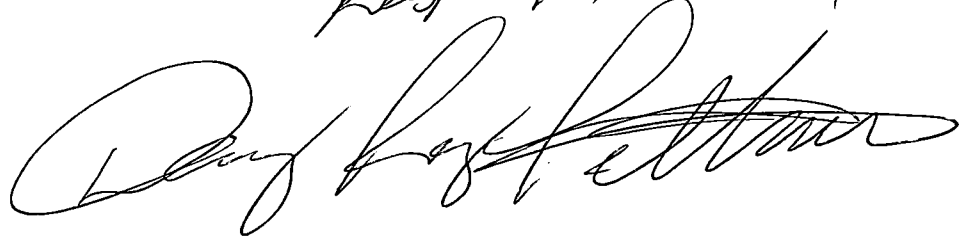


ATTN: Applicant Danny Ray Pittman #  
294081 990 wisacky Hwy Bishopville  
SC. 29010 Lee Correctional is wishing  
to file pro se and a 59 E  
motion to preserve any issues  
available to defense and to file  
for a writ of certiorari in  
this Honorable Court.

Respectfully submitted



6-1-15

**RECEIVED**

JUN 05 2015

**S.C. SUPREME COURT**

RECEIVED

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

JUN 05 2015

certiorari To York County

S.C. SUPREME COURT

J. ERNEST KINARD Jr. Circuit Court Judge

APPELLATE CASE NO: 2014-002101

DANNY RAY PITTMAN

Petitioner

v.

STATE OF South Carolina

Respondent

DESIGNATION OF MATTER

TO BE INCLUDED IN THE RECORD ON Appeal

OF THE JOHNSON Petition FOR WRIT OF CERTIORARI

Petitioner PROPOSES The following BE INCLUDED IN THE RECORD ON Appeal.

DANNY RAY PITTMAN

PRO SE, Petitioner

## ARGUMENT

ATTN: IN the ABOVE Reference to the guilty plea of A one Danny Ray Pittman I find that counsel failed to mitigate evidence to allow me to Recieve a logical and ecceptable PRison Sentence Based on the Facts that were allocatted in the COURT Hearing on Dec, 20th 2012. in the County of YORK, South Carolina in front of the Honorable Mike G. Nettles. Judge for the forsaid court proceeding

First Issue: Defense Counsel stated that he felt mitigation should center on petitioners Drug use and that petitioner needed help FOR his long term drug addiction. App. 23-4-7  
Now my lawyer says on page App. 28-10-12 He says I tell the court not as a Justification, Because we know that voluntary Intoxication Is not a Defense.

If Drugs was not a proper Defense AND

The only other possible mitigation that could have been is the medical issues at hand. The solicitor and the victims knew at hand that what they were saying about the medical issues were untrue and that by therefore bringing all of these medical issues up was diverting the Judge from making a proper decision because he was occupied trying to assess the injuries in order to make a just decision at sentencing. Had my lawyer spoke justly and for my best interest then he could have presented the Judge with counter evidence so the Judge could make and render a just and conclusive decision based on the true facts of the case. On page 26 app. line 3-5 the speaker of the victims clearly

states: Christopher By the grace of god, I s back to a hundred percent physically and mentally. But in the next lines in the appendix page 26 lines 5-6 it says He has increased likelihood of seizures for the rest of his life. that is not per say by a doctor. I have 437 pages of medical records and there is not one page that speaks about Christopher or Dawn Having seizures. I am enclosing 2 Documents by Dr. Ioki Grafton that clearly shows there is no problems. the prosecutor knew and was aware that the things that she was saying as well as the victims were fabricated with no proof substantiating the truth of what they were saying. By bombarding the Judge with so much medical nonsense was a tool for

the victims to add pressure to the Judge for him to render a decision that favored the victim. on page 26 App. line 1-2 she says Dawn and Christopher each has 6 plates a piece in there Head. medical Documents show only 2 plates were needed not 6. App 59 - line whole page. please see. Clamp Craniofix, so to enhance the medical issues in the court proceeding gave the Judge a image far worse than it really was. Kimberly Dawn faite received one Blow so by a mere beating that was imposed by the Solicitor is improper. Hamblin v. Mitchell, 354 F.3d 482, 495 (6th Cir. 2003) Prosecutor's references to repeated blows to victim improper because evidence showed victim received only one Blow. the only paper handed up to the Judge was, the crime scene photos and nothing more to substantiate the problems

