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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Ronald D. Davis

Petitioner,

v.

State of South Carolina

Respondent,

PETITIONER CASE NO. 2023-001136

PETITIONER WRITTEN MEMORANDUM
FOR
PETITION FOR WRIT OF CERTIORARI

Ronald D. Davis # 272165
Pro-se Petitioner

Allendale Corr. Inst. F-4
1057 Revolutionary Trail
FairFax, South Carolina

29827

INDEX

INDEX..... 1

ISSUES PRESENTED..... 1

STATEMENT..... 2

ARGUMENT..... 3

DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL.

CONCLUSION..... 4

ISSUE PRESENTED

_____ The Honorable Court, fail to address Applicant/Petitioner
initial (PCR) issues raised with finding of facts and conclusions
of law.

STATEMENT

On or about September 16, 2016. The Laurens County Grand Jury indicted Applicant/Petitioner for the offense of murder and possession of a weapon during the commission of a violent crime.

Appellant/Petitioner, proceeded to trial before the Honorable Donald B. Hocker, and jury on March 26, 2018. Petitioner was represented by Chelsea McNeil and Tristan Shaffer; the state was represented by Warren Mowry and Jared Simmons.

Honorable Judge, Hocker; sentence petitioner to concurrent terms of twenty-five years for voluntary manslaughter and five years for a weapon.

On April 4, 2018. Petitioner appeared again before Judge Hocker; following a pro-se motion to withdraw his plea, filed April 4, 2018. (Dated March 28, 2018). Judge Hocker, denied the motion.

On direct appeal, Petitioner was represented by Joanna K. Delany; (Appellant Defender), of the South Carolina Commission on Indigent Defense, who filed an Anders Brief on Petitioner's behalf.

Petitioner, then file an Application for Post Conviction Relief on July 21, 2020. The state filed its return November 3, 2020. An amendment to the application was filed on the petitioner's behalf by Don A. Thompson; July 14, 2022. with Thompson representing petitioner and Zachary Jones; representing the state.

On June 20, 2023. The Honorable Judge Verdin; denied the petitioner's application for Post Conviction Relief.

This Petitioner Written Memorandum follows.

ARGUMENT

The Honorable Court, fail to address Applicant/Petitioner initial (PCR) issues raised with finding of fact and conclusions of law.

Petitioner, argues that in his initial (PCR) application (4) four issues was set-forth, Prosecutorial Misconduct, Ineffective Assistance of Counsel, Involuntary Plea, and Trial Court errors, and the court fail to address the issues at the PCR hearing.

In several past cases, where the final order lacked specific findings of fact and conclusions of law, the South Carolina Supreme Court has overlooked the failure to file a Rule 59(e) motion, and remanding the PCR court's order, despite the lack of Rule 59(e) motion to address the failure of many PCR orders to address all the issues raised); McCray v. State, 408 S.E.2d 241, (S.C. 1991). (reversing order denying applicant relief and remanding for a new PCR hearing where PCR court's order failed to make specific findings of facts and conclusions of law.