

RECEIVED

APR 02 2026

S.C. SUPREME COURT

TABLE OF CONTENTS

Question Presented.....

Introduction.....

Statement of facts...

Issues Presented.....

Argument.....

I. Trial counsel was Ineffective for Failing to request a Stand-Your-Ground Immunity Hearing...

II. Trial counsel was Ineffective for Failing to request a Voluntary Manslaughter Jury Instruction...

III. Trial counsel was Ineffective for Failing to object to improper Bolstering and Emotional Prejudice.....

IV. Appellate counsel was Ineffective for Failing to Challenge Self-Defense Jury Instructions.....

V. Cumulative Error.....

Conclusion.....

TABLE OF AUTHORITIES

Cases

Strickland v. Washington, 466 U.S. 668 (1984)
Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988)
Anders v. California, 386 U.S. 738 (1967)
Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018)
Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989)
Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985)
State v. Cooley, 342 S.C. 63, 536 S.E.2d 666 (2000)
State v. Starnes, 388 S.C. 590, 698 S.E.2d 604 (2010)
State v. Knoten, 347 S.C. 296, 555 S.E.2d 391 (2001)
State v. Brandt, 393 S.C. 526, 713 S.E.2d 591 (2011)
State v. Duncan, 392 S.C. 404 (2011)

Constitutional Provisions

U.S. Const. amend. VI
U.S. Const. amend. XIV
S.C. Const. art. 1, § 3

QUESTION Presented

1. Can a lawyer refuse to request a mandatory immunity hearing based on a blanket strategy like "two bites at the apple"?

STATEMENT OF FACTS

1. Pretrial Immunity Denial

Trial counsel admitted on the record at trial Page 78 that no Pretrial Stand-Your-Ground immunity hearing was requested or conducted. Presiding Trial Judge Carmen Mullen Proceeded without correction. This Procedural failure tainted all evidence thereafter, including DMV Profile/Photo lineups incorrectly labeling Plaintiff as a violent offender (Page 54-57),

2. Evidence supporting All four P.P.P.A Elements

•Element 1: Unauthorized Presence. Tr. Pages 211-214, 283.

•Element 2: Imminent threat - Physical Struggle/Tussle; Pages 274, 291, 385, 480.

•Element 3: Plaintiff acted to protect self, others, and habitation 288, 387.)

•Element 4: Notice/warning - Repeated warnings to leave. (~~288~~ Pages 211-14, 283, 288).

Evidence of improper bolstering and vouching by Captain Ford (Page 522) and Failure to properly authenticate sentencing sheets (Page 610)

3. Constitutional and Statutory Violations

Denial of right not to stand trial and State v. Duncan, consistent with 14th Amendment due process.

Trial, appellate, and PCR counsel failed to protect Petitioner's rights: no immunity hearing, no objections to improper vouching, no instruction requests, failure to challenge fabricated/tainted evidence.

Court failed to make factual or legal findings at trial, ~~PCR~~ Direct appeal, P.C.R. Stages.

IN THE SUPREME COURT OF SOUTH CAROLINA

Jamel Williams, Petitioner,
v.
State of South Carolina, Respondent.

PRO SE RESPONSE TO JOHNSON PETITION FOR
WRIT OF CERTIORARI

INTRODUCTION

Petitioner respectfully files this pro se response to the Johnson Petition for Writ of Certiorari and requests that this Court grant certiorari and order full briefing because the PCR Court committed errors of law in rejecting Petitioner's claims of ineffective assistance of counsel and constitutional violations.

This case involves the loss of Petitioner's statutory right to a pretrial Stand-Your-Ground immunity hearing, which trial counsel refused to request based on an improper legal premise. Trial counsel admitted that he avoided immunity hearings to prevent giving the state "two bites at the apple." This was not a reasonable strategic decision based on Petitioner's interests, but a misunderstanding of the law governing immunity.

