

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO GREENVILLE COUNTY
THE HONORABLE C. VICTOR PYLE, JR.

John Allen Hagood,
Paintiff

PETITIONER,

RECEIVED

v.

MAY 21 2014

State of South Carolina,

RESPONDENT.

S.C. SUPREME COURT

RECEIVED

MAY 15 2014

2014-000480

P.C.I. MAILROOM

CERTIFICATE OF SERVICE

I CERTIFY THAT A TRUE COPY OF THE PETITION FOR WRIT OF CERTIORARI, AND A COPY OF THE APPENDIX IN THIS CASE HAVE BEEN SERVED ON LAUREN PRICE AND SLOAN ELLIS; BOTH OF WHOM ARE ASSISTANT SOLICITORS FOR GREENVILLE COUNTY, SC.

ESQUIRE THIS 15 DAY OF MAY, 2014.

John Allen Hagood
PLAINTIFF

SWORN TO BEFORE ME THIS 15 DAY OF may, 2014.

Tamara Conwell
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: My Commission Expires September 25, 2023

SEAL ()

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QUESTIONS PRESENTED- From transcripts as stated by witnesses

PARTIES- Lauren Price and Sloan Ellis, Asst. Solicitors

TABLE OF AUTHORITIES_ 4th, 5th, 6th and 14 Amendments

JURISDICTION- _____

STATEMENT OF CASE- _____

CONFLICTS WITH OTHER COURTS- _____

CASES CITED IN WRIT:

- | | | |
|----|-------------------|---------------------|
| 1. | State v. Benton | Page 11-Line 7-8 |
| 2. | State v. Hamilton | Page 11- Line 8-9 |
| 3. | Jackson v. Denno | Page 23- Line 4 |
| 4. | State v. Sweat | Page 35- Line 12-13 |
| 5. | | Page |

Page 23 Line 25 Of Mr. Hagood was not fully answered by officer Robert Ballenger; but was allowed to be entered into the record.

Page 33 Line 24 of Mr. Hagood "Where is the copy?"

Page 35 Lines 12-13 Where custody of Mr. Hagood was in question.

The chain of evidence was clearly broken- State v. Sweat?

Page 38 Lines 16-17 Where is this list of Attorney's?

QUESTIONS PRESENTED

1. Why did Amanda Lackland-Attorney for the Defendants P.C.R., ask the same question- "That attorney did not present the proper questions to the witness. If Mr. Hagood understood what was going on at his trial- Did Mr. Hagood present his attorney any help what do ever?"

A. In reading the transcripts from the trial, it shows that the attorney asked the witness the same questions that the assistant Solicitor asked. No unique defense questions were asked on behalf of Mr. Hagood.

B. Example "Do you have a video of where the defendant stoped to open the passenger door?" asked of Officer David Paramore. No video was introduced into evidence. TR.PAGE 61 Lines 18-21

C. Officer Robert Ballenger " Sir, do you have a video or a tape recording of Mr. Hagood's confession to this crime?" Did Officer Robert Ballenger ask the defendant if he used any eye-wear of anykind; so that he could see the confession and read what he was placing his signature on. " Mr. Hagood states that he only received a fourth grade education and could "Read very little." TR. PAGE 27 Lines 2-11.

D. TR. Page 27 Line 12 " I would like to show you what has been marked as States exhibit 8" Mr. Hagood could not see this because his eyeglasses was not on his person at the time the question was posed. Further, Mr. Hagood can not read above a fourth grade level. This was asked by Asst. Solicitor Price.

E. Also, Defense attorney did not object when this was entered in as peoples exhibit 8.

2. When Mr. Hagood was asked about having an attorney present he said " Yes, I would like that."

A. Concerning the statement Mr. Hagood made " Officer Robert Ballenger stated that he admitted to typing and hand writing this statement and gave it to Mr. Hagood to read and to sign."

B. This statement was allowed to be entered into evidence as exhibits 8-9 and also to be read into the record.

C. Cross examination by Ms. Lackland, when solicitor Price tried to enter this statement into the evidence : The court had to make the objection" not the defense attorney" See TR. Page 34 Lines 1-13

1. What happened at the traffic stop? Was Mr. Hagood under arrest at this time- TR. Page 34 Line 23-25 Was he already arrested and what was the arrest for? " Traffic stop was not the cause of the arrest, was it? A traffic ticket was never issued for the traffic stop."

