

KASEEM STEPHENS V STATE Appellate CASE No# 2013-002331

KASEEM STEPHENS, 333714  
386 Redemption Way  
Mc Cormick, SC. 29899

Date Aug, 19th 2014

DEAR HONORABLE DANIEL E SHEAROUSE:

Enclosed please find pro se response Petition writ of Certiorari;  
Johnson Petition along with certificate of service upon you Mr. Daniel E.  
Shearouse The Supreme Court of South Carolina.

Please find my request for a clocked dated stamped copies.

Respectfully Submitted

Kaseem Stephens

C.C: K.S.  
C.C: A.R.W.  
C.C: L.M.C.

**RECEIVED**

AUG 22 2014

**S.C. SUPREME COURT**

State of South Carolina  
IN THE SUPREME COURT

---

CERTIORARI to Charleston County  
Deadra L. Jefferson, Circuit Court Judge

---

KASEEM STEPHENS,

PETITIONER

VS.

State of South Carolina

RESPONDENT

APPELLATE CASE NO: 2013-002331

PRO, SE RESPONSE PETITION WRIT OF CERTIORARI  
JOHNSON PETITION

KASEEM STEPHENS  
386 REDEMPTION WAY  
MC CORMICK, S.C. 29899

**RECEIVED**

AUG 22 2014

**S.C. SUPREME COURT**

Ashleigh R. Wilson  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

# INDEX

INDEX . . . . .	1
ISSUE PRESENTED . . . . .	2
STATEMENT . . . . .	3
ARGUMENT . . . . .	4
CONCLUSIONS . . . . .	7

## ISSUE PRESENTED

Whether the PCR court Judge erred Pursuant to 17-27-80, requires that the PCR court make specific findings of fact and conclusions of law. ~~Application~~ Applicant alleges in his Post-Conviction Relief Application on Page (3) Line (11) counsel failed to request Manslaughter rather than murder with mitigating evidence!

## STATEMENT

A Charleston County Grand Jury indicted Petitioner at the August 2008 term General Sessions for Murder. App. 459-460. This case was called to trial on March 16, 2009 before the Honorable R. Markley Dennis, Jr., and a jury. Assistant Solicitors Peter McCoy and Kevin Hales represented the state, and Jason King and Reece Stidham represented Petitioner. App. 1. At the conclusion of the trial on March 17, 2009, the jury found Petitioner guilty. App. 370, 11. 8-18. He was sentenced by Judge Dennis to Forty years imprisonment. App. 389, 11. 15-17.

The South Carolina Court of Appeals Affirmed Petitioner's conviction, and sentence. State v Stephens, 398 S.C. 314, 728 S.E.2d 68 (Ct. App. 2012).

On October 30, 2012, Petitioner filed an application for Post Conviction Relief (PCR). App. 391-397. The state filed a return to this application on April 18, 2013. App. 398-401. The matter proceeded to an evidentiary hearing on May 22, 2013 before the Honorable Deedre L. Jefferson.

App. 402. Assistant Attorney General Ashleigh R. Wilson represented the state, and William L Runyon, Jr. represented Petitioner. App. 402. By order dated October 22, 2013, Judge Jefferson denied Petitioner relief. App. 447-458. This Petition for Writ of Certiorari follows,

## ARGUMENT

The PCR Court Judge ERRED Pursuant to § 17-27-80 requires that the PCR Court make specific finding of fact and conclusion of law. Applicant alleges in his Post-Conviction Relief Application, on Page (3) Line (1) Counsel failed to request MANSLAUGHTER rather than MURDER with mitigating evidence.

Facts at Post Conviction Relief Hearing on May 22, 2013 Counsel Runyon for Applicant. Mr. Runyon on direct examination of Mr. Jason King at 415, 25 WERE THERE ANY plea bargains offered, 416, 1-3 in this case? He was offered Voluntary man-slaughter for twenty-five years, Cross examination of Jason King 422, 23-24 I believe so Voluntary man-slaughter for twenty five years.

