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**Mar 23 2026**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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On Petition for Writ of Certiorari to Allendale County  
Court of Common Pleas

The Honorable Frank Addy, Jr., PCR Judge

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Appellate Case No. 2025-001289

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JAMEL WILLIAMS.....Petitioner,

v.

STATE OF SOUTH CAROLINA.....Respondent.

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**JOHNSON PETITION FOR  
WRIT OF CERTIORARI**

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**STATEMENT OF ISSUE ON CERTIORARI**

**Petitioner's Statement of Issue on Certiorari**

The PCR court erred in finding that trial counsel was not ineffective when they failed to request a voluntary manslaughter jury instruction when there was evidence to support a jury finding that he committed the voluntary manslaughter, Counsel failed to articulate a valid reason for failing to request the charge, and the results at trial likely would have been different and more favorable had counsel requested the charge.

## STATEMENT OF THE CASE

Jamel Williams (hereafter “Petitioner”) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Allendale County Clerk of Court. During its March 2019 term, the Allendale County Grand Jury indicted Petitioner for murder (2018-GS-03-00045), attempted murder (-00044), and possession of a weapon during the commission of a violent crime (-00043). Petitioner was represented by Stephen Plexico, Esquire (hereafter “Counsel”). Assistant Solicitor Reed Evans, Esquire, from the Fourteenth Circuit Solicitor’s Office, represented the State. On January 6-9, 2020, the case proceeded to trial before the Honorable Carmen Mullen, circuit court judge. The jury found Petitioner guilty as charged. Judge Mullen sentenced Petitioner to life imprisonment.

Petitioner timely filed a notice of appeal and was represented by Chief Appellate Defender Sarah Shipe, who filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). The Court of Appeals affirmed Petitioner conviction, dismissed the appeal pursuant to *Anders*, and the remittitur was issued on February 22, 2022.

Petitioner filed a *pro se* petition for writ of certiorari in the South Carolina Supreme Court, which was dismissed for lack of jurisdiction on March 23, 2022.

Petitioner timely filed a PCR application on April 13, 2022. The evidentiary hearing occurred on April 14, 2025, before the Honorable Frank Addy, Jr., Circuit Court Judge. Chelsey Marto, Esquire represented Petitioner. Danielle Dixon, Esquire of the South Carolina Attorney General’s Office represented Respondent.

The Court issued an order of dismissal, denying Petitioner’s PCR application and remanding him to the custody of South Carolina Department of Corrections on May 22, 2025. This appeal follows.

## STANDARD OF REVIEW

The standard of review for PCR matters depends on the specific issues before the appellate court. *Smalls v. State*, 422 S.C. 174, 810 S.E.2d 836 (2018). Overall, reviewing courts “give[] great deference to the PCR court’s findings of fact and conclusions of law”, *Dempsey v. State*, 363 S.C. 365, 368, 610 S.E.2d 812, 814 (2005), with the petitioner shouldering the burden of proof. Rule 71.1(e), SCRCPP; *Caprood v. State*, 338 S.C. 103, 109, 525 S.E.2d 514, 517 (2000); *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). a PCR court’s findings will be upheld if there is “any evidence of probative value sufficient to support them.” *Id.* Reversal of the lower court’s findings occurs when no probative evidence to support the initial findings. *Pierce v. State*, 338 S.C. 139, 526 S.E.2d 222 (2000). Courts must conduct a *de novo* review if evaluating questions of law and are required to reverse the initial holding when the decision is controlled by an error of law. *Smalls*, 422 S.C. at 180-81, 810 S.E.2d at 839-40; *Goins v. State*, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

## ARGUMENT

The PCR court erred in finding that trial counsel was not ineffective when they failed to request a voluntary manslaughter jury instruction when there was evidence to support a jury finding that he committed the voluntary manslaughter, Counsel failed to articulate a valid reason for failing to request the charge, and the results at trial likely would have been different and more favorable had counsel requested the charge.

In a PCR action, the petitioner bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When a petitioner asserts ineffective assistance of counsel as a ground for relief, the petitioner must show “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the petitioner must prove defense counsel’s performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the petitioner must prove by a preponderance of the evidence that counsel’s actions fell outside of the zone of “reasonableness under prevailing professional norms.” *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRPC (“The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence.”). Reasonableness is determined by the “variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant,” and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of

representation. *Id.* at 689. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690); see *Dunn v. Reeves*, 141 S. Ct. 2405, 2410 (2021) (noting counsel’s strategic decisions are to be afforded “‘strong presumption’ of reasonableness that the defendant must overcome); *Cullen v. Pinholster*, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation). Judicial scrutiny of counsel’s performance remains deferential towards defense counsel with a presumption that counsel acted competently. *Strickland*, 466 U.S. at 688-89.

