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STATE OF SOUTH CAROLINA

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JUL 15 2025 IN THE SUPREME COURT

S.C. SUPREME COURT

SC Court of Appeals

Certiorari to Richland County
Honorable Maite Murphy, Circuit Court Judge

WILLIAM ANTHONY WALLACE,

PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-001735

REPLY PETITION FOR WRIT OF CERTIORARI

WILLIAM ANTHONY WALLACE

PRO-SE PETITIONER

Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

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ISSUES PRESENTED

Whether the PCR court erred by denying relief where petitioner proved that his trial counsel's representation fell below an objective standard of reasonableness, and there is a reasonable probability that but for counsel's unprofessional errors, the result of the proceeding would have been different.

Trial counsel failed to cross examine three state witnesses,

Trial Counsel failed to properly file motions through the court and place the state on notice of the motion,

Trial counsel failed to adequately investigate the facts of the case to prepare a proper defense,

Trial counsel failed to call witnesses on behalf of petitioner,

Trial counsel failed to put up a case,

Trial Counsel failed to request jury instruction's for lesser included offense of murder,

STATEMENT

The Charges.

Petitioner was arrested on June 28, 2012. Six hour later petitioner were transported to warrant division where the investigators picked up a warrant for Attempted Murder for Raquel Weston. June 29, 2012 Petitioner were served two warrants for murder. On July 6, 2012 Petitioner were served warrants for Arm Robbery and three counts of kidnapping. On July 19, 2013 Petitioner were indicted by Richland County Grand Jury. A Pre-trial hearing was held on July 31, 2014. Petitioner case was called to trial before the Honorable Robert E. Hood on August 11, 2014. Petitioner was represented by Attorney's Stephen Krzyston, Lucas Hawks, and Kris Hines. The Attorney's for the state were Assistant Solicitor's April Sampson, Daniel Coble, and Vance Eaton.

Trial

On January 21, 2014 a motion to relieve Counsel was heard before the Honorable Alison Renee Lee in Richland County.

Defendant attorney Stephen Krzyston had informed the court that if your Honor decide to rule against Mr. Wallace he will be prepared to represent him to the fullest. See p.9 Transcript of Record line 4.

Defense attorney Lucas Hawks testified at the Post Conviction Relief hearing on January 11, 2024 when asked "what was your case strategy" I dont really recall, um, maybe blame the co-defendant we certainly didnt plan on putting up a case. See p 32-33 lines 21-25 Transcript of Record.

Defendant attorney Stephen Krzyston had informed the Honorable Alison Renee Lee that he have assigned a second and third seat (p9 line 2-4)

Transcript of Record When Judge Lee ask Mr Krzyston whos going to work with you on this matter? attorney Krzyston replied I have Ms. Alicia Dyar as well as either Mark Sawyer or Jen Davis to round out our representation. See p 14 lines 1-5 of Transcript of Record.

June of 2014 Appellate was introduced to attorney's Kris Hines and Lucas Hawks by lead attorney Stephen Krzyston a month before pre-trial, in which it was six weeks before trial of the Appellate. Appellate did not have a say or any participation in his defense, Appellate was informed by his defense attorneys that they were not going to put up a defense once the state have rest their case. Appellate wanted to testify on his behalf but were told by his defense attorney's that he would not be testifying do to they had not plan on putting up a defense and had not intend on prepping Appellate for cross examination to take the stand.

Judge Hood had asked attorney Krzyston to call his first witness (Pre-Trial Trans. p106 line 1). Attorney Krzyston informed the judge "I dont have any witnesses to call" (Pre-Trial Trans. p106 line 5).

When judge Hood informed Attorney Hines that she could question the witness Attorney Hines informed the court that she dont have a witness here (pre-Trial Trans. p128 line 4).

Judge Hood asked trial attorneys Mr. Krzyston, do you intend on there being any other evidence from the defense, trial attorney Mr. Krzyston stated NO your honor. (Trial Trans. p1071 lines 8-10)

Judge Hood informed trial attorneys that they have to file motions and put the other side on notice what the motion are. (Trial Trans. p106 line 2)

Trial attorneys failed to cross examine state witness Dr. Raymond Charles Sweet. (Trial Trans. p496 line 13)

Trial attorneys failed to cross examine state witness Sergeant Robert Waters. (Trial Trans. p850 line 16)

Trial attorneys failed to cross examine state witness Sandra Wallace. (Trial Trans. p414 line 16)

Trial attorneys were not aware of Sergeant Donald Robinson did a investigative report until he were on the stand testifying (Trial Trans. p 758 line 13) Trial attorney Ms. Hines admitted that trial counsel were not prepared for the cross examination of this witness based on this, his notes and, his testimony. (Trial Trans. p 764 lines 8-10)

Investigator Robinson were testifying to a report that he did that were not turned over to the defense. The Solicitor Ms. Sampson stated she turned over investigator Robinson investigative report but never gave it to the defense.