A. How could Mr. Hagood be at the Law Enforcement Center, when and how did he get there? Robert Ballenger stated that he was transported to the northern area command from the law enforcement center." TR. Page 35 Lines 2-11.

B. Officer Robert Ballenger made the statement that "he Mr. Hagood was transported "from wherever the traffic officer brought him from" [The chain of evidence was broken at this time] State v. Sweat. Who did the transport?

C. The first time in court that Mr. Hagood was asked if he could read or write. TR. Page 35 Lines 24-25.

D. What did Mr. Hagood say to this- but first did you have a tape or a video going at this time. "no".

E. Asked Byns. Lackland- Did he read it at this time, Asked him if he could read a line of the statement of his waiver to his rights. " He said he could not read or write very well."

2. Question by Ms. Lackland to Officer Ballenger about his typing the statement that was said to have been given by Mr. Hagood. "No tape or video" no one the state had a video or tape machine that could be borrowed?"

A. On the question to Ballenger- After you typed the statement."The statement was signed at the bottom, correct?" (not asked)Who was present when all of this was going on? Can you give the Court three names and who they are? Well there was investigator Barrickman, as well as others-[Not asked names] of who was present. No one testified to this and no proof that any of this took place can be verified; that Mr. Hagood gave this statement or that he signed said statement.

B. On TR. Page 34 Lines 7-13, the Court raised an objection. Not the defense attorney.

C. The court asked the defense Attorney if she had any more questions for the witness (Robert Ballenger) there should have been more questions from the defense attorney. But, Ms. Lackland dismissed him. That was all that she had for him? One of the questions should have been if anyone else questioned Mr. Hagood.

(Questions Continued)

1. Erica Burgess, a police officer for Greenville County, SC. Ms. Price, she asked Mr. Hagood if he understood his rights according from a card that she read from. Did the defendent give you a statement? He did give a statement in his own words Did you put that statement in writing? Did you use a tape or a video recorder? Did you any anyone to witness Mr. Hagood giving his statement?"

A. Questions not asked by the defense attorney- "Are you aware that Mr. Hagood only has a fourth grade education?"
" Are you aware that Mr. Hagood uses prescription eye-glasses and that he can not see to read, without them?"

B. "Can you give any names of the other police officers that may have been witness to Mr. Hagood giving this statement?"

C. Questions not asked by the defense attorney: "Do you recall if Mr. Hagood had prescription eye glasses on his person when you were asking him these questions?"

D. Officer Burgess, did you type or hand write the statement for Mr. Hagood to sign? TR. Page 40 Lines 17-25.

2. Questions not asked by the defense attorney of officer: Ms. Lackland just did not ask any new questions of this witness. She only repeated the questions that the Solicitor aksed the witness- and to help the jury remember them. TR. Page 42 Lines 13-20.

A. Statement made by Mr. Hagood in court to a questions asked by his attorney of record. Tr. Page 44 Lines 1-25 and TR. Page 43 Lines 1-25. As I said before there was no video or tape machine that I could see.

B. Question asked by Ms. Price, Assistant Solicitor; to Mr. Hagood. This was to establish that Mr. Hagood understood everything that officer Ballenger read a statement to Mr. Hagood and he knew that Mr. Hagood understood, that he read to him from the statement. Why is the question still being asked whea Officer Ballenger was aware that Mr. Hagood could not read or write. This man has been harassed by Officer Ballenger and two other officers present at that time. TR Page 48 Lines 8-16.

C. That Officer Swift with the Greenville County P.D. and Investigator Barrickman also with the Greenville County P.D.

D. Questions not asked by the Defense Attorney: "These two officers should have been called to court and made to testify to what they witnessed while the statement was read; since there was no tape or video recorder present at the time."

Questions Continued

1. Questions that should have been made by the defense Attorney, but were left to be entered into the record by Ms. Lackland.

