

PETITION FOR WRIT OF CERTIORARI
IN POST-CONVICTION DNA TESTING ACT

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THE STATE OF SOUTH CAROLINA JUN 03 2024
IN THE COURT OF APPEALS SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF GENERAL SESSIONS
DeAndrea G. Benjamin, Circuit Court Judge

Appellant Case No. 2023-000242

Terrance Adams, #229165,
V.
STATE OF SOUTH CAROLINA,

Appellant,
Respondent,

PETITION FOR A WRIT OF CERTIORARI

Terrance Adams #229165
610 HWY 9 West
Bennettsville, SC 29512

INDEX _____

ISSUE PRESENTED _____

STATEMENT OF THE CASE _____

ARGUMENT

Did The Circuit Court Error In Denying
To Notify The Victims In Section 17-28-50(A)
And Dismissing Petitioner's Application For A
Hearing To Prove by the Victim Testimony Or
Former Testimony That He Is Innocent Of The
"Most Serious" violent offense Burglary First Degree
And was Wrongfully Convicted Accordance with
S.C. Code Ann. § 17-28-30(A)(5) And section 17-28-90(A)
(5) (7) (F)?

CONCLUSION

1-

ISSUE PRESENTED

Whether the Circuit Court error in denying to notified the victims in section 17-28-50(A) and dismissing petitioner's application for a hearing to prove by the victim testimony or former testimony that he is innocent of the "Most Serious" violent offense Burglary First Degree and was wrongfully convicted accordance with S.C. Code Ann. §§ 17-28-30(A)(15) and section 17-28-90(A)(5)(7)(F)?

STATEMENT OF THE CASE

On April 19, 2005 Petitioner told the Police he is innocent of these Violent Crimes Under Arrest Affidavit signed for Inv. Hunt. APP.P. 75 Ln. 3-6 There is no out-of-court statement by Rufus Keys APP.P. 129 Ln. 4-9 involving information that Petitioner's was the individual who kicked in all of the doors to the Apartment. APP.P. 109 Ln. 1-12; APP.P. 127 Ln. 20-23, APP.P. 129 Ln. 1-3 The testimony by UPS driver Asid Ferguson disclose nothing about any doors being kicked in prior placing note on 2 doors. APP.P. 96 Ln. 1-7

In accordance with the record Inv. Hunt, was called by Mr. Keys APP.P. 111 Ln. 10-20, APP.P. 123 Ln. 23-24, APP.P. 124 Ln. 1-6 Inv. Hunt and Mr. Keys rode to the Food Fair to identify Petitioner by surveillance videotape APP.P. 118 Ln. 22-25, APP.P. 119 Ln. 1-17 APP.P. 173 Ln. 20-25, APP.P. 174 Ln. 1-3 Judge Benjamin specify on the record, all the evidence in Petitioner case had been destroyed, APP.P. 356 Ln. 7-14 Solicitor Sampson testimony identify 2 VHS videotape and photographs of a pair of latex gloves and screwdriver, APP.P. 163 Ln. 8-16, APP.P. 335-336, APP.P. 356 Ln. 7-14 "If the Crime Laboratory would had taken time to examine or test the latex gloves the results would've had found some one else DNA inside those gloves.

Petitioner PCR Attorney Johnathan Waller testimony before the Court will show his client was charged with Burglary First Degree, A violent offense based on 2 prior record, APP.P. 7, APP.P. 354 Ln. 5-10 prior to trial, Trial Counsel Lauren Mobley never once advised Petitioner about having prior convictions on his record, The Trial Judge never questioned Petitioner about any prior record for convictions dated January 8, 1997 may be the Courts knew those convictions & sentence were not knowingly and voluntarily entered. Boykins v. Alabama 395 U.S. 238 238 89 S.Ct. 1709, 23 L.Ed 2d 274 (1969)

The videotape evidence will show Inv. Hunt taking Petitioner shoes off to test the footprints, Mr. Keys related evidence that Petitioner kicked in doors

Any Judge Who Overlooked the obvious Problems in Petitioner Case, On the Charge involving this "Most Serious" Violent Burglary in the First Degree From some other Circumstance despite a Lack of evidence on an essential element of the Crime is a Failure of Justice. Petitioner Application "Access to Justice" Forensic DNA Testing Action Filed May 31, 2016. The State Makes ~~it~~ return to Petitioner Application Admitting no evidence exists on August 19, 2016

