

State of South Carolina
In The Supreme Court

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OCT 27 2025

S.C. SUPREME COURT

CERTIORARI TO GREENVILLE County
Honorable GRACE Gilchrist Krueger, Circuit Court Judge

JOSEPH CHAPPELL,

PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2025-000428

PRO SE BRIEF

JOSEPH CHAPPELL, #179150
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PRO SE

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Issues Presented

1.) Did the PCR court err by finding that petitioner was not denied Due Process of Law when the prosecutor failed to correct false testimony?

2.) Was PCR counsel ineffective for failing to amend petitioner's Brady claim?

STATEMENT

PETITIONER was indicted by the GREENVILLE County grand jury for carjacking MAY of 2017. App. 176. HE went to trial before Judge ROGER Crouch and a jury on April 11, 2018. App. 1. HE was represented by Rodney Richey, and BRANU FOWLER prosecuted the case. App. 1. CONZIE BARNER testified he gave PETITIONER a ride on MARCH 5, 2017. App. 59:3-60:14. CONZIE BARNER testified that PETITIONER pulled something he thought was a gun and hit him upside his head. App. 63:8-10. CONZIE BARNER testified he RECEIVED injuries a knot and a gash from being struck in the head. 63:11-16. In PETITIONER'S Exhibit, Crime Scene Investigation Report OFFICER Downing did not observe victim to have any visible signs of injuries and had the victim point to the location where he was struck. OFFICER Downing secured digital images

of the victim, App. 248. After deliberations the jury returned a verdict finding Petitioner guilty, App. 164: 2-14. The trial court issued a fifteen-year sentence, App. 173: 4-8. Petitioner appealed, and following briefing and review pursuant to *Anders v. California*, 386 U.S. 738 (1967), the Court of Appeals affirmed his conviction, *State v. Chappell*, No. 2019-UP-345 (Sc. Ct. App. filed Oct. 9, 2019).

Petitioner filed a application for post-conviction relief on Nov. 20, 2019, and amended the application on Sept. 22, 2022. Judge Bracie Knipe held an evidentiary hearing on Sept. 21, 2023. Petitioner was represented by Susannah Ross, and melody Brown represented the State. App. 197. On Nov. 7, 2023, the PCR court entered an order denying all claims and dismissing

the application, App. 249. At the hearing Petitioner claimed, among other things, CONVERSE BARNIER gave false testimony about his injuries, and he never got the pictures Officer Downing took of the victim in his Discovery. The PCR court denied relief.

This petition for a writ of HABEAS CORPUS follows.

LEGAL ARGUMENT

Point One

Petitioner was deprived both his 6th and 14th Amendment rights to a fair trial and due process of law due to the prosecutor's failure to correct false testimony.

During direct examination the victim, Mr. BARNER testified that petitioner struck him in the head with what he believed to be a gun. As follows:

[MR. BARNER]: Fumbling in his pocket. And then he said, you think I'm joking. I'm a mother fucking bastard. And he pulled out something which I thought was a gun and hit me upside my head. That's why I have this here.

[Prosecutor]: Okay. So now hold on. So now you're pointing at your head. And it's a little hard to see from back here, but he hit you where on your head?

[Mr. BARNER]: Right HERE.

[Prosecutor]: Okay. And is there-- is there a knot there?

[Mr. BARNER]: It's a knot and a gash.
App. 63. 7-16.

Mr. BARNER also told the jury during cross-examination, that the knot and gash on his head was proof that PETITIONER struck him with an object. As follows:

[Mr. Richey]: And just too-- I'm just trying to figure out, he struck you with that item?

[Mr. BARNER] HERE THE PROOF.
App. 83 8-10.

Considering the above facts, it should be brought to the court's attention that Mr. BARNER's trial testimony came approximately ONE (1) YEAR AFTER THE INCIDENT.

