

P.C.R. Court erred in finding petitioner allegation without merit  
P.C.R. Court said petitioner only focused around his absence  
from the scene, and petitioner never presented testimony  
regarding what further evidence trial Counsel could have  
uncovered that would have bolstered petitioner defense

Trial Counsel stated petitioner mental capacity and competency  
was never an issue

This finding was error petitioner was unaware of what he  
could say or not he was dependent upon his state lawyer  
Only question he asked petitioner was who where his guardian  
and what grade he completed.

The 6th amend requires a reversal of a conviction when  
deficient performance by trial Counsel prejudices a defendant  
U.S. Const Amend VI Strickland v Washington 466 U.S 668  
1984.

The failure to do a thorough background check on petitioner  
is prejudice and violates the American Bar Association.

(See Wiggins v Smith 539 U.S 510) lawyer failed to gather  
proper information and present mitigating evidence on  
behalf of client such as mental health, social services,  
and parenting

also see Lambright v Schro 485 F.3d 512 9th Cir Amend  
by 490 F.3d 1103 9th Cir 2007.

State Counsel failed at sentencing stage to present  
substantial evidence of defendant abusive childhood  
drug addiction, mental health issues and other  
dysfunctional social problems (See Williams v Taylor  
529 U.S 362).

If trial Counsel did an adequate investigation as  
required by the 6th amend and American Bar Association  
he would have uncovered petitioner has been attending  
mental health since the age of six. Starting at

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at Georgetown mental health before transferring to Florence County mental health.

Petitioner also was placed in custody of M.U.S.C. where he was placed on Suicide Watch.

Trial Counsel would also uncovered petitioner was placed in foster home from the age 6 thru 16, and stayed with a humerass of different parents. And that at Georgetown mental health he was found mentally retarded, After being sent in the Santee area of South Carolina several times for mental testing

Trial Counsel would also uncovered petitioner has been on mental meds since age six up to 2012 and is mental health in S.C.D.C and that petitioner has a long history of social, parenting, and other dysfunctional problems with this presented to the Courts with petitioner medical records there's a reasonable chance of certainly trial outcome would have been different.

P.C.R. Court erred in finding petitioner allegation without merit.

P.C.R. Court said petitioner and his attorney never sought to deny the cause of death of victim.

Autopsy reports was not in Rule 5 discovery, petitioner did not receive a autopsy until his p.c.r. attorney sent one. Thus saying petitioner and trial attorney could not properly get autopsy examined by expert or go over it to prepare a defense. when the autopsy was going to trial attorney just minutes before trial.

Trial Counsel was ineffective according to the 6th amend and Strickland v Washington for not requesting for the autopsy at least a month in advance of trial.

Counsel failed to adequately investigate the facts and circumstances surrounding death of the victim. Counsel's failure to conduct such an investigation deprived petitioner of fair trial, and also deprived the jury of critical information relevant to an accurate assessment of applicants guilt or innocence. See Wiggins v Smith 539. US 510 2003.

Trial outcome could have been different if trial

Counsel had adequately investigated Rule 5. brady to know that the autopsy was missing, and requested for it so we could prepare a strong defense. his actions were ineffective and prejudiced petitioner

The p.c.r Court erred in finding petitioner allegation without merit.

P.c.r Court said trial Counsel made a valid strategic decision not to object to pictures of Walker because he felt it kept petitioner from being linked to crime.

This couldn't be strategic because nothing tied petitioner or Co.D to the Walker.

Criminal law 438(7) states photographs should be excluded if it is calculated to arise sympathy or prejudice jury or is irrelevant or unnecessary to substantiate facts

The Walker could not be identified by no one, or the serial numbers couldn't be matched pg 129 lines 15-18 trans

Prejudice was created by pictures who didn't have a owner, or didn't tie none of the defendants to it by evidence.

This tainted the jury because even though the Walker had no owner or didn't tie petitioner or his Co.D to it it brought an elderly presence to trial, when the victim was an elderly.

Trial outcome could have been different if ever pictures were excluded

Lawyer performance fell below the reasonable standard and there's a reason of certainty trial outcome would have been different if he performed within the guidelines of the 6th amend

P.C.R. Court erred in finding petitioner allegations without merit.

P.C.R. Court said petitioner lawyer objected to D.N.A. Evidence.

D.N.A. was not in rule 5 brady which is a brady violation. Lawyer failed to request a Continuance so him and petitioner could get the D.N.A. examined by their own experts he failed to question the chain of custody the D.N.A. went through the whole 4 years before finally getting tested

He failed to adequately investigate why the D.N.A. wasn't included in my Rule 5

Counsel failed to adequately investigate the facts and circumstances surrounding death of victim Counsel's failure to conduct such investigation deprived the jury of critical information relevant to an accurate assessment of applicant's guilt or innocence see *Wiggins v Smith* 539 U.S. 510 2003

Trial outcome could have been different if trial Counsel had adequately investigated Rule 5 brady and the D.N.A.

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