At the hearing on October 25, 2016 raised facts why he is innocent of crimes charged. The PCR Judge answer he was unable to rule on merits because he did not have Petitioner record. So Judge Barber signed an "ORDER" TO Appoint Counsel and after Counsel personally meets with Petitioner rescheduled a hearing to decide the violation. On May 8, 2017 the Court appointed Counsel for the Petitioner. The Richland County Clerk of Court notified Johnathan D. Waller will be representing him. ~~It~~ was confirm by Warren Barney Giese Law Firm, LLC, on May 12, 2017 and May 22, 2017. Former Solicitor Giese is the same Prosecuting Officer that signed the Fourteenth Indictments. The State knows this was a conflict of interests. Petitioner did not see Attorney Waller until November 30, 2022. Some six year later.

Judge Benjamin ruling to dismiss or deny was erroneous with the Law or Facts necessary. The one evidence that do exists is the substance shown in Arrest Warrant - Affidavit. APP.P. 353 Ln. 20-25, APP.P. 354 Ln. 1-4 EXCULPATORY evidence is testimony by the Victims or witnesses in Petitioner Case. APP.P. 64 Ln. 2-8, APP.P. 128 Ln. 22-25, APP.P. 171 Ln. 15-22, APP.P. 198 Ln. 2-15, APP.P. 210 Ln. 1-4, APP.P. 218 Ln. 13-17, APP.P. 225 Ln. 22-25, APP.P. 226 Ln. 1, APP.P. 233 Ln. 14-15, APP.P. 238 Ln. 22-25, APP.P. 240 Ln. 6-8, APP.P. 244 Ln. 22-25, APP.P. 245 Ln. 1-9 See APP.P. 248 Ln. 4-14

The Trial Judge an opposing Counsel's had no right to agree to a stipulation that is UNCONSTITUTIONAL under Indictment Number 1993-GS-40-9536 and under Indictment 1993-GS-40-9516 For statutory Enhancement. APP.P. 298 Ln. 21-25, APP.P. 299 Ln. 1-8 According to the Law in Section 16-1-70 and Section 16-11-312(A), This Statute is not A Violent Crime under Section 16-1-60. S.C. Code Ann. § 16-11-311(B)

Petitioner Charges or Convictions For First Degree Burglary Was Characterized by Unfairness or Injustice. The state contends Petitioner's identity was not a factor because he have prior convictions dated January 8, 1997. Petitioner have contrary proof that those convictions or sentence is unconstitutional by the State Constitution and the United States Constitution. The Sentence Sheet will reflect the trial judge and deceased Clerk of Court in agreement with that unconstitutional contracts.

Every crime is associate with an object or thing. Therefore, the identity is a factor in Petitioner case and the physical evidence is the victims. APP.P. 64 Ln. 2-8 Solicitor Cathcart testimony for the victims, their testimony will not be individual knowledge of Petitioner at all. RULES 804.1(b) SCRE Former testimony by victims or witness's is exculpatory evidence pursuant to S.C. Code Ann. § 17-28-100(B)

Petitioner was absent at a "crucial" or "critical" stage at trial. Before imposing sentence the trial judge did not personally address him. APP.P. 314 Ln. 5-17 Federal Rules of Criminal Procedure; Rule 32(a)(1)(4)(ii)(B).

The opposing attorney who represent this violent case did not signed the fourteenth sentence sheet APP.P. 329-334 The deceased trial judge Johnson and deceased Clerk of Court Scott are the only signature on sentence sheet.

The DNA Act places specific duties upon the state, the circuit court, and custodian of evidence to preserve and inventory the evidence in a case. Pursuant to S.C. Code Ann. § 17-28-320(C) This physical evidence and biological material must be preserved until petitioner is released from incarceration, dies while incarcerated, or executed for the offense burglary in the first degree enumerated under subsection (A).