(Trial Trans. p 765 line 16)

Trial counsel checked the PDF and their was no discovery attached only a check list. See court exhibit No.(8) eight. (Trial Trans. p 800 line 11-18)

Trial Counsel had informed the court that the defense were not prepared for the cross-examination of this witness based on his notes and testimony (Trial Trans. p 764 lines 8-10)

Trial counsel informed the court that the defense prepared based on the information they were given and the defense is being thrown more notes, more things mid trial. it affects our ability to defend this case properly and make an informed decision about how to proceed.

(Trial Trans. p 765 lines 1-5)

Judge Hood let the Solicitor show the jury a power point slide that he ruled inadmissible.

(Trial Trans. p 1002 lines 15-21)

Judge Hood was bias and prejudicial towards Appellant by allowing perjury testimony from officers and other witnesses. Judge Hood had ruled several different evidence not admissible and still let the state solicitor's introduce the evidence at trial see Trial Trans. p 356 lines 11-15

Judge Hood stated that the pictures of the shell casings that dont have nothing to do with this case will not be allowed it will confuse the jury and they dont need to be talking about other shell casings.

Investigator Shawn Schroeder testified that deputy D'Antoni explained he found some fired cartridge casings Trial attorney Ms. Hines objected and judge hood over ruled. (Trial Trans. p369 line 24)

Investigator Schroeder went back to talking about the fired cartridge casings that didnt had nothing to do with case. (Trial Trans. p 370 line 23)

Judge Hood admitted the picture that showed blood on the floor in the door way in. Trial Trans. p 553 line 17-25

Investigator Bouknight stated that the blood was placed their by EMS on the floor and the picture was published to the jury by investigator Stan Richards Trial Trans p. 569 line 5-12 see (Trial Trans. p 583 line 7-17)

The victim witness Raquel Weston spoke with Deputy Michael Laurita (Trial Trans. p 243 line 20) The witness spoke with investigator Hal Boland (Trial Trans. p 399 line 1) The witness spoke with investigator Kevin Isenhoward (Trial Trans. p 707 line 5) The witness spoke with investigator Scott McDonald (Trial Trans. p 1018 line 18) each member of law enforcement testified that Raquel Weston did not give a written statement when Appellate were at richland county sheriff department investigator scott McDonald gave me a hand written statement from the victim Raquel Weston that was obtained by investigator Kevin Isenhoward. I had read the statement and in that statement Raquel Weston stated that I did not shoot anyone but I could provide information about what happen and who did the shootings. These investigators along with april sampson the state solicitor have destroyed evidence in this case and have planted evidence in this case. Due to the fact that the surviving victim Raquel Weston is the daughter of their colleague solicitor Larry Weston. Larry Weston called investigator Scott McDonald (Trial Trans. p 1053 line 13)

and informed him that she is awake and they can come interview her after he had coerced his daughter to speak with law enforcement. (Trial Trans. p 1054)

Investigators showed the defense attorney's "four" (4) camera angles from the Deer Meadow Apartments investigator Brian Metz testified that the video system has (16) "sixteen" working camera angles (Trial Trans. p 347 line 3)

Investigator Stan Richards testified that he found a fired nine millimeter cartridge casing on the bed in the bedroom. (Trial Trans. p 564 line 18)

Investigator Robert Moreland testified that he were one of the first law enforcement officers to enter the apartment at 8100 Deer Meadow Village and he did not see any shell casings on the bed in the bedroom. (Trial Trans. p 293 line 10)

Dr. Bradley Marcus testified that the victim Athel Johnson was shot twice (Trial Trans. p 469 line 2) and that the victim Jamal Pratt was shot once (Trial Trans. p 531 line 2)

Appellant co-defendant DeAndre Diggs testified that the Appellant showed him shell casings that came from the handgun. (Trial Trans. p 665 line 6)

Argument

Trial Counsel representation failed below the standards that are guaranteed to the petitioner under the sixth Amendment to the United States Constitution. The right to counsel includes the right to effective assistance of counsel. *Strickland v. Washington*, 466, U.S. 668, 686, 104 S.Ct. 2052

Trial Counsel made unreversible errors in which it resulted in violation of petitioner fifth Amendment right to a fair trial and to deny that right creates a liberty of interest and it denies the petitioner due process in which the petitioner is allow equal protection from the government.