The PCR Court further erred in concluding that Petitioner suffered no prejudice because he was allowed to argue self-defense at trial. Immunity is not merely a defense at trial; it is a statutory right to be free from prosecution altogether. The denial of a pretrial immunity hearing forced Petitioner to stand trial when he may have been entitled to dismissal.

The loss of the immunity hearing itself constitutes prejudice under *Strickland v. Washington*.

Issues Presented

I. Trial Counsel was ineffective for failing to request a Stand-Your-Ground immunity hearing.

II. Trial Counsel was ineffective for failing to request a Voluntary manslaughter Jury instruction.

III. Trial Counsel was ineffective for failing to object to improper bolstering and emotional prejudice.

IV. Appellate Counsel was ineffective for failing to challenge the self-defense Jury instructions.

V. Cumulative error.

ARGUMENT

1. TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO REQUEST A STAND-YOUR-GROUND IMMUNITY HEARING.

Under *Strickland v. Washington*, a Petitioner must show deficient performance and prejudice. Both prongs are satisfied here.

Trial Counsel admitted that he did not request a Stand-Your-Ground immunity hearing because he believed doing so would give the State "two bites at the apple." This rationale does not constitute a reasonable strategic decision. Strategic decisions are entitled to deference only when they are based on reasonable professional judgment. A decision based on a misunderstanding of the law cannot be considered reasonable strategy.

A Stand-Your-Ground immunity hearing is a statutory mechanism that provides immunity from prosecution if the use of force was justified. By refusing to request the hearing, counsel deprived Petitioner of a substantive statutory right.

The PER Court concluded Petitioner was not prejudiced because he was able to argue self-defense at trial and the jury convicted him. This is the wrong legal standard. Immunity is not merely a defense at trial; it is a right to be free from prosecution altogether. The denial of a pretrial immunity hearing forced Petitioner to stand trial when he may have been entitled to dismissal. The loss of the immunity hearing itself constitutes prejudice.

II. TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO REQUEST A VOLUNTARY MANSLAUGHTER JURY INSTRUCTION.

Evidence presented at trial showed that a heated argument occurred, threats were made, and a struggle occurred immediately before the shooting. This evidence supported a finding of heat of passion and legal provocation. Trial counsel chose an "all-or-nothing" strategy and failed to request a voluntary manslaughter charge. There is a reasonable probability that the jury would have returned a verdict of voluntary manslaughter had the charge been given.

III. TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO IMPROPER BOLSTERING AND EMOTIONAL PREJUDICE.

During trial and closing argument, the state relied on emotional testimony and vouched for the credibility of a key witness. Trial counsel failed to object. Allowing the jury to be influenced by emotion and improper vouching deprived petitioner of a fair trial.

IV. APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO CHALLENGE SELF-DEFENSE JURY INSTRUCTIONS.

Self-defense was the central issue at trial. Appellate Counsel failed to challenge the self-defense jury instructions and instead filed an Anders brief, depriving Petitioner of meaningful appellate review.

V. ~~VI~~ CUMULATIVE ERROR

The cumulative effect of Counsel's errors deprived Petitioner of a fair trial and a reliable verdict.

CONCLUSION

Wherefore, Petitioner respectfully requests that this Court:

1. Grant the petition for Writ of Certiorari;
2. Reverse the PCR Court's order;
3. Vacate Petitioner's convictions and remand for a new trial;
4. Or in the alternative, remand for a stand-your-ground immunity hearing;
5. Grant any other relief this Court deems just and proper.

Respectfully submitted,

Jamel Williams
 Petitioner, Pro Se
 March 30, 2026

RECEIVED

APR 02 2026

S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA

Jamel Williams, Petitioner,
v.
State of South Carolina, Respondent.

MOTION TO RELIEVE COUNSEL AND NOTICE OF CONFLICT

Petitioner respectfully moves this Court to relieve appointed Counsel and allow Petitioner to Proceed Pro Se.

