

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Richland County

R. Knox McMahon, Circuit Court Judge

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CHARLES GAMBLE.

PETITIONER

V

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2012-213328

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JOHNSON PETITION FOR WRIT OF CERTIORARI

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BENJAMIN JOHN TRIPP  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
P.O. Box 11589  
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ATTORNEY FOR PETITIONER

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MAY 19 2014

S.C. SUPREME COURT

The reason applicant filed ineffective assistance of counsel on the attorneys that represented him in his plea agreement is because Ms. Pringle continuously drilled in his head that if he do go to trial he'd be found guilty and the state will seek the death penalty, and him being a young black male with only a 10<sup>th</sup> grade education he went for it. She never intend to take his case to trial because she felt applicant was guilty

The court asked the solicitor has the defendant been allowed access to all the discovery material in this case. Mr. Meadors said yes when Sled Laboratory Forensic Services Request and/or South Carolina Law Enforcement Division Forensic Services Laboratory Report still had Evidence processing and Ms. Pringle agreed as well that she reviewed all documents and all discovery material (pg 11, 22-25 / 1-9 ) applicant plead out only because she lead him to believe it was his best option.

Applicant thought he was entitled equal protection of the law or even a chance at a fair trial. Instead he plead to all three charges in exchange that the State would drop the death penalty, and then the court asked has anyone threatened you or used force to get you to plea guilty or intimidated you in

any kind of way applicant said No But everyone know he was facing the death penalty if he went to trial thats why he enter into a negotiated plea. Applicant only looking for a attorney who has his best interest at heart and who will raise his issue in court.

My co-defendent who's the states key witness, who didn't get any time, who gave two statements that were completely different from each other. No one cross examined his statement, and applicant bear the burden of proving his case. By not receiving all of his motion of discovery or his rule 5 it violates his due process.

Plea counsel was deficient in representing applicant because he did nothing to prepare a defense, forcing applicant to enter a guilty pled. Applicant first alleged counsel was ineffective for failing to prepare and properly advise him of potential defense to the charges. Applicant alleged that had counsel prepared and advised him of potential defense to be used at trial, he would not have pled guilty, but rather would have proceeded to trial.

Applicant noted he believed there were several defenses his attorneys could

have prepared on his behalf, including an argument for voluntary manslaughter based on the killings being "crime of passion" using his co-defendant's inconsistent statements to police against the state, challenging the Burglary charge where applicant alleged he entered the house using his key, and by having him mentally evaluated.

Applicant finished by saying he only pled guilty as a result of his attorneys' advise and he didn't really want to plea guilty. On cross-examination, applicant agreed he did not want to receive the death penalty and the only way to ensure he did not receive the death for certain was to enter the negotiated pleas like he did. He also agreed he entered the pleas as he believe the guaranteed life without parole sentences he would receive as a result of the pleas were a "better option" than rolling the dice at trial with a potential death penalty sentence.

Applicant also conceded he told the plea judge he believed the state could convince a jury of his guilt beyond a reasonable doubt at trial based on the evidence, and that he had reviewed the discovery materials in depth. Based on the foregoing, applicant prays that the court vacate his sentences as violative of the Sixth Amendment and remand this case to the Richland

County Court or General Sessions

Respectfully Submitted by:

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Charles Gamble #344426

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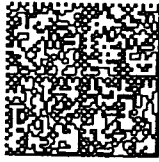


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