

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Jasper County  
Honorable Kristi F. Curtis Circuit Court Judge

**RECEIVED**  
MAY 12 2025  
SC Court of Appeals

\_\_\_\_\_  
NAIJUWUAN S. CHISOLM,

PETITIONER

V.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2024-000965

\_\_\_\_\_  
PETITIONER PETITION FOR WRIT OF CERTIORARI

NAIJUWUAN S. CHISOLM  
P.O.BOX 2039  
RIDGELAND ,S.C.29936

INDEX

INDEX.....i

ISSUED PRESENTED.....1

STATEMENT .....3

ARGUMENT

    The PCR Court err in by denying to remand the Petitioner case back to the PCR Court  
    For Post-Conviction-relief (PCR) Court’s Erroneous failure to make a ruling findings of  
    Fact and conclusions of law as required by section 17-27-80 of the South Carolina Code.

CONCLUSION.....4

PRO-SE PETITION TO RELIEVED APPELLATE DEFENDER COUNSEL.....5

ISSUE PRESENTED

Did PCR Court err in by denying remand the Petitioner case back to the PCR Court for Post-Conviction – Relief (PCR) Court’s Erroneous failure to make a ruling findings of fact and conclusion of law as required by section 17-27-80 of the S.C.Code.

## STATEMENT

On July 23, 2015, a Jasper County grand jury indicted petitioner for murder (2015-GS-27-258) and possession of a weapon during a violent crime (2015-GS-27-259). App 1-4 .The state, represented by Mary Jones and Brian Hollen, called the case to trial before the Honorable Perry M.Buckner, III, and a jury on February 21-23, 2017. App. 5-6. Robert Hughes represented petitioner. App. 5-6. The jury found petitioner guilty as indicted. App.371, ll.11-18 Judge Buckner sentenced petitioner to consecutive term of forty years' imprisonment for murder and five years's imprisonment for possession of a weapon App. 397, 1.22-380,1.5;382-383.

Thereafter petitioner filed an application for post-conviction relief (PCR. App.384=394.On July 21, 2022, an evidentiary hearing was held before the Honorable Kristi F.Curtis. App.404-437. James Falk represented petitioner and assistance attorney general Lauren Mims represented the state.App.404.

On May 29, 2024, Judge Curtis signed an order denying PCR. App.439-447. The court found defense counsel was not deficient for failing to request a Logan charge in petitioner's case where the court found counsel articulated a valid reason "that he liked the flow of Judge Buckner's charge better." App. 445 The court found petitioner was not prejudiced where the state had some direct evidence of petitioner's guilt and therefore it was not reasonably likely the outcome would have been different if counsel had requested a Logan charge. App.445.The court found petitioner was not prejudiced where the state had some direct evidence of petitioner's guilt and therefore it was not reasonably likely the outcome would have been different if counsel had requested a Logan charge. App.445.

This petition follows.

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2 State v Logan, 405 S.C.83, 747 S.E.2d 444 (2013).

## ARGUMENT

The PCR Court err in by denying remand the petitioner case back to PCR court for Post – Conviction Relief (PCR) Court’s Erroneous failure to make a ruling finding of fact and conclusion of law as required by section 17-27-80 of the South Carolina Code of Law.

On July 21, 2022, an evidentiary hearing convened before the Honorable Kristi F Curtis. Applicant was represented by James K. Falk, Esquire. Assistant Attorney General Lauren Mims represented respondent. At the hearing, Applicant testified on his behalf and called as a witness trial counsel Robert Hughes.

On May 29<sup>th</sup> 2024, Honorable Judge Kristi F. Curtis sign order of dismissal Case No# 2020-CP-0397: Also the contends that the PCR Judge failure make a ruling finding of fact and conclusion of law as required by law pursuant to S.C. Section 17-27-80: Also in the Applicant original Post-Conviction –Relief Application 2020-CP-27-397 grounds (1) Counsel Failed to sufficiently investigate (2) Counsel failed to seek out reasonable plea offer; (4) Counsel did not adequately cross-examine the state’s main witness, Jesnesiha Houston.