Appointed Counsel filed a Johnson Petition asserting the appeal lacks merit. Petitioner believes meritorious constitutional issues exist and has filed a pro se response. Petitioner was not consulted regarding the issues presented in the Johnson Petition. Petitioner also has an active federal civil action naming current Counsel as a defendant, creating a conflict of interest.

WHEREFORE, Petitioner respectfully requests that this Court relieve Counsel and allow Petitioner to Proceed Pro Se.

Respectfully Submitted,

Jamel Williams

March 30, 2026

RECEIVED

APR 02 2026

~~12 of 13~~
12 of 13

S.C. SUPREME COURT NOTICE OF PRESERVATION OF RIGHTS

Petitioner provides this Notice to Preserve Constitutional and Statutory Claims. Petitioner asserts that he was deprived of a Pretrial immunity determination under South Carolina law, not by informed Waiver, but as a result of Counsel's application of a invalid legal premise.

Trial Counsel admitted that his general practice was to forego Pretrial immunity hearings to avoid giving the State "two bites at the apple." This rationale does not constitute a valid strategic decision grounded in Petitioner's legal interests.

The denial of a Pretrial immunity hearing constitutes the deprivation of a substantive legal right - the right to be free from prosecution.

This Notice is submitted to preserve these claims for all present and future proceedings

Respectfully Submitted,

Jamel Williams

March 30, 2026

Exhibits

The Law Office of Chelsey F. Marto

RECEIVED

APR 02 2026

S.C. SUPREME COURT

January 21, 2026

Mr. Jamel Williams
Lieber Correctional Institution
136 Wilborn Ave
Ridgeville, SC, 29472

Mr. Williams,

I hope you are well.

I am in receipt of your attached original jurisdiction petition. I do not represent you in this action and will not be filing it on your behalf accordingly. I have attached the petition I received to this letter if you wish to file it yourself.

I am currently working on your brief and will determine what issues are properly raised on appeal myself. I will send you a copy once drafted and sent to the Court.

If you have any questions or concerns about your case, please do not hesitate to write me at PO Box 8795, Columbia, SC, 29201.

Sincerely,



Chelsey Marto

COVER LETTER

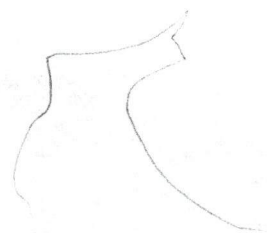
DEAR clerk of court:

Enclosed Please find Applicant's filing challenging Procedural and statutory violations, including denial of a mandatory Pretrial immunity hearing and ineffective assistance of Counsel. This submission does not dispute factual guilt, but seeks enforcement of statutory and constitutional safeguards governing lawful Prosecution and due Process.

This filing is submitted in good faith to Preserve Applicant's rights and to ensure Proper Judicial review of Structural legal errors. Kindly file and Present this submission to the Court.

Thank you for your time and attention.

Respectfully submitted,
Jamel Williams, 348445



FOR LEGAL USE ONLY

State of South Carolina
in the Court of Common Pleas
Post-Conviction Relief Division

State of South Carolina
v.
Jamel Dajour Williams

PCR Case NO.:

CONDENSED BRIEF IN SUPPORT
OF POST-CONVICTION RELIEF

I. Introduction

Applicant seeks Post-Conviction Relief Pursuant to S.C. Code Ann. §17-27-10 et seq. based on Structural Procedural error, including denial of a mandatory statutory immunity hearing, ineffective assistance of Counsel at multiple stages, and Violations of Due Process and Equal Protection. This Petition Challenge Procedural legality, not factual guilt, and seeks enforcement of statutory safeguards governing lawful Prosecution.