A. Ms. Price asked Mr. Hagood about questions that the investigator, Mr. Pallenger, Master Deputy Swift and Special Investigator Barrickman or any other officer that asked you questions pertaining to this statement or if any thing that you saw made you think that, if you did not cooperate with them "something may happen to you" These questions were not asked by the defense Attorney to Mr. Hagood. It proves that Ms. Lackland, TR. page 48-49 Lines 7-12.

B. When the Assistant Solicitor asked Mr. Hagood "you didn't tell him Officer Ballenger that you broke into a house and stole some change, jewelry, a laptop computer and a 42" television?"

C. Mr. Hagood answered "no". Ms. Price, said "But this is your statement." No objection was made by the defense of badgering the defendant. TR. Page 49 Lines 13-24.

D. Question by Ms. Price "Why would you sign these papers if you can not read?" Mr. Hagood answered "because he told me to sign it." Tr. Page 49 Lines 18-25. Here, we see the three people who formed the ring around Mr. Hagood at the making of the statement. TR. Page 49 Lines 25-25 of Page 50.

2. The only motion made by the defense Attorney at the hearing is found at TR. Page 51 Lines 1-13. This is where Mr. Hagood takes the stand to ask him to articulate specific factual and legal grounds. This man can not read above a fourth grade level what could he possible know about legal grounds. TR. Pg. 51 Lines 1-25.

A. Officer David Paramore, G.P.D.-made the initial traffic stop. "He ran a stop sign" The pictures show no stop sign. Pg. 52 Lines 1-25. The stop sign is on the opposite street? See pictures No.S-1 aerial photo. ID 10-X. This photo was not shown to the jury nor was there a blow up of this shot; to clarify where the "stop sign was" Questions that the defense counsel did not ask- "How is it that this vehicle is not equipped with a video recorder or a tape recorder?"

B. Everything could have been recorded and no questions could be asked about the legitimacy of the statement.

C. Questions not asked by Ms. Lackland, about this traffic stop. This is an important matter, because no ticket for the stop sign was issued to Mr. Hagood. All of this is due to Officer Paramore, spotting Mr. Hagood driving down Birne which runs [W to E] no stop signs are on this road because it is a main road. The stop sign is on Grower Street which goes [N by W] and [E to N]; Mr. Hagood was driving on a road without stop signs.

Questions Continued

1. Ms. Price has some questions for Officer Paramore; about the stop. [There are no directional signs presented to indicate the direction of travel that was taken. The overview in photo ID.10 X Page 7 of transcript.

A. Mr. Hagood was traveling on Bernie Street which goes West by South East Officer Paramore was going. TR. Page 54 Lines 1 -25.

B. Officer Paramore observed Mr. Hagood go through a stop sign that is on Gower Street- "Now according to the photos I.D. -X Page 7; there is no stop sign at this intersection. This gets confusing because the view show that in order for Officer Paramore to have crossed the intersection of Hudson Street and Markley, he would have been at another location than he is indicating in TR. Page 54 Lines 11-19.

C. Officer Paramore stated that he got behind the defendants car; but did not turn on any blue lights. Why was he behind him and witnessed a moving violation, yet, fail to turn on the blue lights? TR. Page 54 Lines 11-25.

D. Officer Paramore stated that he got behind Mr. Hagood's car and then noticed the passenger door open and close. TR. Page 54 lines 18-25 and Page 55 Lines 1-25.

E. Questions defense Attorney did not ask Officer Paramore- " Sir, at this time did you turn on your blue lights?" Paramore stated no "because of my training" Sir, did you secure that area or take photos or video of that area? "no".

2. Questions Defense Attorney never asked; "Did you call Mr. Hagood's Tag number in to the appropriate person or did you put your blue lights on at this time?" Page 55 Lines 1-25. None of these questions were presented to the officer.

A. Default by Ms. Lackland "Did not ask about why was the defendant arrested at this time. Here you have a black male in a Ford Taurus. According to officer Erica Burgess it was very cold that night. TR. Pg. 39 Lines 13-15.

B. Here we come to Mr. Hagood driving around the city smoking marijuana with his window down in very cold weather, since you "smell" marijuana his window must have been down.

