

**RECEIVED**

MAY 19 2025

S.C. SUPREME COURT

The State of South Carolina  
In the Supreme Court

Appeal from Richland County  
Court of Common Plea

George M. McFadden Circuit Judge  
Case no 2024001837

Erick M Willard ----- petitioner

v.

State of South Carolina ----- Respondent

Petition for writ of Certiorari

Erick M. Willard

post office box 2039

Ridgeland, S.C. 29936

Other Counsel of Record  
Senior Assistant Attorney  
P.O. Box 11549  
Columbia, S.C. 29211-1549

## Index

Question presented  
Statement of the Case  
Argument

1. Counsel was ineffective in failing to correct perjury
- II. Counsel was ineffective for failing to preserve for appellate review Agent Bobby Crawford inconsistent testimony

## Conclusion

### Statement of the Case

On November 15, 2007 Petitioner was convicted of trafficking,  
Possession with Intent to distribute methadone  
Possession with Intent to distribute marijuana

### Argument

1. Counsel was ineffective in failing to object and preserve for appellate review inconsistent testimony by Agent Bobby Crawford statement he saw someone throw something out the window and it was

still dark at 4:30 A.M. on Fr. 59-3-6 state he could see part of a hand throw something out the window.

now on cross Fr 68-6-25, Agent Bobby Crawford testified that the incident report was prepared immediately after drug were laying on the ground, and he didn't say he saw anyone throw anything out of the window. The state either knew or should have known that this was improper testimony and by letting it go uncorrected created bias as to make one's trial so fundamentally unfair it would clearly deprive one of their due process right to a fair trial as a matter of law the S.C. Rule of evidence Rule 602 lack of personal knowledge: A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may but need not, consist of the witness own testimony. The incident report proved that agent Crawford had no personal knowledge that anything was thrown out of the window. and pursuant to Strickland v. Washington, Counsel was deficient for not objecting to improper testimony. And the prejudice will be bias so bad that one could not overcome the prejudicial effect

of the false testimony. That clearly implemented agent Crawford's willingness to give more favorable testimony to help bolster the state's case. The trial court's duty is to rule on the existence of evidence. However, the appellate court should rule on the weight of the evidence.

Trial Counsel rendered ineffective assistance of  
Counsel by failing to object to the state key witness  
continually giving perjurious testimony (Mooney v. Holahan,  
and in Agurs) Early on Agent Crawford testified to a ton of  
called facts that were just simply not supported by the incident  
report filed right after the incident occurred. And the Agent  
Collins (Tr. 75. 5-6) clearly states that we used a distraction  
device at the front. Now Agent Crawford gave all this drawn  
out testimony as to how this drawn out testimony as to his  
device was displayed in the back yard and how it supposedly enabled  
him to witness hand throw something out of the window, Tr 75. 16-17  
Agent Collins testifies that Applicant was exiting the bathroom upon  
his entry Tr. 108-110, on cross examination again the incident  
report clearly says Applicant was in his bedroom upon the agent  
entry these agents were giving more favorable testimony to  
bolster the state theory that Applicant threw something out  
of the window. I have clearly shown the agents willingness  
be dishonest and pursuant to S.C. Code Ann 16-9-10 is clear  
and unambiguous

Perjury and Subornation of perjury who ever either by the  
Subornation unlawful procurement sinister persuasion,

or means of any other person, or by his own act or agreement or consent, shall willfully and corruptly commit any manner of willful perjury, by his deposition in any of the courts of this state or being examined ad perpetuam. reu memoriam, and being there of duly convicted, shall be fined in ~~the~~ sum of one ~~hundred~~ hundred dollars, and shall suffer imprisonment by the space of six months, and the oath of such person shall not be received in any court of record of this state. Not to mention conspiracy against public policy.

The supreme court has repeatedly said that when a conflict of law exist that statutory law will override all the statute is clear here the agents drastically changed their testimony at trial from their initial detailed incident report simply to bolster their case and to procure a conviction. This clearly would constitute perjury and would deny one of a fair trial. A conviction obtained by the use of prepared testimony cannot stand. (USCA, 5/14)

Trial Counsel was ineffective assistance, by failing to pursue all available defenses available to the applicant. first off one of the key elements of trafficking and possession of illegal drugs is knowingly bring into the state or have in ones possession, custody, or control etc. etc. Applicant contends that he took possession of the stuff found found inside, it was found inside his imminent domain. and it was clear that 141 aster rd. was, in fact a multi resident residence. when the police gained entry everybody was handcuffed and placed in the living room while the Agents conducted their search. nowhere in the record does it say that the applicant was told where the drugs were found in the residence. it just says an agent collins search the entire residence and placed the drugs on the kitchen table as they were located. so at the time of the search applicant had no way of knowing what or where anything was found. when it became evident (tr. 55-59) that the other bedroom looked like someone else was living in there that every night it should have been right there that this room was occupied by someone other than the applicant and anything in there would not have been known of by the applicant. the roommate was at my trial willing to take the blame for what was his but, my attorney refuse to put him on the stand.

The Agents knew the drugs found in the other bedroom didn't belong to the Applicant. The failure to correct false evidence is not only clear error but causes bias to the extent that one cannot overcome its prejudicial effect. In (Riddle v. Ortiz) 631 S.E. 2d 10, 75 (2006), reversal was required because the failure to correct false evidence is as reprehensible as its presentation) Pursuant to Strickland v. Washington, Trial Counsel was deficient for not pursuing this defense, and applicant was prejudiced by being charged with illegal drugs that were seized from a co-resident's imminent domain. As far as the stuff outside was probably dumped by the ones that ran when they seen the police were coming.

#### Argument

- 1 Counsel was ineffective in failing to object to perjury
- 2 Counsel was ineffective for failing to preserve for appellate review Agent Bobby Crawford inconsistent testimony

#### Conclusion

For the reasons stated petitioner ask this Court to grant the petition for a writ of certiorari.

Respectfully submitted  
Eric Willard

Post office Box 2039  
Ridgeland, S.C. 29936