

STATE OF SOUTH CAROLINA
In The Supreme Court

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DEC 30 2025

CERTIORARI TO BEAUFORT COUNTY
Honorable Roger M. Young, Circuit Court Judge
Appellate Case No.: 2024-000662

S.C. SUPREME COURT

The State of South Carolina,

Respondent,

v.

Donarious J. Wright,

Petitioner.

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PETITION FOR WRIT OF CERTIORARI

SC Court of Appeals

Donarious J. Wright
SCDC# 343780
Lieber Corr. Inst.
136 Wilburn Avenue
Post Office Box 205
Ridgely, SC 29472
Appellant.

Kathrine Haggard Hudgins
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Attorney for Respondent.

ISSUE PRESENTED

DID THE PCR JUDGE ERR IN REFUSING TO GRANT RELIEF
BASED ON COUNSEL'S DEFICIENT ADVICE NOT TO TESTIFY?

STATEMENT OF CASE

In January of 2018, the Beaufort County Grand Jury indicted the Petitioner, Dontarius Wright, for murder and possession of a weapon during the commission of a violent crime. On March 11, 2019, Petitioner went to trial. He was represented by Traci Campbell. The jury returned verdicts of guilty, and Petitioner was sentenced to forty (40) years for murder and five (5) years concurrent to the weapon charge by the Honorable Perry M. Buckner. Notice of intent to file appeal was timely filed and the direct appeal was perfected with the filing of an Anders brief pursuant to *Anders v. California*, 386 U.S. 738, (1967). The Court of Appeals dismissed the appeal on July 14, 2021.

On March 9, 2022, Petitioner filed a PCL. On November 29, 2023, an evidentiary hearing was held. On March 25, 2024, the Honorable Roger Young dismissed the PCL. This Petition for Certiorari follows.

DID THE PCR JUDGE ERR IN REFUSING TO GRANT RELIEF
BASED ON COUNSEL'S DEFICIENT ADVICE NOT TO TESTIFY?

The PCR judge erred in refusing to grant relief based on trial counsel's ineffectiveness misadvising petitioner not to testify and the law concerning basic waiver of rights the petitioner unknowingly and unintelligently waived.

ARGUMENT

The jury found the petitioner Donterious Wright guilty in the fatal shooting of Adrian Lamont Marigo, despite pleading of self-defense and the castle doctrine - 'Stand Your Ground'. In opening statements and closing argument, defense counsel interjected Petitioner acted in self-defense while abandoning such defense.

Petitioner's trial counsel erroneously advised him not to testify, despite the fact in issue that it would be impossible to properly establish a self-defense meritorious claim without the petitioner's testimony before the petit jurors testifying since there was no other witnesses besides the petitioner who could make out a viable claim of self-defense.

Additionally, trial counsel incorrectly advised the petitioner that a prior conviction for Assault with Intent to kill could be used against him, when the factual predicate could not be used as a prior bad act for which were inadmissible because the charging offense was very similar and its similarity to the current charging offense of murder would be prejudicial outweighing the probative value.

- Counsel should have known of the existence of case law and annotated laws in South Carolina that convictions that are highly prejudicial shown to be prior bad acts similar in nature to charged offense cannot be used to impeach a testifying criminal defendant. Based upon this incorrect advice were critical to the role of Petitioner's decisional process on whether to testify or not. Had trial counsel not given the Petitioner erroneous advice advising Petitioner not to testify he would have insisted on testifying about the events leading to self-preservation and self-defense while supporting his beliefs of being in imminent danger as well as demonstrating that he was a "sitting duck" upon coercion by alleged victim's family members of a confrontation Petitioner had no knowledge existed at the time.

Trial counsel failed to give a valid reason for giving Petitioner incorrect advice and was not held accountable for counsel interfering with Petitioner's right to testify convincing him to not testify and defend against incompetent evidence. The ineffectiveness of counsel is deemed deficient in performance while rendering inadequate assistance that resulted in errors that ultimately prejudice the Petitioner and if not for trial counsel's misadvice the results of Petitioner's trial would have been different. The outcome of the trial, the Petitioner asserts no reasonable jurists would have convicted him of murder, and accept the legal excuse of his conduct being legally justified to have use force to his assailant being no longer a danger to Petitioner's safety and well-being upon the time of the shooting.

CONCLUSION

As a result of the foregoing legal premise the Petitioner has shown that Counsel's performance fell below an objective standard of reasonableness and the Petitioner suffered prejudice because of Counsel's deficient performance. Based on that factor this Court should grant the Petitioner For Writ of Certiorari in favor of Dontrarius J. Wright to allow further briefing and argument on the issue.

Done this 01st Day of September
Respectfully Submitted,

Dontrarius J. Wright
Dontrarius J. Wright
Lieber Correctional Institution
136 Wilburn Avenue
Post Office Box 205
Ridgeville, SC 29472

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PROOF OF SERVICE

SC Court of Appeals

I, Dontarious J. Wright, has served the foregoing 'Writ of Certiorari' upon Justice John W. Kittredge, at the South Carolina Supreme Court and certify that I have deposited in the internal mailing system at Lieber Correctional Institution.

D. J. Wright
Dontarious J. Wright
SC ID # 343789
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Post Office Box 205
Edgeville, SC 29442

12-22-25
Date