HENCE, it is PETITIONER'S position that MR. BARNER'S testimony misled the jury to believe that he suffered his injuries (a knot and gash) a year ago by the hands of PETITIONER. This was not the case. According to the Crime Scene investigation Report the responding officer, Nicholas Downing, did not observe any visible signs of injuries on the victim head. OFFICER Downing took pictures of the victim. BECAUSE THERE WERE NO visible injuries on MR. BARNER'S head at the time of the incident, it must be concluded that MR. BARNER'S injuries, in which he PARADED before the jury, occurred a later time and/or date. In either case, the injuries MR. BARNER suffered was not there at the time of the incident, nor caused by PETITIONER, consistent with the responding officer report.

Petitioner submits that Mr. BARNER's testimony was false, and the STATE failed to correct the same. According to United States case law, the prosecutor has a legal duty to correct false testimony. SEE Illinois v. RAPPE, 79 S.Ct. 1173 (1959). Also SEE Biddle v. Ozmincl, 369 S.C. 39, 47-48 (2006). Instead of the prosecutor correcting Mr. BARNER's false testimony, he used the fabricated testimony to a conviction, by highlighting Mr. BARNER's injuries to the jury. As follows:

[PROSECUTOR]: Okay, So now hold on. So now you're pointing at your head and it's a little hard to see from back here, but he hit you where on the head?

[MR. BARNER]: Right here.

[PROSECUTOR]: Okay. And is there-- is there a knot there?

[Mr. BARNER]: It's a knot and a gash. App. 63. 11-16.

In the case at hand, the prosecutor was privy to the responding officer's investigative report, where he states that Mr. BARNER's had no visible injuries. See Exhibit App. 248. The prosecutor was also privy to the pictures the responding officer took of Mr. BARNER's head. Hence, the prosecutor knew or should have known that Mr. BARNER's injuries did not occur on the date of the incident, and therefore knew that Mr. BARNER's testimony was false. Despite knowing that Mr. BARNER's testimony was false, the prosecutor did not correct it.

"A prosecutor deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with rudimentary demands of justice". Giglio v. U.S., 405 US 105, 153, 92 S.Ct 763, 31 L.Ed 2d 104 (1972).

The failure to correct false evidence is reprehensible as its presentation. Washington v. State, 324 S.C. 232, 478 S.E. 2d 833 (1996)

Consistent with the legal conclusions provided in NAPUE, SUPRA, it does not matter whether the false testimony merely goes to the witness credibility. The jury's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence. Petitioner in the present case, asserts that this is the case here. Had the jury been privy that there were no visible injuries on Mr. BARNER's head at the time of the incident, they (the jury) would have found that Mr. BARNER was an untruthful witness and could not be relied on to support Petitioner guilt. Mr. BARNER was the sole witness against Petitioner. Outside Mr. BARNER's testimony the State

did not present the jury with
no other incriminating evidence
pointing to Petitioner's guilt.

Point Two

Ineffective Assistance of
PCR counsel for failure to amend
Petitioner's PCR Petition

In Petitioner's PCR petition
he raised the following claim
verbatim: "Ineffective Assistance
of counsel: Discovery violation
Brady v. Maryland." "counsel failed
to provide me with all of my
Brady motion. I never received
pictures of the victim. Counsel
had knowledge this exculpatory
evidence if presented at trial
or before would have been
material to the outcome of this
case. Thus depriving of a fair
trial. SEE App. 180-181.

With a casual reading of the
above worded claim, it is obvious

that Brady claims goes against the State, and not defense counsel. PCA counsel failed to amend the PCR petition, thus constituting ineffective assistance of counsel.

The facts show that prior to trial, the State failed to turn over a picture of Mr. BARNER taken by the officer Nicholas Downing. The picture would have revealed that there were no visible injuries on Mr. BARNER'S head, which contradicts Mr. BARNER'S trial testimony that Petitioner struck him in the head with an unknown object and as a result, he suffered a knot and gash to his head. According to officer Nicholas Downing report there were no visible injuries on Mr. BARNER'S head.

Petitioner contends that the picture was/is material. It would have shown that Mr. BARNER'S testimony was false, to the extent that he did not have a

knot and/or gash on his head at the time of the incident. Mr. BARNER was the only incriminating witness presented by the State, nor did there exist any other incriminating evidence against Petitioner.

