

Nathaniel A. Hunter, Pro Se Petitioner  
August 29, 2024

**RECEIVED**  
SEP 03 2024  
S.C. SUPREME COURT

The Honorable Patricia A. Howard  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, SC 29211

Re: Nathaniel A. Hunter v. State  
Appellate Case No: 2023-001611

Dear Ms. Howard:

This letter is in reference to your letter dated August 23, 2024 in which you stated that no action will be taken on my Pro Se Motion for Discovery and Funding that was filed with the Supreme Court of South Carolina on August 16, 2024. My former attorney Ashley A. McMahan, Esquire has filed a Johnson Petition in which Counsel McMahan believes my appeal is without merit and Counsel McMahan moves to be relieved as counsel. The Johnson Petition was filed with this Court on August 5, 2024. Since Ms. McMahan has filed the petition and moves to be relieved as my counsel, I have a substantial right

for funding and discovery for an expert to testify on my behalf considering the fact that an expert's testimony in support of my meritorious issues is critical. The fact that Ms. McMechan failed to hire a Touch-DNA expert to testify on my behalf at my PCB hearing was highly prejudicial based upon the fact that Touch-DNA was the "key" piece of evidence in my case that was used to arrest, indict and convict me at trial. I have a substantial right pursuant to the South Carolina Rules of Evidence Rule 702. TESTIMONY BY EXPERTS, for a

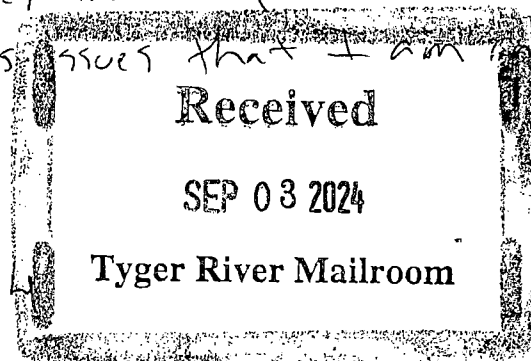
Touch-DNA expert to testify on my behalf, Rule 702 states, "If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise. Furthermore, my trial Counsel's failure to appropriately examine the State's forensic evidence and failed to obtain the assistance of an appropriate expert prejudiced me severely when I was not afforded to opportunity to put the State's case to adversarial testing, see Ard v. Catoe 372 S.C. 318, 642 S.E.2d 590 (2007), whereas, the Supreme Court held that "defense Counsel's decisions regarding the investigation of, and failure to challenge the gunshot residue evidence were unreasonable and clearly deficient."

My PCB Counsel Ashley A. McMahan rendered inadequate and incompetent representation of me in my PCB proceedings when she failed to offer the testimony of a [REDACTED] Touch-DNA expert on my behalf pursuant to Bannister v. State 333 S.C. 298, 509, S.E.2d 807 (1998), holding, "Post-Conviction-Relief applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCB hearing in order to establish prejudice from the witness' failure to testify at trial." For this Court to force me to submit my Pro, Se Response to Ms. McMahan's Johnson Petition without the testimony or an affidavit of a Touch-DNA expert on my behalf directly violates Rule 702 of the SCRE, TESTIMONY BY EXPERTS as well as my Fourteenth Amendment Rights to Due Process under the Constitution of the United States and Article I, Sections 3 and 14 of the Constitution of South Carolina. To ensure that my Constitutional Rights are safeguarded and that I am afforded the fundamental [REDACTED] fairness guaranteed to all defendant's in judicial proceedings, I respectfully request this Court to take action and let the Supreme Court of South Carolina hear my Motion for Discovery and Funding. To not do so renders my writ of Certiorari Appeal fundamentally unfair, which already happened

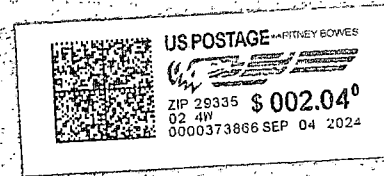
in my PCB proceedings when Ms. McMahan failed to hire a Touch-DNA expert on my behalf. With all due respect, I respectfully request for this Court to allow the Supreme Court of South Carolina to rule on my Motion for Discovery and Funding to avoid this Court being held liable for violating my Fourteenth Amendment Right to Due Process. I thank you for your time and patience, have a blessed day.

Sincerely,  
Nathaniel A. Hunter  
Nathaniel A. Hunter  
Pro Se Petitioner

P.S. Ashley A. McMahan is no longer my attorney, she's filed to move the Court to be relieved as my Counsel, please take this into consideration and correct this Clerk of Court's mistake. PLEASE BE ADVISED that since I'm representing myself Pro Se, I have a procedural right to present exhibits, expert testimony and any additional testimony in support of my meritorious issues that I am raising in my Pro Se Response to Ms. McMahan's Johnson Petition. I have a right to have access to the same resources that my former attorney had in support of my meritorious issues that I am raising in my Pro Se Response.



William Sellers #125441  
Tiger River Court East  
200 Prison Rd.  
Florence, SC  
29335



**RECEIVED**

SEP 09 2024

S.C. SUPREME COURT

Received

SEP 04 2024

Tiger River Mailroom

S.C. Supreme Court  
Clerk's Office  
P.O. Box 11330  
Columbia, SC  
29211

Legal  
Mail

