,,107-112.
18. Testimony of Robin H. Gibson, trial transcript pg's 127-128.
19. Testimony of Legrand C. Poston, trial transcript pg's 135-  
13 138,141-144,151-156.
20. Testimony of Agnes Poston Creel, trial transcript pg's 161-  
162.
21. Testimony of Dena Doyle Seigler, trial transcript pg's 171-  
176,181-182,185-188.
22. Testimony C. Buxton, R.N., trial transcript pg's 221-222.
23. Testimony Peggy Tomlinson, R.N., trial transcript, pg's 229-  
230,239-240,243-246.
24. Testimony Manuel Fonseca M.D., trial transcript, pg's 249-256
25. Testimony Kevin Grant summersett, trial transcript, pg's 261-  
264.
26. Testimony Adam T. Moore, trial transcript pg's 289-292,305-  
306.
27. Testimony Betty Butler, trial transcript pg.327
28. Statement of Agnes Creel
29. Statement of Dene Seiglar
30. Statement of Legrand Poston
31. Testimony of Gloria Williamson, Pg's 57-60,65-68,97-98,101-  
102.
32. Testimony of Legrand Poston, pg's 135-136,143-144.
33. Testimony of Nancy C. Buxton, R.N. pg.221
34. Copy of witness list.
35. Statement of Mary Ann Matthews.

36. Testimony of Gloria Williamson, pg's 65-66, 99-100, 103-104.
37. Trial transcript pg. 369, statement by Mr. Lawson stating I have one possible witness.
38. Trial transcript, pg's 310 and 370, page at sentencing.
39. Mona Labranche statement, pg's 200, 369-370 trial transcript.
40. Motion for a directed verdict, pg. 368.
41. Evidence log sheets-pictures of eye missing, pg's 419-421.
42. Charge on the law, pg's 411-416.
43. Closing argument Ms. Parr, pg's 373-392.
44. Closing argument Mr. Lawson, Pg's 394-402.
45. Disc testimony and times on video showing how long SUV stayed at station.
46. Officers report-times don't match, pg's 164, 266.
47. No mud on shirt-pg. 165
48. No pictures of mud-pg. 145.
49. Stains-Pg's 274, 279, 284-286.
50. Mixture of sperm (DNA), pg's 346, 353
51. Reasonable doubt argument showing wrong eye, pg's 398-400.

I certify that this designation contains no matter which is irrelevant to this appeal.

Date \_\_\_\_\_, 2011

STACY EVANS  
Stacy Evans #150040  
McCormick C.I.

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

APPEAL FROM FLORENCE COUNTY  
COURT OF COMMON PLEAS  
HONORABLE THOMAS A. RUSSO, CIRCUIT  
COURT JUDGE

**RECEIVED**

MAY 28 2012

S.C. SUPREME COURT

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CA/NO: 2010-CP-21-1258

STACY L. EVANS . . . . . PETITIONER

VS.

STATE OF SOUTH CAROLINA . . . . . RESPONDENT

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PROOF OF SERVICE

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THIS IS TO CERTIFY THAT STACY EVANS DED MAILED TO  
THE CLERK, SUPREME COURT AT P.O. BOX 11330, COLUMBIA  
S.C. 29211 HIS "PRO SE" BRIEF, WRIT OF CERTIORARI.  
PLACED IN THE MAIL ON THE 18 DAY OF MAY  
2012 WITH POSTAGE PREPAID.

Franklin 12-16-2019

X STACY EVANS  
STACY EVANS #152040  
M<sup>c</sup>CORMICK C.F.  
386 REDEMPTION WAY  
M<sup>c</sup>CORMICK S.C.  
29899.