The PCR court denied Petitioner claim on the ground that the argument was misplaced. As follows:

[PCR order of Dismissal]: To the extent Applicant claims counsel failed to provide him a picture of the victim reflecting no injuries, that cannot be the Brady violation he alleges. App. 255.

In light of the above facts, PCR counsel was ineffective for failing to answer Petitioner PCR petition as it relates to the here in issue. Prejudice was suffered resulting from PCR counsel's deficient performance, preventing the PCR court from making a ruling

on his Brady claim, providing
it was RAISED properly.

Conclusion

Petitioner ask that CERTIORARI
be granted on the herein issues,
RESULTING in REVERSAL of his
conviction.

Dated: Oct. 21, 2025

Joseph Chappell

PRO SE

Exhibit

Greenville County Forensic Division
CRIME SCENE INVESTIGATION REPORT

RECEIVED

AGENCY: Greenville County Sheriff's Office
AREA: 7

CASE NUMBER: 1-17-040389
OCT 27 2025

INCIDENT TYPE:	Armed Robbery Recovered Stolen Vehicle	INCIDENT LOCATION:	216 Satterfield Dr. Greenville, SC
VICTIM (1):	Barner, Coneze	ADDRESS:	[REDACTED]
VICTIM (2):	Parker, Lillian	ADDRESS:	Greenville, SC
COMPLAINANT:		ADDRESS:	
INV. OFFICER	Stroud	UNIT NUMBER	D10

SC SUPREME COURT

INCIDENT SUMMARY/ACTION (S) TAKEN:

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Victim 1 and Deputy Fuller (Unit K16) then arrived on scene. Deputy Fuller stated that the suspect had been apprehended at 134 E. Caroline St. Greenville, SC but stated that he did not know the suspect's name at that time. Victim 1 stated that at approximately 2145 hours on the above listed date while he was parked at 3158 White Horse Rd. Greenville, SC (Spinx) he was approached by the suspect who asked him for a ride. Victim 1 stated that he agreed and the suspect entered the vehicle and sat in the front passenger side seat. Victim 1 stated that while driving the suspect, the suspect began to put his hands in his pocket and began to dig around for something making victim 1 feel uncomfortable. Victim 1 stated that the suspect then asked him to pull the vehicle over, which he did. Victim 1 stated that the suspect then told him he was going to take the vehicle. Victim 1 stated that he believed the suspect was only joking around at that time. Victim 1 stated that the suspect then struck him on the left side of his head with an unknown object and began to kick him. Victim 1 stated that he then exited the vehicle through the front driver side door while still being kicked by the suspect and stated that the suspect then got into the front driver side seat and drove off in the listed vehicle. Victim 1 stated that he thought the suspect had struck him in the head with a gun but stated that he did not see anything in the suspect's hands during the incident so he could not be positive. Victim 1 stated that a Newport cigarette box located on the front driver side floorboard was not his and did not know how it got there.

The R/O did not observe Victim 1 to have any visible signs of injuries and had the victim point to the location where he was struck. Victim 1 pointed to the left side of his head, near his hairline and above his left ear.

The R/O secured digital still images of the victim.

The R/O then collected the following item:

- NJD5- (Empty) Newport cigarette box located on front driver side floorboard (0103 Hrs.)

The R/O then processed the following areas for latent print development utilizing latent powder:

- The exterior and interior of the front passenger side door
- The exterior and interior of the rear passenger side door
- The exterior of the rear passenger side quarter panel

Positive results were obtained from the following areas:

- The exterior of the rear passenger side door
- The exterior of the front passenger side door
- The exterior of the rear driver side door

Elimination prints were obtained from the victim.

REPORTING OFFICER	Downing, N.J.	STAR#	9152	UNIT #	933	DATE	3/13/17
REPORTING OFFICER		STAR#		UNIT #		DATE	
APPROVING SUPERVISOR	<i>[Signature]</i>	STAR#	8422	UNIT #	919	DATE	3-14-17

Da 2

[Handwritten mark]

FB/03/25/2017

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S.C. SUPREME COURT

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Columbia, South Carolina 29201