PCR Counsel Runyon Direct Examination Mr. Jason King in light requiring man-slaughter and the PCR Judge ERRED MAKE specific finding of fact and conclusion of law each issue raised in the Applicant Post-Conviction Relief Application.

Facts at trial transcripts by Mr. King App 273, 14, Request Voluntary manslaughter. App. 273, 25, whole purpose of the testimony, that he was not App. 274, 1, the shooter. App 331-8 Mr. King: No, your Honor. (9), The Court: --- other than the. (10), Failure to include Voluntary manslaughter? (11) Mr. King: No, Sir.

### PCR TRANSCRIPT RECORD DIRECT EXAMINATION.

The PCR COURT RECORD DOES NOT SHOW THAT THE APPLICANT WAIVED HIS INEFFECTIVE ASSISTANCE OF COUNSEL APP 24.

A. COUNSEL FAILED TO REQUEST MANSLAUGHTER RATHER THAN MURDER WITH MITIGATING EVIDENCE.

ORDER OF DISMISSAL IS FRIVOLOUS BY THE RESPONDENT'S AND SHOW BAD FAITH WHICH APPLICANT DID NOT WAIVED HIS GROUND DURING PCR HEARING DURING DIRECT EXAMINATION BY PCR COUNSEL MR. RUNYON: APP. 447.

SOUTH CAROLINA SUPREME COURT RULES 50(5) AND 71.1(d) MAKE IT MANDATORY, THAT POST CONVICTION ATTORNEYS MAKE SURE THAT ALL AVAILABLE GROUNDS ARE RAISED IN POST CONVICTION PROCEEDINGS.

IN KASEEM STEPHENS V. STATE PCR JUDGE ERRED PURSUANT TO S.C. CODE 17-27-80 FINDINGS OF FACT AND CONCLUSIONS OF LAW.

IN THE ABSENCE OF FINDINGS OF FACTS, IT WAS IMPROPER FOR THE POST CONVICTION RELIEF COURT (PCR) TO DENY A DEFENDANT'S MOTION FOR RELIEF ON HIS ALLEGATION TO INEFFECTIVE ASSISTANCE OF COUNSEL WHERE THE DEFENDANT, WHO WAS CONVICTED OF 3 COUNTS OF ASSAULTING A POLICE OFFICER AND ONE COUNT OF RESISTING ARREST, ALLEGED THAT HIS TRIAL COUNSEL WAS INEFFECTIVE IN FAILING TO OBJECT TO THE STATE'S NUMEROUS REFERENCES TO HIS CRIMINAL RECORD AND PRIOR BAD ACTS, AND BY FAILING TO REQUEST A LIMITING INSTRUCTION;

§ 17-27-80 requires that the PCR court make specific findings of fact and conclusions of law. McCray v State (S.C. 1991) 305 S.C. 329 408 S.E. 2d 241.

## Discussion

Applicant was denied the "One bite at the Apple" as quoted in Aice v State 305 448 452, 409 S.E.2d 392, 395 (1991).

The Court has allowed successive PCR application where the applicant has been denied complete access to the appellate process, Austin v State S.C. (1991) 305 S.C. 453, 409 S.E. 2d 395.

Applicant ~~Kaseem~~ Stephens, 333714 was denied the "One bite at the Apple" because PCR Court Judge ERRED Pursuant to make specific findings of fact and conclusion of law.

Applicant Alleges in his Post-Conviction Relief Application, on Page (3) Line (ii) Counsel failed to request manslaughter rather than murder with mitigating evidence. "Strickland v Washington"

Kaseem Stephens 333714  
386 Redemption Way  
Mc Cormick, S.C. 29899

THE SUPREME COURT OF SOUTH CAROLINA  
MR. DANIEL E. SHEAROUSE  
CLERK OF COURT  
P.O. BOX 11330  
COLUMBIA, S.C. 29211