

The Supreme Court of South Carolina

Demetrice R. ^{James} Johnson v. State: Pro se Response

Appellate

Case No. 2025-000887

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S.C. SUPREME COURT

my name is Demetrice ~~James~~ Johnson

James ~~my~~ appointed counsel had

submitted a petition for writ of certiorari

indicating that my appeal was without merit

and moves to be relieved as my counsel

Johnson v. State

I'm writing to file with this court a

Pro se Response to the Petition filed by

my counsel.

I have included in concise form all

of the issues that I wish to argue and

be considered in this Appeal.

Petitioner Has Argued at his PCR Proceeding that Trial Counsel was failed to submit a letter written by state's witness to Wanda Duckett Pursuant to Rule 5 (b)(2)(A) 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 WS Credibility as a witness on behalf of the defense at trial

on April 7, 2025, Judge McFadden issued an order of Dismissal

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, 1.22 - P. 955, 1.25; APP. 958, 1.20 - P. 960, 1.6; APP. 964, 1.22

1st 153up

P. 966. 2. 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. The rule that Brady v. Maryland 373 U.S. 83 (1963) 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 witness Swann Duckett under Rule 5, SCR

Petitioner Appealed Judge McFadden's order of Dismissal.

P. 9.3 1st issue

THE state argued that the
Defense Did not submit ^{any}
Sardis' name on the witness list to testify
that she was a notary who witnessed
Duckett sign this letter

The rule under Brecht v. Major

373 U.S. 83 (19)

requires the disclosure of favorable
material evidence (with the exception
of impeachment evidence not required by
the state to turn over as pursued
to Rule 5, Part (B) subsection 1(a)

It was said that this was purely
impeachment evidence by trial counsel

9.9.4

2nd issue

Ineffective ^{of trial counsel} ^{no still}

trial counsel failed to comply with Rule 5, SCRIMP, which would have allowed them to enter an exculpatory letter by Duckett, and counsel failed to properly mark and identify the letter during cross so that could introduce the testimony of Vanessa Jarvis as the notary who witnessed Duckett sign the letter for impeachment (P67) 80);

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2nd issue

Ineffective Assistance
of Counsel

trial counsel was ineffective in not arguing the fact that I should have been exempt from Having to Prove Prejudice resulting in the Supreme Court's decision in improvidently granting my writ of certiorari from the Direct Appeal Proceeding, thus the issue was not preserved for appellate review in the Supreme Court, by my Appellate Counsel Katherine [unclear] the fact I should have been exempt from Having to Prove Prejudice at the jurors' deliberation and the judge

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rules that the issue wasn't presented for Appellate review because trial counsel didn't argue the issue in the Direct Appeal thus resulting in me not being granted relief.

The Second Amended Application for Post Conviction Relief had the above listed issue included but my PCR Counsel had been ineffective in telling the PCR Judge that he didn't want the issue argued and I told the Judge that I did want the issue argued.

Pg. 71 Ineffective Assistance
of Counsel

PCR Counsel had been ineffective in not arguing the fact the Trial Counsel had Failed to Call Deshaun Mcbray as a witness to testify about a letter he wrote and both my Trial Counsel and my PCR Counsel should have had him included on the witness list, moreover evidence had been submitted at the PCR hearing to support ^{the claim.} Further more, Trial Counsel had been ineffective in not requesting a new Trial based on the letter wrote by Deshaun Mcbray

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Ineffective Assistance
of Counsel

Trial judge had erred in denial
of trial counsel's motion for
A mistrial where he had stated
that *State v. Aldred* said that
the party alleging Prejudice Jury
Deliberations were not the party
who should have to prove prejudice,
when the case said it is up to
the party alleging Prejudice Jury
Deliberations to establish Prejudice,
Trial judge said that he didn't
find a manifest necessity to grant
or declare a mistrial.

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