II. Procedural Background

Applicant was indicted in Allendale County and trial in January 2020. Trial Counsel admitted that no statutory immunity hearing was requested (Trial Transcript P. 78). Applicant was convicted and sentenced. Direct appeal and PCR Proceedings Failed to Correct or Fully litigate the immunity

FOR LEGAL USE ONLY

and Constitution defects. Applicant now seeks corrective relief for ongoing Procedural

II. Questions Presented

1. Whether Applicant was unlawfully denied a mandatory Pretrial immunity hearing under S.C. Code Ann. §§ 16-1410-450.
2. Whether trial Counsel rendered ineffective assistance by failing to invoke statutory immunity protections.
3. Whether appellate Counsel failed to raise Presented Constitutional and Statutory claims.
4. Whether PCR Counsel failed to adequately Present meritorious Constitutional claims.
5. Whether cumulative Procedural error denied Applicant Due Process and Equal Protection.

IV. GOVERNING LEGAL PRINCIPLES

South Carolina's Protection of Persons and Property Act Provides Statutory immunity from Prosecution and requires a pretrial Judicial determination when immunity is asserted. This hearing functions as a threshold gatekeeping mechanism that determines whether Prosecution may lawfully proceed.

The Sixth Amendment guarantees effective assistance of counsel (Strickland v. Washington)

FOR LEGAL USE ONLY

The Fourteenth Amendment guarantees Due Process and Equal Protection. Structural Procedural Violations require Corrective relief.

V. Argument

A. Denial of A MANDATORY PRE TRIAL IMMUNITY HEARING CONSTITUTIONAL STRUCTURAL ERROR

Trial Counsel admitted on record that no immunity hearing was Pursued (Tr. P. 78). Under S.C. Code Ann. § 16-11-410-450, immunity is not discretionary - it requires Pretrial Judicial determination when implicated.

This denial deprived Applicant of:

- A statutory right to immunity adjudication
- A threshold determination of Prosecutorial authority
- A Procedural safeguard intended to prevent unlawful Prosecution

Emotional testimony, alleged victim pleas, or asserted factual conflict do not lawfully justify denial of immunity review. Immunity determinations must be resolved by legal standards, not sentiment or credibility disputes reserved for trial.

This defect constitutes structural constitutional error infecting all subsequent proceedings.

Trial Counsel's Performance was deficient under Strickland by: **FOR LEGAL USE ONLY**

- Failing to request a mandatory immunity hearing
- Failing to Preserve statutory self-defense Protections
- Failing to object to improper prosecutorial vouching (Tr. P. 522)
- Failing to object to emotionally prejudicial testimony (Tr. P. 108)
- Failing to request a Voluntary manslaughter instruction despite supporting evidence (Tr. P. 291)

These failures eliminated a lawful avenue for immunity and undermined Procedural fairness.

C. Appellate Counsel Was ineffective For Failing to raise Structural Errors

Direct appeal counsel failed to challenge:

- Denial of statutory immunity
- improper jury instructions
- prosecutorial misconduct
- Structural due Process Violations

This deprived Applicant of meaningful appellate review.

FOR LEGAL USE ONLY

D. PCR counsel Failed to Adequately Present immunity and Constitutional Claims

PCR COUNSEL failed to fully investigate and Preserve statutory immunity and constitutional error Claims, Compounding Prior Prejudice and extending Applicant's Procedural injury.

E. DUE PROCESS and Equal Protection Violations

Applicant was denied statutory protections afforded to similarly situated defendants, Required legal Procedures were bypassed, allowing Prosecution absent lawful threshold adjudication. This constitutes denial of fundamental fairness and equal application of law.

F. Cumulative Error Requires Relief

The Cumulative effect of attorney failure and Procedural Violations deprived Applicant of a fair, lawful, and reliable adjudication.

~~VI~~ VI. RELIEF REQUESTED

Applicant Respectfully requests!

1. Vacatur of Conviction and sentence; or
2. A new trial; or
3. A new Statutory immunity hearing; or
4. Any other relief deemed Just and Proper.

FOR LEGAL USE ONLY

VIII. Verification

I declare under Penalty of Perjury that
this filing is true and correct.