The Supreme Court observed that cause would be established by a showing that,

- (1) The factual or legal basis for a claim was not reasonable available to counsel,
- (2) That some interference by officials made compliance impracticable or,
- (3) The procedural default was the result

of constitutionally ineffective assistance,
Murray v. Carrier, 477, U.S. 478, 488, 106, S.Ct.
2639, 2645, 91, L.Ed. 2d, 297, (1986).

The state solicitor Ms. Sampson failed to
disclosed statements made from Raquel Weston,
Jereca Sumter, Tremaine Anderson, Shantel Pitts,
and Terrance Francis as well as hospital
medical records for Raquel Weston. Trial Trans.
p 194-197

Smith v. Cain, Held that brady requires that Smith's
conviction be reversed. The state does not dispute
that the eyewitness statements were favorable to
Smith and that those statements were not
disclosed to Smith. Under brady evidence is
material if there is a "reasonable probability
that, had the evidence been disclosed, the
result of the proceeding would have been different".
Smith v. Cain 564, U.S. 1004, 131, S.Ct. 2988,
180, L.Ed. 2d 821 (2011)

Raquel Weston is the surviving victim
who testified as a witness if all her statements
were disclosed to the defense petitioner

could have shown and prove impeachment material exist from her testimony. Along side the other eight camera angles that was not shown to the defense, which petitioner could have prove exculpatory evidence exist on the video cameras.

Trial Counsel made a motion at pre-trial on July 31, 2014 that the state reveal any grants, proffers or promises of immunity in exchange for testimony for any of the states witnesses.
pre-trial Trans, p181 lines 7-23

The state prosecutor ms. Sampson informed the court that, there has been no promises made to anyone about anything in terms of their testimony or any charges. The co-defendant diggs has not been promised anything in exchange for any testimony he may or may not give. pre trial trans, p 182 line 4-14

De'Andre Diggs and petitioner were charged with the same charges. De'Andre Diggs had received a reduced sentence from Ms. Sampson for his testimony Diggs was sentence to seventeen years ; for voluntary Manslaughter,

and attempted murder. The state solicitor Ms. Sampson had known Diggs testimony was false and prejudice towards petitioner. Trial Trans. p

The United States Supreme court held that the prosecution's failure to inform the jury that a witness had been promised not to be prosecuted in exchange for his testimony was a failure to fulfill the duty to present all material evidence to the jury.

Giglio v. United States, 405 U.S. 150 (1972)

Investigator McDonald used the cell phone records obtain by the fabricated exigent warrant to put the petitioner near the incident location. Trial Trans. p1021 line 24

A giglio impaired agent is one against whom there is potential impeachment evidence that would render the agents testimony of marginal value in a case, which means of course that a case that depends primarily on the testimony of a giglio impaired witness is at risk.

See: Giglio v. United States

Petitioner cell phone was seized incident to arrest by Sled and Richland county fugitive task force officers and was turned over to investigator Scott McDonald who had downloaded and searched petitioner cell phone without a search warrant. Pre Trial Trans. p 168-169 lines 1-18

In *Riley v. California*, the supreme court addressed how the data capacity of modern cell phones intersects with individual privacy concerns recognized by the fourth Amendment and set out guiding principles for cell phone searches. It held that a warrant is generally required for searching a cell phone including phones seized incident to arrest. Id. at 401, 134, S. Ct. 2473.

Investigator Brian Metz testified that he downloaded the video camera from 8100 Deer Meadow Village Apartments and it was sixteen working camera angles and the defense was only showed four camera angles
Trial Trans. p 347 line 4 and Trial Trans p 349-352
Had the material evidence been

disclosed to the defense, the result of the proceeding would have been different, and a "reasonable probability" is a probability sufficient to undermine confidence in the outcome. U.S. Const. Amend. 14.

Law enforcement officers testified that they had an arrest warrant in hand for murder at the time of petitioner arrest.

