

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

CERTIORARI to Charleston County
HONORABLE R. KIRK GRIFFIN, Circuit Judge

JAKE ANTONIO WILSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000498

PRO SE, RESPONSE

17-25-45-LIFE SENTENCE FOR CERTAIN

CRIMES

IN THE CASE AT BAR, THERE WERE SEVERAL CONSTITUTIONAL VIOLATIONS THAT OCCURRED AT PRETRIAL, TRIAL, AND SENTENCING. THE MOST EGRIOUS ONE IS WHEN THE PROSECUTOR FAILED TO SERVE A (LWOP) NOTICE WHICH WAS REQUIRED IN ACCORDANCE WITH S.C. LAW. ACCORDING TO S.C. CODE OF LAWS (17-25-45) (H), IT CLEARLY STATES THAT WHEN THE SOLICITOR IS REQUIRED TO SEEK OR DETERMINES TO SEEK SENTENCING OF A DEFENDANT UNDER THIS SECTION, WRITTEN NOTICE MUST BE GIVEN

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by the solicitor to the defendant and the defendant's counsel not less than ten days before trial. In this case, there were no written notice by the solicitor which was required by law. Had the defendant know about the (LWOP), he would have accepted a plea deal.

MENTAL COMPETENCY

According to S.C. law, every defendant MUST have a competency hearing to determine the physical and mental fitness of a defendant before being tried for a crime. Competency is the mental

ability to UNDERSTAND PROBLEMS AND MAKE DECISIONS. A CRIMINAL DEFENDANT'S ability to STAND TRIAL, MEASURED by the CAPACITY to UNDERSTAND the CHARGES AND the COURT PROCEEDINGS, to CONSULT A MEANINGFUL INFORM DEFENSE WITH COUNSEL. IN THE CASE AT BAR THERE WERE NO COMPETENCY TESTS DONE ON DEFENDANT. THIS clearly VIOLATED his right to FAIR TRIAL ESPECIALLY DUE to the FACT that the DEFENDANT HAS A HISTORY OF MENTAL HEALTH. THIS ALSO AFFECTED ANY OUTCOME THAT WOULD HAVE COME OUT AT THE SANITY HEARING.

DNA EVIDENCE

THE STATE WAS UNABLE TO PRODUCE THERE FORENSIC EVIDENCE THAT REFUTED THE DEFENDANT'S ARGUMENT THAT THE SHOOTING WAS ACCIDENTAL. IN SUPPORT OF THIS THEORY, THE DEFENSE PRESENTED EXPERT TESTIMONY THAT HIS (DNA) ANALYSIS CLEARLY SUPPORTS DEFENDANT'S INITIAL STATEMENT THAT THE VICTIM HIT THE GUN, AS HE FOUND (DNA) FROM both THE VICTIM AND DEFENDANT ON THE HANDGUN. THIS WAS NEVER A MURDER CASE, IT WAS clearly A INVOLUNTARY MANSLAUGHTER CASE BY DEFINITION OF S.C. CODE OF LAWS.

ISSUE ON NOTES FROM JURY

IN THE CASE AT BAR, THE JURY HAD A QUESTION AND SENT A NOTE TO THE JUDGE. THE DEFENDANT WOULD ASK THIS COURT TO SEE-PAGE 1077 OF THE TRIAL TRANSCRIPT LINE 13-25. SPECIFICALLY LINE (13-17). THE JURY SENT A NOTE ASKING, MAY WE PLEASE HAVE THE LEGAL DEFINITIONS THAT YOU PRESENTED AT THESE CHARGES, MURDER, GUILTY OF THE POSSESSION OF FIREARM, BURGLARY, SIGNED BY THE FOREPERSON. SEE EXHIBIT-A-PAGE 1077 - SEE-LINE-(19-25). THE JUDGE SAYS OUR PROCEDURES DO NOT ALLOW FOR A COPY

of the jury charge slash instructions to
be given to you.???

CLOSING ARGUMENT

This is a clear case where there has been
several constitutional violations which
constitutes a denial to a fair trial. For
the foregoing reasons, the interest of
justice would be served by this court
granting the certiorari.

Respectfully
Submitted,

This 25th day of Nov, 2024

Jake Wilson