

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Sep 19 2025

S.C. SUPREME COURT

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Certiorari to Richland County

Honorable George M. McFaddin, Circuit Court Judge  
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DEMETRICE R. JAMES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000887  
—————

JOHNSON PETITION FOR WRIT OF CERTIORARI  
—————

Wanda H. Carter  
Interim Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR PETITIONER

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prior to the trial because the omission resulted in the exclusion of  
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**ISSUE PRESENTED**

Trial counsel erred in failing to submit a letter written by state's witness Jwaun Duckett pursuant to Rule 5(b)(1)(A), SCRCrimP, prior to the trial because the omission resulted in the exclusion of the letter as exculpatory evidence and the denial of an opportunity to impeach his credibility as a witness on behalf of the defense at trial.

## STATEMENT

Petitioner Demetrice James was convicted of attempted armed robbery, first-degree burglary, and two counts of attempted murder per a jury trial held during the October 2014 term of the Richland County General Sessions Court before Judge John C. Hayes. Petitioner was sentenced to imprisonment for an aggregate thirty-year term. App.1-890. Attorneys Tracy Pinnock and Anastasia Walker represented petitioner at trial, and Assistant Solicitors Nicole Simpson and Meghan Walker appeared on behalf of the state. Petitioner did not appeal his convictions or sentences.

On July 24, 2018, petitioner filed a PCR application with the Richland County Office of the Clerk of Court. App.892-898. The respondent filed a Return dated October 23, 2018. App. 905-915. Additionally, petitioner filed two amended PCR applications on March 21, 2022, and May 17, 2022. App. 899-904.

A PCR hearing in the case was convened on January 11, 2023, at the Richland County Courthouse before Judge George M. McFadden. App. 917-971. Petitioner was present at the hearing and represented by Attorney Ola Johnson, and Assistant Attorney General Danielle Dixon appeared on behalf of the state.

On April 7, 2025, Judge McFaddin issued an Order of Dismissal therein denying petitioner's allegations of ineffective assistance of trial counsel in the case. App.976-998. Petitioner appealed Judge McFadden's Order of Dismissal. This petition follows.

## ARGUMENT

Trial counsel erred in failing to submit a letter written by state's witness Jwaun Duckett pursuant to Rule 5(b)(1)(A), SCRCrimP, prior to the trial because the omission resulted in the exclusion of the letter as exculpatory evidence and the denial of an opportunity to impeach his credibility as a witness on behalf of the defense at trial.

State's witness Vincent Nelson testified that he, petitioner, Deshawn McClary, Maurice Roberts, Jwaun Duckett were all in a rap (music) group and that a plan was hatched by some of the members to enter the Scott residence for the purpose of gathering items there in order to further the goals of the group. App 443, l. 5 – p. 467, l. 4. According to the record, Vincent Nelson arrived at the Scott residence on the night of January 25, 2013, and at some point thereafter petitioner and Maurice Roberts, who arrived there also, were pushed out of the residence, but in the process Trenton Scott (also present in the house) was shot by gunfire. App. 373, l. 4 – p. 405, l. 12. Additionally, gunshots were fired outside of the residence. Josh Williams, who was outside also, was shot but not killed: Brandon Jones, who was outside as well, was shot and killed. App. 451, l. 7 – p. 456, l. 4.

Jwuan Duckett testified at trial and explained that he opted out of the plan in question and decided not to participate in the activities that occurred on that night. App. 322, l. 9 - p. 342, l. 20. On cross-examination, the defense presented Duckett with a letter written by him admitting therein that petitioner was not involved in the group's plan at issue. See exhibit #2 at App. 975. Duckett denied writing and signing the letter. App. 358, l. 18 – p. 359, l.22. The defense moved to impeach Duckett's credibility as a witness by calling SCDC employee Vanessa Jarvis as a witness to testify that she was a notary who witnessed Duckett's sign this letter. App. 668, l.21 - p. 673, l. 19. The state argued that the defense did not submit Vanessa Jarvis' name on the

witness list prior to trial in violation of Rule 5, SCRCrimP, and the defense argued that the original intent was not to introduce the letter into evidence. App. 669, l.8 - p. 681, l. 20. A proffer of Jarvis' testimony was presented whereinafter she explained that she verifies inmates' identification information before notarizing documents, and furthermore that she did sign as a notary on Duckett's letter. App. 674, l. 3 – p. 678, l.13. The trial judge recognized the dilemma and stated as follows:

The Court: Well, you weren't planning to introduce it in your defense case in chief, but you're telling me you're not going to put it in...so you've got somebody testifying that he signed a letter that's not going into evidence. Tr. 679, l.1-5.