CONCLUSIONS

Based on the Foregoing Argument, Petitioner
requests this Court Grant Petition For writ
of Certiorari

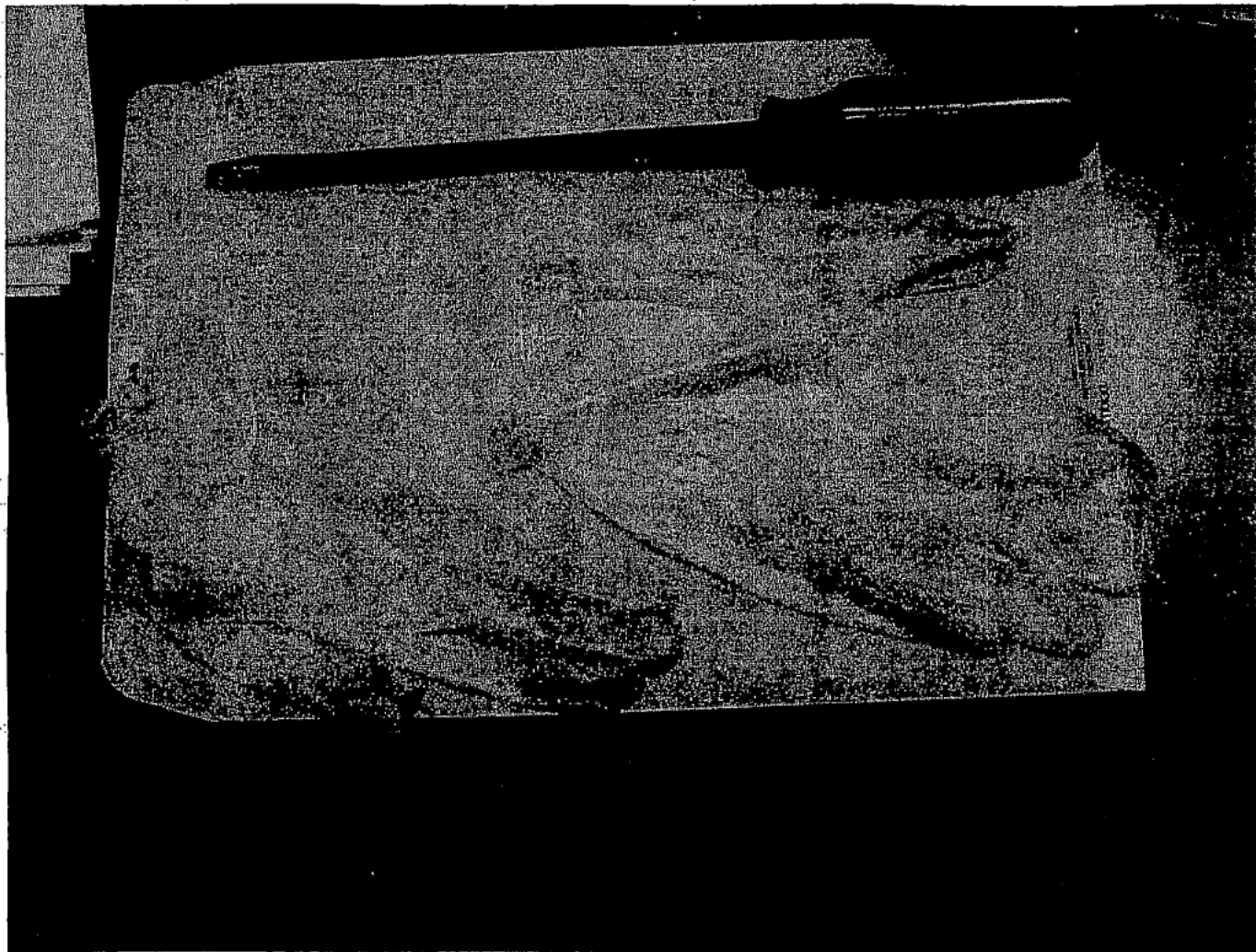
Tenance Adams #229165

EVANS

610 HWY 9 West

Bennettsville, SC 29512

This 28th day of May 2024



LATEX GLOVES FOUND IN ADAM'S POCKET
SCREW DRIVER FOUND IN BLUE DUFFLE BAG

Terrance Adams # 229165
EVANS

610 HWY 9 West
Bennettsville, SC 29512

May 28, 2024

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JUN 03 2024

SC Court of Appeals

South Carolina Court of Appeals

Post Office Box 11629

Columbia, South Carolina 29211

Dear Hon. Clerk:

This Court had given petitioner forty-five (45) to respond to the letter dated on April 24, 2024.

Will you please let petitioner know the date this office receive the Pro Se Brief?

Thank you!

Terrance Adams #229165

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EVANS

601 HWY 9 West
Bennettsville, SC 29512

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JUN 03 2024 THE SOUTH CAROLINA COURT OF APPEALS
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