

RECEIVED

JAN 16 2015

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO ORANGEBURG COUNTY
DIANE SHAFER GOODSTEIN, CIRCUIT COURT JUDGE

ANTHONY BRITT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000634

PRO-SE JOHNSON PETITION FOR WRIT OF CERTIORARY

MOTION TO Remand

INDEX

INDEX	1
ISSUE PRESENTED	2
ARGUMENT	3
CONCLUSION	4

ISSUE PRESENTED

THE P.C.R. JUDGE ERRED IN FAILING TO RULE ON WHETHER COUNSEL WAS INEFFECTIVE FOR COUNSELING PETITIONER TO PLEA GUILTY OFF THE BASIS OF A D.N.A SAMPLE THAT WOULD HAVE BEEN INADMISSIBLE AT TRIAL BECAUSE THE CHAIN OF CUSTODY WAS BROKEN AND THUS REMAND IS NECESSARY.

ARGUMENT

NOW COMES PETITIONER BEFORE THIS HONORABLE COURT SEEKIN A REMAND TO HAVE P.C.R. JUDGE RULE ON ALL ISSUES PRESENTED AT HIS EVIDENTIORY HEARING, PURSUANT TO S.C. CODE OF LAW 17-27-80.

ON OCTOBER 29, 2013 PETITIONER ATTENDED A EVIDENTIORY HEARING BEFORE THE HONORABLE DIANE GOODSTEIN WHERE HE ARGUED THAT TRIAL COUNSEL WAS INEFFECTIVE FOR ADVISING HIM TO PLEA GUILTY OFF THE BASIS OF A DNA SAMPLE THAT WOULD HAVE BEEN INADMISSABLE AT TRIAL BECAUSE THE CHAIN OF CUSTODY WAS BROKEN (SEE APP. 51 LINES 1-22; (APP. 101 LINES 15-25) (APP 102 LINES 1-18)). HOWEVER, THIS ISSUE WAS NEVER RULED UPON BY THE COURT. PURSUANT TO S.C. CODE OF LAW 17-27-80 THE COURT MUST MAKE SPECIFIC FINDING OF FACTS AND STATE EXPRESSLY ITS CONCLUSION OF LAW RELATED TO EACH ISSUE PRESENTED. PETITIONER CONTENDS THAT REMAND IS NECESSARY TO HAVE THE P.C.R JUDGE RULE ON THIS ISSUE. THE PETITIONER IS AFFORDED ONLY ONE BITE OF THE APPLE AND THAT INCLUDES HAVING ALL HIS ISSUES PRESENTED FINALLY ADJUDICATED.

CONCLUSION

IN CONCLUSION PETITIONER ASK THAT REMAND
IS GRANTED AND ALL ISSUES RAISED AT
P.C.R. ARE ADJUDICATED.

RESPECTFULLY SUBMITTED

This 13th day of January 2015

Anthony Britt

ANTHONY BRITT
PETITIONER

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO ORANGEBURG COUNTY
DIANE SHAFER GOODSTEIN, CIRCUIT COURT JUDGE

ANTHONY BRITT,

PETITIONER

V.

STATE OF SOUTH CAROLINA

RESPONDENT

CERTIFICATE OF SERVICE

I CERTIFY THAT A TRUE COPY OF THE PRO-SE
JOHNSON PETITION FOR WRIT OF CERTIORARI IN
THIS CASE HAVE BEEN SERVED ON MEGAN HARRIGAN,
ESQUIRE, AT REMBERT DENNIS BUILDING 1000
ASSEMBLY STREET ROOM 519 ; COLUMBIA, S.C. 29201;
AND THE SUPREME COURT OF SOUTH CAROLINA, POST
OFFICE BOX 11330 COLUMBIA SOUTH CAROLINA 29211
THIS DAY OF JANUARY 2015 13th Day

Anthony Britt
ANTHONY BRITT
PETITIONER

Anthony Britt # 317524
Cooper B room 32
L.C. #
P.O. Box 205
Andquelle, S.C. 29472

AMS

RECEIVED

JAN 13 2015
MAIL ROOM
UEBER C.

The Supreme Court of South ~~Carolina~~ ^{Carolina}

Post Office Box 11330

Columbia, S.C. 29211

FOR LEGAL USE ONLY