The victims claimed they suffered from. The prosecutor or my lawyer could have presented the medical records to the judge. The prosecutor did not hand the judge all the medical documents because it would have refuted the alleged problems. She could have given the medical documents along with the crime scene photos to the judge. Lisa Collins knew that what she was saying and what the victims were saying was untrue because she had the documents before the defense had them. page App. 84 line 14-21 states for the reason that I had talked to my lawyer the day before about the same medical issues and I said there was only two things that I want you to tell the judge. One, I don't have any violent crimes on my record

and that I did not cause these medical issues, they was preexisting and my lawyer said okay, I'll bring it up in the courtroom, and it was never brought up.) It's, my recollection that me and my lawyer are to discuss the best possible scenario and strategy for the defense as possible.

~~APP page 26 line 10~~ Judge nettles based his decision on page APP 97 line 10 and I quote, I look at how it's effected them physically there gonna have permanent impairment for the rest of their lives. Now we come back to page 26 APP line 3-5 the speaker clearly states: Christopher by the grace of god is back to a hundred percent mentally and physically. so I am now aware that the Judge was not listening or looking at all facts alleged.

But Harry Dest clearly states that I did tell him on page APP 95 line 3-5 now I do understand that he wanted me to get into certain things about the victims and about she had migrains and some problems prior to that assault. line 4-7 APP 93 so I felt that the heart of the mitigation needed to be centered around the fact that He needed so treatment for His drug addiction problem, which was horrendous at the time. But Harry Dest clearly states that on page 28 APP line 10-12 He says I tell the court not as a justification because we know that voluntary intoxication is not a Defense. so if it's not a Defense then the only other thing would be dispute the injuries on the medical conditions of the victims. Had the page 7.

Judge Been able to see the medical papers and the false reports that the victims and prosecutor were alleging then there's a possibility that I may have seen some favor in the Judge's eyes and offered a much lighter sentence. App page ~~97~~ 97 line 24-25 - and page 98

1-7. Judge nettles in making His decision at sentencing clearly Judge nettles specifically pointed out to the permanent Impairment of page 98 App the victims as a major rationale for why He gave the sentence he gave when you had evidence in your possession that they Had permanent Impairment prior to the Incident and yet that was never Brought up. IS that a Decision that you made

OR is that a oversight that you made. that was a decision I made. so my lawyer knew also that the allege problems were preexisting and that I didn't cause them and he failed to bring that up to the Judge in the Judges Chambers when He was eligible to bring up mitigating circumstances to the Judge and solicitor. so technically He didn't Honor the plea agreement OR the Judge and solicitor would have known the true facts. on page 49 Appendix is a copy of the plea agreement which specifically states; as with all major cases, we can discuss this case with the Judge in chambers prior to the plea to review with him the fact pattern and circumstances of the case.

also, we will Discuss with the Judge any mitigation which you may Have on behalf of your Client. so my lawyer Had a chance to bring up these Issues beforehand because I told him these medical issues would be the center focus for the victims. thats the only reason I pleaded guilty was because I had the assumption everyone was gonna present true facts and not false allegations to get me a heavier sentence in prison. I also told my lawyer that the Reason they ~~agreed~~ agreed to drop the Attempted murder charges to ABHAN was that they could not prove the 2 elements it takes in order to be found guilty of

Attempted murder. which the elements  
are malice and aforethought.

