

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BAMBERG )  
 )  
 Leon Amos Jason James, #291860 )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FIFTH JUDICIAL CIRCUIT  
 C/A NO. 2018-CP-05-00258

AMENDMENT TO PCR APPLICATION

FILED  
 BAMBERG COUNTY  
 2022 FEB 17 AM 8:45  
 JAMES H. JOHNSON  
 CLERK OF COURT  
 BAMBERG, SC

The Applicant, by and through appointed counsel below, hereby amends his PCR application filed on December 28, 2018, to add the following grounds and/or facts on which Applicant bases his allegations that he is being held in custody unlawfully:

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

Applicant amends his response to item 10 to add the following:

Ineffective assistance of counsel for failing to raise the issue that Applicant's first offense was when he was fifteen years old and should not have been considered toward seeking life without parole.

Ineffective assistance of counsel for failing to question Rebecca Templeton, whose name appears on the indictment, regarding Applicant's involvement in the robbery.

Ineffective assistance of counsel for failing to prepare for trial with Applicant and failing to discuss with Applicant a trial strategy.

Ineffective assistance of counsel for failing to thoroughly investigate the defense regarding the identity of the fourth person as it relates to any available defense on behalf of Applicant as to his involuntary presence on the day in question.

Ineffective assistance of counsel for failing to raise issues regarding the validity of the indictment, including the fact that indictments were not filed stamped pursuant to Rule 3 of the South Carolina Rules of Criminal Procedure.

Ineffective assistance of counsel for failing to raise the issue of the presence of a third party in the deliberation room after the jury started deliberating. Sheriff Ed Darnell entered the deliberation room.

Furthermore, Applicant's Sixth Amendment guarantee of the right to trial with an impartial jury was violated when a deputy entered the deliberation room. Parker v. Gladden, 385 U.S. 363 (1966).

19. State clearly the relief you seek in filing this application:

Applicant seeks a new trial.

Respectfully submitted,

s/ Nancy C. Fennell

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Attorney for Applicant

Irmo, SC  
January 25, 2022

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this Amendment to PCR

Application was served upon the following this 25th day of January, 2022 via email to:

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s/ Nancy C. Fennell  
Nancy C. Fennell  
Attorney for Applicant

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