Ultimately, the trial judge ruled against allowing Jarvis to testify and did not allow the letter into evidence at trial. Tr. 681, l.13-20.

Note that petitioner testified in his defense at trial and explained that he witnessed fighting take place at the Scott residence, but was unaware of what was going on because he was not privy to the group's plan. App. 682, l.7-p. 700, l.16.

During the PCR hearing held in the case, petitioner testified in effect that the exclusion of the Duckett letter from evidence was harmful to his defense. App. 927, l. 11 – p.p. 928, l. 22; App. 933, l. 7 – p. 935, l. 25. Petitioner testified in effect that he disagreed with defense counsel decision not to submit the letter in as discovery matter because there was no intent to introduce the letter into evidence at trial. App. 938, l. 9 – p. 940, l. 4.

Trial counsel testified at the PCR hearing and admitted that the letter, which was exculpatory proof that petitioner had nothing to do with the crimes planned, should have been submitted as pretrial discovery material by the defense despite the original intent not to use the letter as evidence on behalf of the defense at trial. App.953, l. 22 – p. 955, l. 25; App. 958, l. 20 – p. 960, l. 6; App. 964, l. 22 – p. 966 l. 13. Counsel testified regarding the matter as follows:

“In hindsight, we should have turned it over as part of reciprocal Rule 5 so we wouldn’t run into the issues that come forward.”

App. 960, lines 4-6.

Duckett’s trial testimony at trial follows:

Q: Do you recall writing a letter saying that [petitioner] wasn’t involved in a lick?

A: No.

{Defense presents letter (PCR exhibit # 2)}

Q: You don’t recognize the letter?

A: No.

Q: So that letter—that signature down at the bottom is not yours?

A: No, that ain’t (sic) that’s not how I sign my name.

Q: So...you did not write a letter indicating [petitioner] was not involved?

A: No.

Tr. 358 l.18 - p. 359, l.22.

The rule that Brady<sup>1</sup> requires the disclosure of favorable material evidence applies to impeachment evidence as well as exculpatory evidence. State v. Von Dohlen, 322 S.C. 234, 471 S.E.2d 689 (1996), citing to State v. Bryant, 307 S.C. 458, 415 S.E.2d 806 (1992).

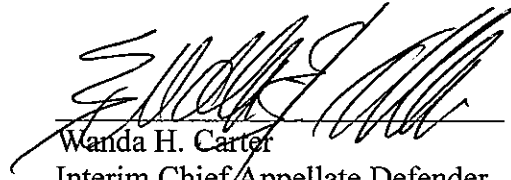
Trial counsel erred in failing to submit a letter written by state’s witness Jwaun Duckett under Rule 5, SCR CrimP, prior to the trial because the omission resulted in the exclusion of the exculpatory evidence favorable to petitioner’s claim and the denial of an opportunity to impeachment opportunity on behalf of the defense.

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<sup>1</sup> Brady v. Maryland, 373 U.S. 83 (1963).

**CONCLUSION**

Based on the foregoing argument, counsel for petitioner would request that this Court grant the petition and allow full briefing on the above raised issue.

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter  
Interim Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 19th day of September, 2025.

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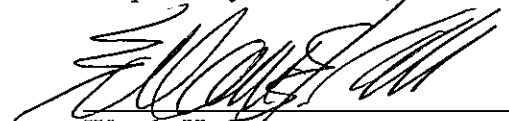
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PETITION TO BE RELIEVED AS COUNSEL  
\_\_\_\_\_

Counsel for Demetrice R. James states that:

1. She is Interim Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's post-conviction relief hearing before Judge George M. McFaddin, which was held on Jan 11, 2023, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Demetrice R. James.

Respectfully Submitted,



Wanda H. Carter

Interim Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 19th day of September, 2025.

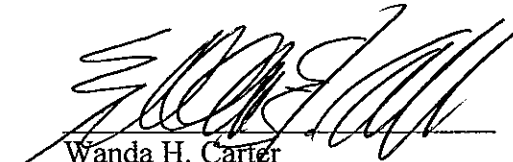
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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of her ability this Johnson Petition for Writ of Certiorari complies with Rule 211(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."



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This 19th day of September, 2025.