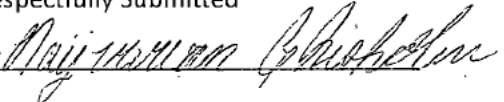
In *McCray v State* Cite 408 S.E.2d 241 (S.C. 1991) remand was required on appeal from denial of post-conviction relief where post-conviction court dismissed movant ineffective assistance of counsel allegation without making finding of fact on specific allegations raised, violating statute and precluding appellate review. Pursuant to S.C. Code Ann§ 17-27-80, 1976 as amended; U.S.C.A Const. Amend. 6.

In ruling on a PCR application, “[t]he PCR court shall make specific finding of fact, and state expressly its conclusions of law, relating to each issue presented.” S.C. Code Ann & 17-27-80 (2014). The South Carolina Rule of Civil Procedure apply to PCR matters. See *id.*; Rule 71.1 (a) SCRPC. Rule 52 (a) provides in pertinent part “in all actions tried upon the facts without a jury..., the court shall find the facts specially and state separately its conclusions of law thereon. “Rule 52 (a), SCRPC. The PCR court’s general denial of all claims not specifically addressed in the PCR court’s order ‘does not constitute a sufficient ruling on any issues since it does not set forth specific findings of fact and conclusion of la.” *Simmons v State*, 416 S.C 584 592, 788 S.E.2d 220, 225 (2016) (quoting *Marlar v. State*, 375 S.C. 407, 409, 653 S.E. 2d 266, 266 (2007)

CONCLUSION

THEREFORE Applicant case should be reverse back to the PCR Court make a ruling of fact and conclusion of law as required by section 17-27-80 of the S.C.Code.

Respectfully Submitted

S/ 

Mr. Naijuwan S.Chisolm, #371665

P.O.Box 2039

Ridgeland,S.C.29116.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Jasper County

Honorable Kristi F. Curtis Circuit Court Judge

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SC Court of Appeals

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NAIJUWUANS S. CHISOLM,

PETITIONER

VS.

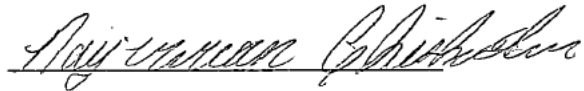
STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2024-000965

\_\_\_\_\_  
CERTIFICATE OF SERVICE

\_\_\_\_\_  
Pursuant to Rule 262 (a) (3), SCACR, and Rule 262 (C) (3) SCACR, the undersigned hereby certifies true copies of the Pro-Se petition for writ of Certiorari and Appendix in the above-referenced case have been served upon to Alana Wilson Attorney General office Post 11549 Columbia S.C. 29211.



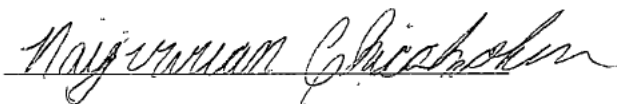
Naijuwuans S. Chisolm

P.O.Box 2039

Ridgeland S.C.29936

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of his ability this Pro-se Petition for Writ of Certiorari complies with Rule 221 (b), SCACR and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal identifying information and other Sensitive Information in Appellate Court Filings."



Naijuwan S. Chisolm

P.O.Box 2039

Ridgeland, S.C. 299936

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SC Court of Appeals

Naijuwan Shaiheem Chisolm, 371665

P.O.Box 2039

Ridgeland, S.C.29936

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Date 05/08/2025  
MAY 12 2025

Re: Naijuwan S. Chisolm v State

Appellate Case No. 2024-000965

Dear Brenda F. Shealy :

Enclosed please find for filing within your office my Pro-Se Petition for writ of Certiorari requesting a  
Clocked-Dated Stamped Copy.

Respectfully Submitted

s/ Naijuwan Shaiheem Chisolm

SC Court of Appeals



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

April 29, 2025

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MAY 12 2025

SC Court of Appeals

Naijuwan S. Chisolm, #371665  
Ridgeland Correctional Institution  
PO Box 2039  
Ridgeland, SC 29936

Re: Your Case

Dear Mr. Chisolm:

I received the *pro se* Johnson response dated April 8, 2025, that you asked me to file with the Court of Appeals for you. Unfortunately, I cannot file the *pro se* response for you. Below I have provided the address. I would also recommend that you add a cover letter requesting an extension as any response would've been due March 14, 2025.

Please send your filing to:  
Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Sincerely,

Sarah E. Shipe  
Appellate Defender

SES/kw

Jimmie W. Christolm #371665  
Ridgeland Correctional Institution CB-17  
P.O. Box 2039  
Ridgeland, SC 29936

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