C. Point of information: North Markley Street does not cross Hudson Street as it is seen in the photograph # I.D.10 X Pg.7.

Questions Continued

1. Questions to Officer David Paramore from Solicitor Price, Page 58 Lines 11-25.

A. Questions not asked by the defendants Attorney: If Mr. Hagood made a right turn from Burnie he would have the right of way because there is no stop sign on Burnie Street-Only on Gower Street. It stands to reason that he could not have left because Bernie Street ends there. So, where is the traffic violation that you pulled him for no other reason than he is a black male driving in that area of town? Harassment could be made of this traffic stop since the Stop sign theory is not valid.

B. Not asked by defense attorney to officer Paramore: If Mr. Hagood made a right hand turn onto Burnie Street and you were following him; how did you follow him to Grace when Grace Street is off of N. Markley Street. What is the truth a wrong street or lies? Page 59 Lines 1-25 plus photo #10 I.D. X Page 7.

C. Officer Paramore, did you go back to where the defendant allegedly stopped and opened his car door-to see if something had been thrown out? TR. Page 55 Line 1-2.

2. Officer Paramore, on cross examination by the Defense has changed the direction in which he stated Mr. Hagood was traveling; why? This is the first question that Counsel asked; but did not follow through with. TR. Page 61 Lines 1-25.

A. Question for Paramore- "Why did you not issue a ticket for driving with out a license and failure to come to a complete stop?"

B. Question for Paramore- "Why did you delay so long before you turned your blue lights on?"

Questions Continued

1. Questions not asked by Defense Attorney Lackland-
of Officer Paramore: "Why did you not issue a ticket for the
traffic signal? What signal? We were stopped for a stop sign
violation. Pg. 62 Line 1-3 This is what the entire case was
based on, the traffic stop. Very ineffective of the Defense
Attorney to have missed this.

A. About the traffic sign. The photo show a stop sign in
the direction of Gower Street with Burnie Street showing in
the opposite direction. There is no stop sign here.

B. Mr. Hagood stated that he was traveling on Burnie Street
not on Gower Street. Officer Paramore was on Burnie Street
and they passed each other. According to the photo Page 7 I.D.
X, the main intersection is N. Markley Street and has traffic
signals and no stop sign. The roads that come into Markley
all have stop signs. One of these being Grace Street; where
Officer Paramore stated that Mr. Hagood stopped. TR. Page 59
Line 10. Hudson Street does not cross Markley Street. Burnie
crosses Hudson Street. Grace Street is off of Markley Street.
SO, according to Officer Paramore's testimony he allowed Mr.
Hagood, to travel through six intersections before activating
his blue lights. Or, did the black male in the car and in that
area cause him to pull them over?

C. Mr. Hagood, clears the issue about the stop sign up at TR.
Page 63 Lines 1-18 and Line 20.

D. No one felt this issue carried enough weight to press it-
but this was the main reason for the traffic stop. Everything
else that came about was because of this traffic stop.
Was anything after the stop "fruit from a rotten tree" or is
this just another case of a black male driving a nice car in
a part of town that is mostly white upper class citizens? Where
is the probable cause? If not, we must assume that Mr. Hagood
was at the wrong place at the wrong time. Tr. Page 63 Lines
1-20.

E. The Solicitor tried to re-enter the error into the record
by reintroducing the "stop Sign" as a "Traffic Signal" and
not a stop sign. Far from what the traffic stop was said to
have evolved from.

Questions- Continued

1. The question of the valuation of Grand Larceny. Everything that Mr. Hagood was alleged to have stolen was not at court. Only photo's. Mr. Hagood, was found to have a laptop computer. Tr. Page 64 Lines 13-17 and this was adjudicated in another court. Why is this being used? Under article 5 of the U.S. Constitution--once is enough.

A. Page 66 Line 1-4 from Ms. Price, "All this is to protect the officer and the illegal traffic stop." Fruit from the tree.

B. Mr. Hagood has been found guilty of a crime he did not commit. The word of a Officer and no regard was given to the man who fought for his country. Tr. Page 53 Lines 1-17. Officer Paramore is on the stand. Ms. Price is questioning him.