Date:
Name:

FOR LEGAL USE ONLY

LETTER TO COUNSEL

Subject: Request to File and Present Extraordinary Writ -
Mandatory Immunity Denial

Chelsey F. Marto, Esq.
State-Appointed Counsel

Dear Chelsey,

I am writing to formally request that you file and present, on my behalf, an extraordinary writ to the South Carolina Supreme Court raising the preserved constitutional questions arising from the denial of a mandatory pre-trial stand-your-ground immunity hearing and the resulting due-process violations.

This request is narrow, intentional, and jurisdictionally proper. The writ should not seek release, resentencing, or reconsideration of guilt. It asks the Court to address a pure question of law that has never been adjudicated on the merits, despite being properly raised and preserved.

Specifically, the writ should present the following core questions:

1. Whether failure to conduct a mandatory stand-your-ground immunity hearing under S.C. Code § 16-11-450(c) constitutes a structural due-process violation requiring judicial findings.
2. Whether South Carolina Courts may bypass or avoid mandatory immunity determinations by re-characterizing immunity claim as procedural trial issues.
3. Whether dismissal or non-review of immunity-based claims - without findings, hearing, or meaningful appellate review - violates state and federal due-process guarantees.

4. Whether Heck v. Humphrey bars §1983 claims arising from pretrial constitutional violations independent of conviction, as clarified in Wallace v. Kato and McDonough v. Smith.

5. Whether trial counsel, direct appeal counsel, PCR counsel, or appellate/writ ~~counsel~~ counsel may lawfully refuse to enforce mandatory constitutional protections, or label such violations as strategy, procedure, or waiver.

The writ is necessary to:

- preserve the immunity issue at the state-court level.
- obtain a definitive ruling or refusal grounded in law.
- ensure a complete and accurate record for higher-court review

I respectfully request that you present this writ immediately upon receipt, providing proof of filing and receipt, without delay or stalling. This preserves the mandatory immunity question cleanly for any federal review, prevents courts from hiding behind procedure, and ensures the record of refusal or compliance is documented.

Respectfully
 Jamel Williams
 Petitioner, pro se
 Lieber Corr. Inst.

PETITION / WRI: THE FORBIDDEN WINGS DOCTRINE
(Rule 245, SCACR, Handwritten, Pages Max)

IN THE SUPREME COURT OF SOUTH CAROLINA

Jamel Williams,
Petitioner.
v.
State of South Carolina,
Respondent.

PETITION FOR WRIT OF MANDAMUS / PROHIBITION
(Extraordinary Relief - Mandatory Immunity Determination)

I. INTRODUCTION

Petitioner respectfully petitions this Court for extraordinary relief to address a pure question of law: whether South Carolina Courts may deny or bypass a mandatory stand-your-ground immunity determination required by statute and avoid review at every judicial stage.

This petition does not seek release, resentencing, reversal, or monetary relief. It seeks only a ruling on the legal obligation to conduct a mandatory immunity hearing and issue findings when immunity is raised.

II. JURISDICTION

this court has original jurisdiction under:
: S.C. Const. art. V, § 5
: Rule 245, SCACR

Mandamus / Prohibition is proper where:

1. A clear legal duty exists.
2. No adequate remedy at law is available.
3. The issue is publicly important or involves recurring constitutional error.

III. QUESTION PRESENTED

1. Whether S.C. Code §16-11-450(c) imposes a mandatory duty on trial courts to conduct a pretrial immunity hearing and make findings when stand-your-ground immunity is raised.
2. Whether failure to conduct a mandatory immunity hearing constitutes structural due-process error independent of guilt.
3. Whether South Carolina courts may avoid mandatory immunity review by labeling claims as ordinary trial-procedure issues.
4. Whether dismissal or non-review of immunity claims without findings violates state and federal due process guarantees.
5. Whether *Heck v. Humphrey* bars §1983 claims for pretrial constitutional violations, contrary to *Wallace v. Kato* and *McDonough v. Smith*.
6. Whether trial counsel, direct appeal counsel, PCR counsel, or writ / certiorari counsel may lawfully refuse to enforce or raise mandatory constitutional protections at any stage.