Aforethought means premeditation  
and premeditation could not be  
found when I was under the  
influence of Drugs and had  
a black out. it means that my  
actions was involuntary because of  
the Inducement of Drugs, Had  
I gone to trial the Jury would have  
come back with a lesser included  
offense and I still would have been  
charged with abHau AND because of  
these Issues said in this Brief  
for a writ of certiorari I  
submit this Humbly and support what  
I have said that my lawyer was  
ineffective and I could not had pled  
guilty except for courts errors.

Respectfully,

**Nursing Discharge Documentation**

DOCUMENT NAME: Amb Depart Summary

Amb Depart Summary

**Carolinas HealthCare System**

CR

1100 Blythe Boulevard

Suite 530

Charlotte, NC 28203

Phone: 704-355-4300

Fax: 704-355-4442

**Patient Visit Summary**

Name: FAILE, CHRISTOPHER  
MIKEL

MRN: 0005295026

DOB: 06/20/1995

Visit Date: 03/27/2012

Phone: (803) 322-0652

Age: 16 Years

Gender: Male

1 month after  
assault.

*Carolinas HealthCare System thanks you for allowing us to assist you with your healthcare needs. The following includes patient education materials and some information regarding your health. Should you have any questions or concerns regarding your visit, please contact your physician or healthcare provider at your convenience.*

Your healthcare provider today: GRAFTON , LORI MD

**Today's Clinical Information:**

Height:

Weight: 157 lb

BMI:

Blood Pressure: 124 mmHg / 66 mmHg

**Additional Information:**

**Problem List:**

No Problems found

**Allergies:**

Augmentin, morphine

**All Medications:**

Admit Date: 3/27/2012

12:40 EDT

Pt Name: FAILE, CHRISTOPHER MIKEL

Disch Date: 3/27/2012

23:59 EDT

MRN: 0005295026

Acct#: 1207000087

Admitting: GRAFTON ,LORI MD

DOB: 6/20/1995

Age: 16 years

Sex: Male

Attending: GRAFTON ,LORI MD

Location: RGNC

Printed: 11/8/2012 11:24 EST

Print ID: 37915098

**Nursing Discharge Documentation**

DOCUMENT NAME:

Amb Depart Summary

Amb Depart Summary

**Carolinas HealthCare System**

CR

1100 Blythe Boulevard

Suite 530

Charlotte, NC 28203

Phone: 704-355-4300

Fax: 704-355-4442

**Patient Visit Summary**

Name: FAILE, CHRISTOPHER

MRN: 0005295026

DOB: 06/20/1995

Visit Date: 06/19/2012

MIKEL

Phone: (803) 322-0652

Age: 16 Years

Gender: Male

6 months after  
assault

*Carolinas HealthCare System thanks you for allowing us to assist you with your healthcare needs. The following includes patient education materials and some information regarding your health. Should you have any questions or concerns regarding your visit, please contact your physician or healthcare provider at your convenience.*

**Your healthcare provider today: GRAFTON , LORI MD**

**Today's Diagnosis:**

**Today's Clinical Information:**

Height:

Weight: 159 lb

BMI:

Blood Pressure: 125 mmHg / 72 mmHg

**Additional Information:**

**Problem List:**

No Problems found

**Allergies:**

Augmentin, morphine

Admit Date: 6/19/2012 13:08 EDT  
 Disch Date: 6/19/2012 23:59 EDT  
 Admitting: GRAFTON ,LORI MD  
 Attending: GRAFTON ,LORI MD  
 Printed: 11/8/2012 11:25 EST

Pt Name: FAILE, CHRISTOPHER MIKEL  
 MRN: 0005295026 Acct#: 1214900082  
 DOB: 6/20/1995 Age: 16 years Sex: Male  
 Location: RGNC  
 Print ID: 37915099

Danny R. Pittman # 294081  
IcE Correctional Inst  
990 Wisacky Hwy  
Bishopville SC. 29010  
RHU Room 20

The Supreme Court of South Carolina  
Daniel E. Shearouse, Clerk of Court  
Post Office Box 11330  
Columbia, South Carolina  
29211

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