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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

On Petition for Certiorari to Colleton County
Court of Common Pleas

The Honorable Edgar Dickson, PCR Judge

Appellate No. 2026-000508

LESLIE TWYMANPetitioner,

v.

STATE OF SOUTH CAROLINARespondent.

PRO SE JOHNSON BRIEF
By Leslie Twyman

FILED BY:

MR. LESLIE TWYMAN

REPRESENTED BY:

CHELSEY F. MARTO, ESQ.
Law Office of Chelsy F. Marto
Post Office Box 8795
Columbia, S.C. 29201

PERRY CORRECTIONAL INST.
430 Oaklawn Road
Pelzer, S.C. 29669

PRO SE BRIEF BY LESLIE TWYMAN

On July 31, 2026 the Pro se petitioner's counsel filed a JOHNSON PETITION to this Supreme Court and setforth a Doyle Issue as in "tÑhe trial counsel was not effective where counsel failed to object to the **Doyle** evidence, that strongly conveyed to the jury that Petitioner was intentionally **omitting evidence** reflective of guilt."

Under the Article I, section 12 of the South Carolina Constitution, an improper comment on Twyman's right to remain silent, and a **strutural error** requiring reversal of his conviction, as in under the consitution, an improper comment on his constitutional right to remain silent or exercise of that right is prejudicial **per se** and does require a reversal of his conviction.

As a corollary of the right to remain silent, a prosecutorial comment, whether direct or indirect, upon Twyman's failure to testify at the criminal trial is **constitutionally impermissible**. State v. Weaver, 361 S.C. 73, 602 S.E.2d 786 (2004) affirmed as modified 374 S.C. 313, 649 S.E.2d 479. For the solicitor's comment(s) may neither comment upon nor present evidence at trial of Twyman's decision to exercise his right to remain - silent. The point of this rule is to prevent jurors from - improperly inferring that Twyman is guilty simply by invoking his rights. Edmound v. State, 341 S.C. 340, 346, 534 S.E.2d 682, 685 (2000).

The testimony mentioned and expressed within this trial on Twyman's decision to exercise his right to remain silent warrants reversal or remand because what said was **per se - prejudicial**. Reversal is mandated as the comments made on him not only prejudiced him there was a extreme lack of evidence against him during this trial that cumulatively with this comment

prejudiced him so he didnot recieve a fair trial and in a per se manner. Cf. Patterson v. State, 565 P.3d 692, 692, 698 (2025). and-State v. McCallie, 396 P.3d 103, 107 (2016).

POST CONVICTION EVIDENTIARY HEARING

Twyman pursued a direct appeal and was represented by Elizabeth Franklin-Best and Susan B. Hackett --State v. Twyman, Unpub. Op. No. 2013-Up-325 (S.C. App. filed July 17, 2013).

Twyman filed his first Post Conviction Relief Application on February 11, 2014. He filed a second Post Conviction Relief Application on June 24, 2019. He was represented by Tristan Shaffer on the first P.C.R. proceeding, and James Falk on the second P.C.R. proceeding.

During these post conviction relief proceedings the direct appeal attorney Eliabeth Franklin-Best was severed with subpoena under **Ad Testificandum and Duces tecum**, and failed to comply the subpoena and attend these proceedings. Intentional failure to comply with subpoenas is grounds for criminal contempt, fraud on the court, extrinsic fraud because this conduct and missing facts, testimony, etc impaired court's ability to fairly and impartially adjudicate disputes on this P.C.R. and Proceedings.

It said within the common laws that no person is above the powers of subpoenas not even the U.S. President per se. Therefore, Attorney had to attend and provide testimony and documents when she was subpoenaed to attend and produce tangible items for this post conviction relief proceeding.

This is again a **structural error per se** within Twyman's case and a another PCR proceeding must be provided with the subpoenaed tangible items and testimony or person(s) subpoenaed present to produce testimony for or within this proceeding per laws.

Extrinsic fraud is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard. Fraud is "extrinsic" when it is collateral to the issues tried in a case and effectively deprived Twyman of a fair or full hearing and/or opportunity to present his issues or case. Jamison v. Ford Motor Co., 373 S.C. 248, 273-74, 644 S.E.2d 755, 768 (2007). In South Carolina Twyman is entitled to relief based on the extrinsic fraud that he endured during his post-conviction relief proceeding(s) via the absence of Elizabeth Franklin-Best, whom held relevant information and testimony that he needed to squarely present his post-conviction relief issues, and without it was prejudicial per se aka a structural error. Id.

CONCLUSION

WHEREFORE LESLIE TWYMAN IS ENTITLED TO A WRIT OF CERTIORARI BY THIS COURT ON THESE TWO ISSUES AND ANY OTHER ISSUES THIS COURT DEEMS TO BE FIT. THE POST CONVICTION RELIEF PROCEEDINGS WAS NOT CONSTITUTIONAL EFFECTIVE, AND BOTH ISSUES WERE OF PER SE PREJUDICIAL TO TWYMAN AND HIS PCR LITIGATION AND ISSUES. THEREFORE THIS COURT ALLOW A WRIT TO BE ISSUED ON HIS ISSUES.

Respectfully Submitted on the 31 day of August, 2026.

Leslie Twyman
Mr. Twyman, Leslie Pro Se

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