IV. STATEMENT OF FACTS

- Petitioner raised self-defense and stand-your-ground immunity.
- ~~No~~ pretrial immunity hearing was conducted.
- Trial counsel admitted on the record that no hearing occurred.
- The case proceeded without statutorily required immunity determination.
- Direct appeal counsel failed to raise the immunity issue.
- PER Counsel and courts treated the violation as strategic, not a

legal duty.

- No findings of fact or conclusions of law were ever issued.
- The denial occurred pretrial, caused immediate constitutional injury, and continues to produce ongoing harm.

V. ARGUMENT

A. Immunity under §16-11-450(c) is Mandatory

- Courts must determine immunity before trial.
- Immunity is not a defense to liability - it is an entitlement not to be tried at all.
- Failure violates due process and the statutory framework.

B. Denial Constitutes Structural Error

- Jurisdictional error cannot be cured later.
- Structural errors:
 - Require no showing of prejudice.
 - Affect the framework of the trial.
 - Demand judicial resolution.

C. Counsel Cannot Evade Duty

- Trial Counsel may not decline immunity as "strategy" (e.g., avoiding "two bites at the apple").

- Direct appeal counsel may not refuse to raise structural, jurisdiction errors.
- PCR counsel / courts may not ~~refuse to raise structural, jurisdiction~~ legitimize unadjudicated violations.
- Appellate / writ counsel may not suppress mandatory constitutional protections
 - D. NO Adequate Remedy at Law
 - Injury occurred pretrial.
 - Never adjudicated.
 - **Continues** to affect collateral and federal review.

VI. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Declare a Stand-Your-Ground immunity hearing under §16-11-450(c) mandatory.
2. Hold that failure to conduct such a hearing constitutes due-process violation.
3. Clarify that immunity determinations require findings of fact and law.
4. Issue any further relief justice requires.

No damages or release are requested at the state level - this is purely law enforcement and constitutional preservation.

VII. SUPREME-LEVEL ~~QUESTION~~ SYNTHESIS QUESTION

the Grand Master Question:

When a statute makes immunity from prosecution mandatory, may any actor in the judicial system - trial counsel, appellate counsel, PCR counsel, writ counsel, or ~~review~~ the Court - lawfully refuse to enforce, adjudicate, or review that immunity by labeling the violation as strategy, procedure, waiver, or discretion?

- Yes → statute meaningless.
- No → Constitution requires enforcement.
- No third option exists.

VIII. TABLE OF AUTHORITIES

Federal:

- Mitchell v. Forsyth, 472 U.S. 511 (1985)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- Wallace v. Kato, 549 U.S. 384 (2007)
- McDonough v. Smith, 588 U.S. — (2019)

State:

- S.C. Code §16-11-450(c)
- S.C. Const. art. V, § 5
- Rule 245, SCACR

Other:

- Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949)

IX. AFFIDAVIT / PERJURY DECLARATION

I, Jamel Williams, do hereby swear under Penalty of Perjury, Pursuant to 28 U.S.C. § 1746, that:

1. the statements contained in this Petition / ~~written~~ are true and correct to the best of my knowledge.

2. I am the petitioner, Pro Se, and I have personally drafted and verified this document.

Executed this 5th day of Jan, 2026 at Lieber Correctional Institution, South Carolina.

Signature: Jamel Williams

Jamel Williams, Petitioner

Executed this 5th day of Jan, 2026 at Lieber Cor., Inst., South Carolina

Notary Public: Linda K. Bowman

Commission Expires: 6-20-26

X. PROOF OF FILING / RETURN

To Attorney Chelsea F. Monto:

Please file this petition immediately with the South Carolina Supreme Court and return proof of submission and filing. This ensures the Forbiddenswings Doctrine is preserved and enforceable for federal review.

Date of Submission: _____

Received By: _____

Clerk / Confirmation #: _____

Respectfully Submitted,
Jamel Williams #348445

~~December~~ January 5, 2026