(Investigator McDonald pre-trial Trans p 91 line 21)

Corporal Hayhurst Trial Trans. p 311 lines 15-20

Petitioner were arrested without a warrant Judge Michael Davis did not sign a arrest warrant for murder until June 29, 2012
see warrants I-903060 and I-903059

Investigator Robinson was on the stand testifying to a report that he turned over to the solicitor's office that was not turned over to the defense. Trial Trans. p 765 line 16

Trial counsel went and check their computer and PDF and their was no discovery attached only a checklist. (court exhibit No. 8)
Trial Trans. p 800 line 11-18

Trial counsel had informed the court that the defense were not prepared for the cross examination of this witness based on his notes and testimony "Trial Trans. p 764 line 8-10"

Trial counsel informed the court that the defense prepared based on the information they were given and the defense is being thrown more notes, more things mid trial. it affects counsel ability to defend this case properly and make an informed decision about how to proceed. Trial Trans p 765 lines 1-5

See Deficiency Prong, U.S. Const. Amend. 6

Trial Counsel moved for a mis-trial and judge hood denied the mis-trial when it was none to the court that the investigative report were not disclosed to the petitioner and when judge hood denied the motion had amounted to an abuse of discretion. U.S. Const. Amend. 6

When trial counsel employees an unreasonable trial strategy and make that decision without a full assessment of the facts and the evidence at issue counsel performance

is considered ineffective. Case v. Singletary, 917, F.2d 1513 (11th Cir. 1992)

Trial counsel was ineffective by failing to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case, Troedel v. Wainwright, 667 F. Supp. 1456; 1461, (SD Fla 1986) Aff'd, 828, F.2d, 670, (11th Cir. 1987).

Sled agent Diego Nova fabricated a exigent warrant to T-Mobile and testified to it at trial See Exigent Warrant, (Trial Trans. p 462 lines 12-15).

Trial Counsel failed to request a Franks hearing at the request of defendant, in which it would have prove that a false statement knowing and intentionally or with reckless disregard for the truth, and with the affidavits false material set to one side the affidavits remaining content is insufficient to establish probable Cause. Franks v. Delaware, 438 U.S. 154 The court held that the Four Amendment,

the Fourteenth Amendment, and the derivative exclusionary rule allowed petitioner under the facts of his case to attack the veracity of the warrants affidavit after the warrant had been issued or executed.

Trial counsel failed to suppress the arrest warrant and indictment for attempted murder when it was known to the defense counsel before trial that petitioner did not shoot the victim Raquel Weston. Trial Trans. p 952, 953, 968, 971

Investigator McDonald testified that he nor investigator Isenhoward did not influence the witness Raquel Weston in anyway to identify the petitioner Trial Trans. p 1058

Trial Counsel failed to object to the investigators Coercing the witness Raquel Weston into picking petitioner out a photo line up by signing her initials by appellant photo. State Exhibit 140 Trial Trans. p 957

Trial Counsel failed to object to the hands of one hands of all charge served on petitioner mid-trial when the victim Raquel Weston

testified petitioner were inside the car when De'Andre Diggs walked her into the woods and shot her. Trial Trans. p 971, 973, 975

For purpose of showing there is a reasonable probability that, but for counsel's unprofessional errors the result of the proceeding would have been different. Milledge v. State, 422 S.C. 366 811 S.E. 2d 796

Trial counsel did not object to investigator Scott McDonald being an expert witness in cell phone investigations, when he testified he did not have a college degree in cell phone technology or computer forensics and can not tell you how an android phone works or is programmed.

Trial Trans. p 992 lines 18-22, Trial Trans. p 994 line 14

Judge Hood let the solicitor play phone calls over defense objection these calls were not properly authenticated defense object to appellant not being able to confront the witness due to the confrontation clause. Trial Trans. p 1037 line 17, Trial Trans. p 1039 line 9
Trial Trans. p 1040 line 23, Trial Trans. p 1051 lines 5-15

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RESPONDENT

APPELLATE CASE NO. 2024-001735

CERTIFICATE OF SERVICE

The undersigned Pro-se Petitioner hereby certify that a true copy of the reply Johnson Petition and Petition to Proceed Pro-se in the above referenced case has been served upon Patricia A. Howard, clerk of court for the Supreme Court of South Carolina Post Office Box 11330 Columbia South Carolina 29211 this 24th day of June 2025.

51 *Wm Wallace*

William A. Wallace
Pro-se Petitioner

William Wallace 320396
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SC Court of Appeals

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

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S.C. SUPREME COURT

LEGAL MAIL