C. Questions that were not objected to by the Defense: "What type of vehicle was you driving that night? Did it have any type of modern video or recording equipment in it, that could help you with your record of arrests, to help with your job performance? None of this was asked by Ms. Price or Ms. Lockland. Here, they are leading the witness.

D. Officer Paramore are you aware that all of these modern devices are available in most newer police cruisers? You are only as good as your training and equipment. So, you were doing your job to the best of your ability and training? Defense Attorney never questioned how the stop signed become a traffic light and was entered into the records and transcripts as such.

2. In closing, the Solicitor state that he would prove beyond a reasonable doubt. But, he did not prove this, he could not prove this. The original "crime" that caused the stop was a traffic violation-that did not occur. What he did prove was a clear violation of Mr. Hagood's rights. Let us be specific about the law. Mr. Hagood, had no drivers license and should not have been driving at all. See Tr. Page 63 Lines 25 through Line 3 of page 64.

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1. Items touched by whor ever entered the home of Mr. & Mrs. Jones:

1.	Crystal Bowl-----	Page 76	Line 3	
2.	Window Shades-----	" 76	Line 25	-not printed
3.	Light Switches-----	" 76	"	25-not printed
4.	T.V. Stand-----	" 77	"	15-not printed
5.	Wahser & Dryer-----	" 78	"	15-16
6.	Electrical Panel-----	" 77	"	2-not printed
7.	Delivery Men-----	" 78	"	17-18-not printed
8.	Laptop Computer-----	" 79	"	1-5
9.	Coffee Table-----	" 79	"	8-9-not printed
10.	I-POD-----	" 79	"	20-21
11.	Back Door-----	" 92	"	1-4-not printed
12.	Front Door-----	" 92	"	5-9-not printed
13.	Bank Envelope-----	" 100	"	9-12
14.	Mr. Hagood-----	" 111	"	22-25 Pg. 112 Ln. 2
15.	Mr. & Mrs. Jones-----	" 112	"	6-9-not printed

A total of seven latent prints were lifted by Officer Christopher Gary, from the crime scene. Upon Officer Gary's testimony none of the prints where a match for Mr. Hagood or for anyone who lived in the home.

Now, I ask the Court to consider that four people live in this home . Two of which are small children. But, no prints were found on these items? The washer & dryer have glass doors; yet no prints are found. Certainly, the homeowners would have made contact with these items. Two small children in the home; they would have touched many items in the home while in play. This officer stated that he is a trained professional that has done thousands of comparisons.
TR. Page 107 Line 8-12.

1. Mr. Ellis, Solicitor, questioned Officer Gary for about thirteen full pages of testimony as to how much expierance he has.

2. From all of this expert testimony no where can be found that actual proof of Mr. Hagood being in the home is shown.

3. This statement is true and accurate to the best of my knowledge as is stated in the transcripts of Mr. Hagood by the Court Reporter.

Argument in support of Granting Certiorari-

In that, John Allen Hagood, is not an attorney and only has limited education, and has to rely on help from the inmate population at Perry Correctional Institution. With his very limited general education; how could Mr. Hagood possibly render any legal assistance to his defense attorney. Therefore, he asks that you allow him to proceed with this writ of certiorari in your hands.

Sir, I am asking permission to enter under Pro-Se. And to allow me to seek justice for myself. I do believe that the attorney provided for me did not do any good in this case and that I enter this writ knowing this is my final chance at any justice in this case.

I understand that you and your court are very busy, and that you may consider my Writ frivolous; but, I do not and my family and I are very serious about this matter.

My court appointed Attorney asked the same questions as the Solicitors office did. She did not make any objections to any of the abusive actions by the officers in this case. Sir, I was lied on. There is no evidence that can place me in that house. My fingerprints are not on any surface in the home. I never made a statement to anyone, not to Officer Robert Ballenger or Officer Erica Burgs, not to anyone. I have stated time and time again that I can not read above a fourth grade level.

Sir, I place my life in your hands. Thank you for your time and consideration of this most important matter.

MR. John Hagedorn # 123867

DA-B 222

DEIRD CORR INST

430 DAKLAUN ROAD

Pelzer - S.C. 29669

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MAY 15 2014

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