Second, counsel’s deficient performance must have prejudiced the petitioner so that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696.

A trial court is required to charge the current and correct law in South Carolina. *State v. Brandt*, 393 S.C. 526, 713 S.E.2d 591, 603 (2011). The law to be charged must be determined from the evidence presented at trial and, when deciding whether to charge on a lesser-included offense, the court views the facts in the light most favorable to the defendant. *State v. Knoten*, 347 S.C. 296, 302, 555 S.E.2d 391, 394 (2001). A request to charge a lesser-included offense is

properly refused only when there is no evidence that the defendant committed the lesser, as opposed to the greater, offense. *Casey v. State*, 305 S.C. 445, 447, 409 S.E.2d 391, 392 (1991).

In deciding whether the jury was misled or the appellant prejudiced by allegedly erroneous instructions, the charge must be considered as a whole. *State v. Hoffman*, 257 S.C. 461, 186 S.E.2d 421 (1972); *State v. Clamp*, 225 S.C. 89, 80 S.E.2d 918 (1954).

“Voluntary manslaughter is the unlawful killing of a human being in the sudden heat of passion upon sufficient legal provocation.” *State v. Cooley*, 342 S.C. 63, 67, 536 S.E.2d 666, 668 (2000). “Both heat of passion and sufficient legal provocation must be present at the time of the killing.” *Id.* “The provocation must be such as to render the mind of an ordinary person incapable of cool reflection and produce an uncontrollable impulse to do violence.” *Id.* “[B]oth heat of passion and sufficient legal provocation must be present at the time of the killing.” *State v. Starnes*, 388 S.C. 590, 596, 698 S.E.2d 604, 608 (2010).

Petitioner submits that there was sufficient evidence supporting a voluntary manslaughter jury charge presented at trial. Ms. Ronisha Hightower and Ms. Latoya Patterson both testified that a disagreement preceded the shooting, in which Petitioner repeatedly attempted to get other individuals out of the residence after Petitioner was accused of stealing a tablet. (App. 301-04, 377-80). Petitioner testified that he did not know anything about the tablet he was accused of stealing and that the men he repeatedly attempted to remove from the apartment threatened to kill everyone inside. (App. 469-71). Petitioner testified that the man was relentless and he and the women inside the apartment were afraid. (App. 477-80). He stated that immediately before the shooting, the man charged at him, which led to a struggle over the gun before the victim was shot. (App. 480). This evidence supports a competing theory to murder and self-defense; namely, that there was sufficient legal provocation that broke out over the altercation that left Petitioner

incapable of cool reflection and produced an uncontrollable impulse for violence. The charge was appropriate in this case.

Counsel failed to articulate a sufficient reason for why this was not requested. Specifically, he testified that he was worried that if the charge was given the jury would have found Petitioner guilty of voluntary manslaughter. He opted to go for an “all or nothing” tactic instead. However, giving the voluntary manslaughter charge would have undoubtedly put him in a better position than he was placed in by Counsel’s failure to request the charge. It is not reasonable for Counsel to fail to do something that would have resulted in a more favorable outcome at trial. Thus, Counsel was deficient and Counsel requested this charge, the charge would have been given and the results at trial would have been different. Accordingly, relief should be granted on this ground.

**CONCLUSION**

For the reasons stated above, a writ of certiorari should be issued to permit full briefing on the issue.

Respectfully submitted,

BY:     /s Chelsey F. Marto      
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JAMEL WILLIAMS, #348445,

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PETITION TO BE RELIEVED AS COUNSEL

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Counsel for Jamel Williams states:

1. This case was conflicted out of the South Carolina Office of Appellate Defense and she was appointed to represent Petitioner accordingly.
2. She has reviewed the record on Petitioner's post-conviction relief hearing before Judge Frank Addy, which was held on April 14, 2025, 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 Jamel Williams.

/s Chelsey F. Marto  
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CERTIFICATE OF COUNSEL

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.”

/s Chelsey F. Marto  
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