

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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 ORIGINAL

Appeal from Charleston County  
R. Markley Dennis, Jr., Circuit Court Judge

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RECEIVED

MAY - 2 2012

THE STATE,

S.C. Supreme Court

RESPONDENT,

V.

WILLIAM O. DICKERSON,

APPELLANT

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MOTION FOR A STAY OF EXECUTION AND  
FOR THE APPOINTMENT OF A  
POST-CONVICTION RELIEF JUDGE

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Counsel for William Dickerson moves this Court for a stay of execution and to appoint a post-conviction relief judge so that post-conviction counsel can be appointed by that judge.

I.

This Court affirmed petitioner's convictions and death sentence in State v. William O. Dickerson, 395 S.C. 101, 716 S.E.2d 895 (2011).

II.

Petitioner filed a petition for rehearing. This Court denied that petition on November 17, 2011.

III.

A petition for writ of certiorari to the United States Supreme Court, *William O. Dickerson v. South Carolina*, No. 11-8903, was then filed on February 15, 2012. The Court denied certiorari in its order dated April 23, 2012. A copy of that order is attached to this motion.

IV.

Petitioner now can and will raise numerous grounds of ineffective assistance of counsel in an application for post-conviction relief. In his application for post-conviction relief, while reserving the right to amend once counsel is appointed, petitioner will assert, at a minimum, the following grounds:

V.

1.

Whether defense counsel provided ineffective assistance of counsel, in derogation of the Sixth Amendment to the United States Constitution, by requesting the admission of the “execution impact evidence” of Johnette Watson on too broad a basis since the admission of testimony Watson would be hurt if petitioner was executed because he had formed a positive relationship with her was admissible but the irrelevant proffered evidence regarding other homicides affecting the family was not admissible and prevented this from being a successful

appellate issue?

2.

Whether defense counsel was ineffective, in derogation of the Sixth Amendment to the United States Constitution, by conceding on appeal that the solicitor's actions in not having Dr. Schandl testify about the drugs in the decedent's body was **not a deliberate attempt** to mislead the jury, or that it constituted prosecutorial misconduct since it preventing the trier of fact from hearing exculpatory evidence about the amount of pain the decedent may have suffered?

3.

Whether appellate counsel provided ineffective assistance of counsel, in derogation of the Sixth Amendment to the United States Constitution, by failing to raise trial counsel's issue on appeal that our court's proportionality review must also include murder cases, and murder cases with aggravating circumstances where the state chose not to seek the death penalty since the failure to raise this meritorious issue was prejudicial to petitioner?

This list is not exhaustive, and will likely expand, once appointed post-conviction counsel has had the opportunity to investigate. The above grounds are merely offered to show that numerous issues of ineffective assistance of counsel exist in this case.

VI.

Present counsel cannot take a position on other issues of ineffective assistance of appellate counsel. That is a matter for post-conviction counsel and the post-conviction court to determine.

VII.

Based on the above, petitioner requests that this Court issue a stay of execution and appoint a post-conviction relief judge so that the appointed post-conviction relief judge can hold a hearing to appoint post-conviction counsel. This will allow petitioner to pursue his state court post-conviction relief action in the Charleston County Court of Common Pleas.

WHEREFORE, counsel for William Dickerson requests that this Court issue a stay of execution and appoint a post-conviction relief judge so that the appointed post-conviction relief judge can hold a hearing to appoint post-conviction counsel so that petitioner can pursue post-conviction relief with the assistance of counsel in the Charleston County Court of Common Pleas upon the grounds of ineffective assistance of counsel, and any other grounds that may arise from post-conviction counsel's investigation of this case.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant

May 2, 2012

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appeal from Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

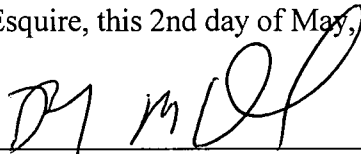
V.

WILLIAM O. DICKERSON,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the motion for a stay of execution and to appoint a post-conviction relief judge in the above-referenced case has been served upon opposing counsel, S. Creighton Waters, Esquire, this 2nd day of May, 2012.



Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me  
this 2nd day of May, 2012.

Lauren Ee Cuse (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2012.

# EXHIBIT

“A”

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

April 23, 2012

Mr. Robert M. Dudek  
SC Commission on Indigent Defense  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, SC 29201-3332

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APR 25 2012

Re: William O. Dickerson  
v. South Carolina  
No. 11-8903

SC OFFICE OF  
APPELLATE DEFENSE

Dear Mr. Dudek:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk