

JANUARY 21, 2015

Daniel E. Shearouse, Clerk of Court,

Please find the pro se response of 33 pages,
and 17 exhibits.

Thank you for the extension and please
have a blessed year.

Respectfully,

Donald Scott Jones

Donald Scott Jones, petitioner

Donald Scott Jones

RECEIVED

JAN 28 2015

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI to Cherokee County

Robin B. Stilwell, Circuit Court Judge

DONALD SCOTT JONES,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000778

PRO SE RESPONSE

RECEIVED

JAN 28 2015

S.C. SUPREME COURT

DONALD SCOTT JONES,
PETITIONER

Lieber Correctional Institution
POST OFFICE Box 205
Ridgeville, South Carolina, 29472

PURSUANT to 28 U.S.C. 1746, I
declare (or certify, verify or state) under pen-
alty of perjury that the following is true AND
CORRECT.

DONALD SCOTT JONES

Donald Scott Jones

Donald Scott Jones

JANUARY 15, 2015

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Statement of Issues

Petitioner brought all issues up to Trial Counsel Thomas Shealy and PCR Attorney Shawn Campbell. Petitioner was informed, and through study and time, now believes that a criminal defendant has no entitlement in criminal prosecutions to hybrid representation which means a defendant can not be pro se and partially represented by counsel. U.S.C.A. Constitution Amendment 6 (11) 110 Criminal Law. Had trial counsel performed with all his skill and resources the best of his ability, there would have not been a conviction. The PCR Attorney Shawn Campbell too, was ineffective in his representation by denying the petitioner his due process rights for subpoenaed witnesses, and not seeking an adequate defense strategy when petitioner raised the issue of conflict of interest, and failed to amend petitioner's PCR application due to the letter of amendments petitioner sent the PCR Attorney months before the PCR proceedings.

Issue of (Dismissal Page 1)

Did the PCR judge err in refusing to court order a deposition of the victim's son, who provided a written letter for the hearing, but was not present to testify due to incarceration in the County of Cherokee. And, was PCR Attorney deficient and ineffective in assistance by not pursuing this deposition for the applicant.

Statement of Issue of (Dismissal page 1)

IN the PCR hearing, held by the court of common pleas seventh judicial circuit, on November 15, 2013 in SPARTANBURG County, Judge Robin B. Stilwell presided. The application of PCR that petitioner filed on August 6, 2012, was dismissed by PCR judge.

The Court held the record open for ten days after hearing for the applicant to conduct a deposition of the victim's son, who provided a written letter, but was not present due to incarceration.

Judge Stilwell denied relief and dismissed the application. The written letter to the court is being held by PCR attorney.

Argument of (Dismissal page 1)

The PCR judge erred in refusing to order a deposition of the son of the victim, the petitioner's cousin, who provided a written letter for the hearing, to state the untruthful accusations and charges made by his mother, the accuser in this case. Judge Stilwell was aware the applicant was, and is in custody of the State of South Carolina with a sentence of (2) two natural life sentences, and in no way could have arranged for his hearing a deposition from someone in custody as well.

Also, the PCR attorney Shawn M. Campbell failed to assist in retrieving a deposition for the applicant.

Petitioner asserts prejudice, in that he himself could in no way produce or demonstrate this significant issue without an effective assistance of counsel. See, eg., Powell v. Alabama, 287 U.S. 45, 68-69, 58 S.Ct. 55, 77 L.Ed. 158 (1932) "The defendant requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence." Trial counsel Tom Shealy failed to interview this important witness for an adequate defense...

CONTINUED

Argument of (Dismissal page 1)

continue... A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution. U.S. Const. Amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). Courts evaluate allegations of ineffective assistance of counsel using a two-pronged test. Cherry v. State, 300 S.C. 115, 117, 386 S.E. 2d 624, 625 (1989) (citing Strickland, 466 U.S. at 668, 104 S. Ct. 2052). First, the applicant must demonstrate counsel's representation was deficient, which is measured by an objective standard of reasonableness. Strickland, 466 U.S. at 687-88, 104 S. Ct. 2052. "Under this prong, the proper measure of attorney performance remains simply reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E. 2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. 2052). Second, the applicant must demonstrate he was prejudiced by counsel's performance in such a manner that but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. Strickland, 466 U.S. at 694, 104 S. Ct. 2052. "A reasonable probability is a probability sufficient to under-

CONTINUE...

Argument of (Dismissal page 1)
continue... mine confidence in the outcome".

The fact that petitioner is still in custody of the State of South Carolina is due to the errors made by trial Counsel Thomas Shealy, PCR Attorney Shawn Campbell, and PCR Judge Robin Stilwell, in that they have failed to find the significance of the petitioner's witness. Had trial counsel interviewed the son of Spencer, cousin of petitioner, a strong defense witness would have been presented at trial, and the outcome of the trial would have been different. Had PCR attorney pursued the deposition, the PCR judge would have granted relief for the petitioner.

Issue of (Dismissal Page 6)

Whether the PCR judge erred by not finding trial counsel ineffective, by not investigating with his ability to use skill and the resources a criminal lawyer has in strategizing an adequate defense. Trial counsel failed to gain the information needed for proper investigation contained in discovery, Rule 5 and expert witnesses, doctor of said victim, and the investigating Detective Ramsey. This issue was brought to the attention of PCR attorney, but denied at pre-hearing conference.

Argument of Dismissal Page 6

PCR court judge Robin B. Stilwell stated in dismissal that counsel was never told of who treated the victim, or who he could subpoena concerning the mental health issues the victim has been treated for, for at least 30 years. App. 461. Trial Counsel interviewed petitioner's Aunt Lucille Whelchel, a defense witness, and stated on record that she did in fact discuss this issue with trial counsel.

App. pg. 446, 11. 25, 447, 11. 1-6

The investigation was left to counsel, for him to use his experience as a defense lawyer of the State of South Carolina, to use his skill and resources to build this issue into a strategic defense application in court. Had the mental health records been subpoenaed, and brought to light, the behaviour problems Kay Spencer has with her disability, would have made a different outcome at trial, as well at PCR proceedings.

Trial counsel Tom Shealy testified at PCR that "With Judge Cole, I don't think it would have been - I think he would have ruled the same way." App. 423, 11. 15-25, 424, 11. 1-3. Petitioner asserts prejudice in that, his right to effective assistance of counsel

continue Argument of (Dismissal page 6)
...WAS VIOLATED DUE TO COUNSEL'S ERRORS OF NOT INVESTIGATING AND ASSUMING A JUDGE'S RULING WOULD BE THE SAME RESULT, AND NOT LAYING A FOUNDATION FOR RECORD, EVEN IF A CONVICTION OCCURRED. PETITIONER REQUESTED THE INVESTIGATION TO HIS DEFENSE ATTORNEY AT FIRST MEETING BETWEEN THEM, BEFORE TRIAL. PETITIONER ALSO REQUESTED THESE RECORDS BE INVESTIGATED BY PCR ATTORNEY SHAWN CAMPBELL.

PETITIONER IS HELD BY S.C.D.C., AND CAN NOT PERFORM AN INVESTIGATION ON HIS OWN. NOR, CAN PETITIONER DEFEND HIMSELF BY HYBRID REPRESENTATION. U.S.C.A. CONSTITUTION AMENDMENT 6 (II) 110 CRIMINAL LAW.

COUNSEL FAILED TO INVESTIGATE, DEVELOPE, AND PRESENT ALL AVAILABLE, RELEVANT, AND ADMISSIBLE MITIGATING EVIDENCE. SEE Wiggins v. Smith, 539 U.S. 510 (2003).

Statement of (Dismissal page 7)

ON MAY 26, 2010 petitioner was convicted by a jury in Cherokee county of charges: ASSAULT AND battery with intent to kill AND CRIMINAL Sexual Conduct 1st. Had trial counsel prepared AN Adequate defense by presenting evidence in rule 5 discovery, AND subpoena the expert witnesses petitioner requested, the outcome of trial would have been different.

PCR Attorney also neglected to pursue these issues presented by petitioner.

Argument of (Dismissal page 7)

IN the ORDER of Dismissal of case no. 2012-CP-11-0574, in the Court of Common Pleas Seventh Judicial Circuit, Judge Robin B. Stilwell states on page 7, in PARAGRAPH two (2) "AN APPLICANT must present evidence of what counsel could have discovered or what other defenses could have been pursued had counsel been more fully prepared." Petitioner was prejudiced at trial and PCR proceedings by the following arguments: App. 145-146, (1) Petitioner discussed with trial counsel the importance of a subpoena of the emergency room doctor that examined and gave care to petitioner and said victim Kay Spencer on that early morning of May 29, 2009. The testimony of Doctor Karns would have disproved any and all false accusations and testimony that expert witness Sue Mobley gave at trial. The statements Dr. Karns has on file, never mentioned any kind of injury to Kay Spencer's genitals or anus. Nor does it mention any active bleeding. In fact, the records on file, in Rule 5 discovery of these written statements, contradict the testimony of the expert witness Sue Mobley all together. This information would have made a different

continue... Argument of (Dismissal page 7)
outcome of the verdict at trial. This issue was
also brought up to PCR Attorney Shawn Campbell
who dismissed the issue at pre-PCR proceedings
conference. See exhibits of records.

(2) Petitioner discussed with trial Counsel the statement
of the investigating Detective Lt. Ronald Ramsey of
the police department whom asked petitioner "Was
Kay tore up from the floor up." Petitioner answer-
ed "she appeared to be"; assuming the detective
was talking about being on drugs. The detective said
"yeah, I've had a few dealings with her before."

This information could have been introduced to the
jury by subpoena of the detective. This issue was
also brought up to PCR Attorney as well. The jury
would have had a different verdict if the statement
would have been presented at trial, or PCR relief.

(3) Petitioner talked to trial counsel about getting
court orders to receive mental health records of
States witness Kay Spencer, the said victim of this
case, to prove her anger issues and the uncontrol-
lable fits Spencer undergoes at any given time. The
trial counsel asked other family members, and
the sister of Kay Spencer varified Kay's mental

continue... Argument of (Dismissal page 7)
health issues with ANGER AND aggression. she has had through the years with other family members including her daughter's altercation with Spencer. App. 441, 11. 1-8, App. 445-452. Had the mental health records been presented at trial, the verdict of the jury would have been different. Petitioner asserts prejudice in that the accumulative errors of trial counsel, and the deficiency of his assistance, was the cause of a guilty verdict by the jury. App. 421, 422, 423.

Petitioner also asserts that PCR counsel's ineffectiveness by not presenting issues of this argument, prejudiced him at PCR proceedings, preventing any relief from the Court of Common Pleas. Petitioner lettered all issues to PCR counsel.

A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution. U.S. Const. Amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).

Courts evaluate allegations of ineffective assistance of counsel using a two-pronged test. Cherry v. State, 300 S.C. 115, 117, 386 S.E. 2d 424, 425 (1989) (citing

continue... Argument of (Dismissal page 7)
STRICTLAND, 466 U.S. At 668, 104 S.Ct. 2052). First, the applicant must demonstrate counsel's representation was deficient, which is measured by an objective standard of reasonableness. STRICTLAND, 466 U.S. At 687-88, 104 S.Ct. 2052. "Under this prong, the proper measure of attorney performance remains simply reasonableness under prevailing professional norms." CHERRY, 300 S.C. At 117, 386 S.E. 2d At 625 (quoting STRICTLAND, 466 U.S. At 688, 104 S.Ct. 2052). Second, the applicant must demonstrate he was prejudiced by counsel's performance in such a manner that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. STRICTLAND, 466 U.S. At 694, 104 S.Ct. 2052. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.*

MARTINEZ V. RYAN cite as 132 S.Ct. 1309 (2012)

Where under state law, ineffective assistance of trial counsel claims must be raised in an initial-review collateral proceeding, a procedural default will not bar a federal habeas court from hearing those claims if, in the initial-review collateral proceeding, there was no counsel or counsel in that proceeding was ineffective.

continue... Argument of (Dismissal page 7)
Pp. 1315-1320. Had trial counsel Tom Shealy performed with the skill and resources as the seasoned attorney at law that he is, there would have not been a conviction in the trial.

Had the PCR attorney Shawn Campbell perform with a zeal for justice, petitioner would have received relief at PCR proceedings.

Had PCR judge considered petitioner could not present a hybrid representation, relief would have been given to applicant, or a new trial presented.

Issue of Dismissal page 8

Did PCR judge err in refusing to find counsel ineffective in failing to bring to light, all the false information given by victim, officers, and expert witness that AN investigation of the facts would have prevented.

Statement of (Dismissal page 8)

Petitioner went to PCR in Nov. 15, 2013 in Spartanburg, South Carolina. The Honorable Robin B. Stilwell was presiding Judge. Judge Stilwell stated in dismissal page (8) eight, that the applicant did not present any testimony showing how witnesses testimonies were inconsistent. Judge Stilwell also stated that he read the transcript in App. 446, 11. 14-16. Petitioner proclaims that the records of the inconsistencies are outstanding in the transcript, and petitioner could not bring about hybrid representation.

Argument of (Dismissal page 8)

Trial counsel failed to use his skill and resources by not objecting to Ms. Leskanic's, deputy solicitor, opening statements that are inconsistent with her clients testimony of what happened before the altercation between Jones and Spencer. In App. 63, 11. 13-17, Leskanic states that petitioner asks for water, but said victim's sister, petitioner's other aunt Lucille Whelchel, testifies that Kay Spencer told her that Jones, the petitioner, asked to use the bathroom, App. 445, 11. 9-25. Also, Leskanic made the statement of Jones "places his hand on her crotch", App. 64, 11. 4-5, whereas Spencer, said victim, states "laid his hand on this part of my LAP." App. 80, 11. 14-15. Inconsistencies and contradicting statements were misleading to the jury and should have been objected to and corrected for the records. Petitioner asserts prejudice, in that counsel failed to investigate statements of witnesses and prosecutions statements. Had the objections been made, and corrections of the record shown the truth, the outcome of the trial would have been different.

In the (order of dismissal page 8) last paragraph, the PCR judge wrote "Although the applicant alleged that counsel should have cross examined the victim, officers, and expert witness about various inconsistencies in the reports, the applicant did not present any testimonies showing how the witnesses' answers at trial would have been different." Again, the petitioner would bring to the court that a criminal defendant can not pro se while having counsel assistance in a court of law. Petitioner brought all these issues up to PCR attorney and he dismissed them, and failed to pursue an adequate defense for petitioner, see MARTINEZ V. RYAN 132 S. Ct. 1309 (2012). Petitioner has all reports that were in discovery rules, and will enter them as exhibits, if the court allows.

The following Appendix pages shows the negligence of trial counsel's actions and bad judgements, not giving petitioner an adequate defense. App. p. 424 counsel states in lines 4-18 that his examination "I believe I went into it as much as I needed to." The records do not reflect that counsel adequately pursued this issue as he stated.

continue... Argument of (Dismissal page 8)

Emergency Room records of the injuries suffered by both petitioner Jones, AND States witness Spencer, ARE IN Rule 5 discovery, AND IN Possession of Petitioner FOR REVIEW. These records show the condition of Spencer BEFORE Sue Mobley's, expert witness, examination, AND protocol questionier. Upstate Medical Reports At 2:00 EARLY MORNING 5-29-09, States there is NO active bleeding. Past medical: Depression; Reassessment At 3:26 05-29-09, States A NO tearing OR bruising to perineum At time of catheter insertion; Reassessment At 3:47 05-29-09 NO Distress noted; Reassessment At 5:30 5-29-09 states Patient denies pain except when taking deep breath. Doctor KARNs Adds to report At 2:51 05-29-09 1) Simple Laceration-Left Chest 2) Stab wound Left chest 3) Possible Hemothorax/Pericardial Effusion. No where in the records of Upstate Medical does it state ANY injuries OR pain in the vagina OR ANUS of States witness Kay Spencer. Record of Disposition 5:31 of 05-29-09 states patient continues to have dried blood to lower extremities, perineum. In trial, Expert witness for the State, Sue Mobley states in (App. 146, 147, 148), All kinds of trauma AND bleeding in vagina AND rectum. These statements ARE NOT backed by records in rule 5 Discovery. IN fact, NO WRITTEN records have been found.

CONTINUE...

continue... Argument of (Dismissal page 8)

These kinds of statements by an expert witness, being a Sexual Assault Nurse, needs be in written record, inside of Rule 5 Discovery. Trial counsel failed to object to testimony of Sue Mobley's false statements, which denies petitioner of a fair trial and an adequate defense with an effective assistance of counsel. Petitioner asserts prejudice in that trial counsel was ineffective assistance of counsel, PCR attorney was ineffective assistance of counsel, and PCR judge failed to see the ineffectiveness of both counsels. Only vindictive prosecution could allow such testimony to carry on in a court of South Carolina. A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution, U.S. Const. Amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984). The two-pronged test in Cherry v. State says that courts evaluate allegations of ineffective assistance of counsel. Petitioner's argument has the information needed for that evaluation.

continued ARGUMENT of (Dismissal page 8)

Under the burden that petitioner has of supplying sufficient and precise information of the evidence that would have been obtained had petitioner's counsel had undertaken the desired investigation, and of showing such information would have produced a different result, petitioner presents all the information that trial counsel failed to present, and PCR Attorney failed to present after the fact of petitioner's request to produce at PCR proceedings, as follows: The expert witness Sue Mobley presented a lot of false information of the trauma to the vaginal area compared to the medical reports from the Upstate medical nurse, and Dr. Karns. In rule 5 discovery, the reports were noted no tearing or injury in perineum of the vagina. No other injuries other than chest wound. Reports are available. Second, the protocol; SLED report; sexual assault examination protocol was performed by nurse Sue Mobley, 'expert witness for state', and Mobley states her information was taken from the states witness, Kay Spencer. A questionnaire was given, and Mobley was asking the questions that states witness Kay Spencer was said to have answered. The question "did assailant use a condom?", was answered "No." "was there hand/digital penetration?" "yes." "was there oral..."

CONT.

continued Argument of (Dismissal page 8)
... copulation? No. Was there masturbation? No. of
victim? yes. Did assailant bite, lick, or kiss the
victim? No. Did assailant fondle? genitals.
Was lubricant used? No. All these questions
were answered either by yes or no. Counsel
failed to question how an unconscious victim
could know all this information. App. 84, 11. 14-25,
p 85, 11. 1-16. Spencer's testimony never once
mentioned these allegations.

The expert witness Sue Mobley states under oath
that Spencer had a bloody drainage in vagina and anus,
and tears and abrasions on the outside of vagina.
App. 146, 11. 1-9. Also on page 148 of App., Sue Mobley also
states "she was very tore up down there". All these state-
ments made by Mobley are contradictory to the Doctor's
reports at the Upstate Medical Center in Gaffney,
see exhibits. Doctor Karns the Emergency Room Doctor,
reports that there are no active bleeding. No pain
stated by Spencer except when deep breath due
to chest wound. No other injuries reported at
all, see exhibits. Trial counsel failed to object,
and to point out in cross-examination, the
vindictive prosecution due to the conflict that..

continued Argument of (Dismissal page 8)
... deputy solicitor Kim Leskanic has with petitioner.
The prosecution AND the defense attorney neglected to stop such false testimony, having all the records that are in Rule 5 discovery, they ARE held by Law of South Carolina to stop such perjury. SC Code Ann. § 16-9-10, A(1) It is UNLAWFUL for a person to wilfully give false, misleading or incomplete testimony under oath in ANY court of record, judicial, administrative, or regulatory proceeding in this state.

Petitioner asserts prejudice in the court room during trial by Prosecutorial Misconduct AND ineffective assistance of counsel.

A showing of good cause, courts may still grant relief. U.S. v. Williams 89 F.3d. 165, 167 N. 1 (4th Cir. 1996).

This issue was brought to the attention of the PCR attorney Shawn Campbell, and an argument was denied by him.

Issue of Conflict of Interest

Whether trial counsel's ineffectiveness broke the rules of professional conduct by allowing himself to proceed with a half-hearted defense during the time before, and of trial, while a conflict of interest was clearly at hand; and did the negligence of PCR attorney contribute to any relief that petitioner was denied.

Argument (Conflict of Interest)

The Sixth Amendment of the United States, was violated when trial counsel, Thomas Shealy, knowingly represented petitioner in a case that arose out of an altercation in the night of May 29, 2009.

Counsel, Tom Shealy, consulted petitioner of a Cherokee County family court judge, Usha Bridges, counsel's close and personal friend, was siding with states witness Kay Spencer, the said victim of the incident that happened that May night of 2009. Counsel stated that Judge Bridges and Spencer knew each other. Spencer, petitioner's aunt, shares a relative with Judge Bridges, and cleans Bridges house for work. Counsel also informed petitioner of the relationship Bridges had with Assistant Solicitor Kim Leskanic whom was prosecuting petitioner. This conflict of interest was an enormous hurdle for petitioner to overcome, especially with the rules of professional conduct being violated by counsel's ineffective assistance of counsel being displayed in this *pro se* response. The court officers and Spencer, being improperly connected, outweighed the petitioners defense. This issue was brought...

...continue Argument (Conflict of Interest)
UP IN petitioner's PCR of case No. 2012-CP-11-0111,
which is a case brought against petitioner to in-
crease an ABHAN charge to an ABWIK, "to brand"
petitioner with a most serious offense. This is
stated by counsel in the Appendix of said case
page 33, 11.1-25. Petitioner brought this same issue up
in the proceedings of PCR of the case being
argued, case No. 2014-000778, App. pg. 401, 11. 18-
21. Attorney Shawn Campbell would not expound on
this issue, AND would not pursue the subject after
petitioner stated the first line of this defense.

[1] The precise question here is whether ineffective
assistance in an initial-review collateral proceeding on
a claim of ineffective assistance at trial may provide
cause for a procedural default in a federal habeas
proceeding. To protect prisoners with a potentially
legitimate claim of ineffective assistance of trial counsel,
it is necessary to modify the unqualified statement in
Coleman that an attorney's ignorance or inadvertence
in a postconviction proceeding does not qualify as cause
to excuse a procedural default. This opinion qualifies
Coleman by recognizing a narrow exception: Inadequate
assistance of counsel at initial-review collateral pro...

continue...Argument (Conflict of Interest)
-ceeding may establish cause for a prisoner's procedural default of a claim of ineffective assistance at trial. MARTINEZ V. RYAN cite as 132 S. Ct 1309 (2012). Courts evaluate allegations of ineffective assistance of counsel using a two-pronged test. Cherry v. State, 300 S.C. 115, 117, 386 S.E. 2d 624, 625 (1989) (citing Strickland, 466 U.S. at 668, 104 S. Ct. 2052). First, the applicant must demonstrate counsel's representation was deficient, which is measured by an objective standard of reasonableness. Strickland, 466 U.S. at 687-88, 104 S. Ct. 2052. "Under this prong, the proper measure of attorney performance remains simply reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E. 2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. 2052). Second, the applicant must demonstrate he was prejudiced by counsel's performance in such a manner that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. Strickland, 466 U.S. at 694, 104 S. Ct. 2052. Petitioner asserts prejudice, in that counsel knowingly represented petitioner while under a conflict of interest, and did not use his experience...

...continue Argument (Conflict of Interest)

AS A SEASONED ATTORNEY AT LAW WITH HIS SKILL AND RESOURCES THAT WERE AVAILABLE AT HIS DISCRETION, TO USE THEM TO DEFEND PETITIONER AT TRIAL. THE CONFLICT OF INTEREST THAT IS BEING ARGUED IS THE BASE OF ALL ERRORS OF COURT OFFICERS, AND THE REASON OF THE CONVICTION. HAD THE PCR ATTORNEY SHAWN CAMPBELL, SUBPOENA THE FAMILY COURT JUDGE, USHA BRIDGES, AND DEPUTY SOLICITOR, KIM LESKANIC AS REQUESTED BY PETITIONER, THE RESULTS WOULD HAVE BEEN DIFFERENT IN THE COURT OF A SOUTH CAROLINA PCR PROCEEDINGS.

This issue was brought to the attention of PCR attorney Shawn Campbell in letter, and in pre-PCR proceedings conference. Counsel Shawn Campbell dismissed the issue because he knows Judge Bridges also. Had trial counsel motioned for a change of venue, the outcome of the trial would have been different. Cherry v. State, 300 S.C. 115, 117-118, 306 S.E. 2d. 624, 625 (1989). Petitioner asserts prejudice in that the ineffectiveness of trial counsel violated petitioner's due process rights concerning this issue. Trial counsel Tom Shealy left office of Public defense in January 15, of 2010, App. 417.

Argument of Cumulative ERRORS

In the Appendix page 297, Lines 9-10, the deputy solicitor Kim Leskanic asked defendant "And Mr. Jones, you have been convicted of a felony before, is that correct?". Petitioner asserts prejudice in that trial counsel failed to object to prosecutions irrelevant remarks and questions. This question did in fact prejudice the defendants testimony and defense by adding to the cumulative errors made by trial counsel's ineffective assistance of counsel and the prosecutorial misconduct that is very evident in the reflections of record.

In this prose response, it is shown by petitioner, that the Sixth and Fourteenth Amendments have been violated, and South Carolina Rules have been broken by court officers.

CONCLUSION

This pro se response with it's Issues, Statements, AND Arguments, ARE respectfully submitted to the Supreme Court of South Carolina for review, to recieve a grant to pursue relief.

Respectfully submitted,
Donald Scott Jones
DONALD SCOTT JONES, petitioner
Donald Scott Jones

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RECEIVED The Supreme Court of South Carolina

JAN 22 2015
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