

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Certiorari to Greenville County  
Letitia H. Verdin, Circuit Court Judge

ANTHONY MAURICE LOUNDS,

**RECEIVED**

OCT 16 2015

S.C. SUPREME COURT

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000124

PETITION FOR WRIT OF CERTIORARI

Pro se

ANTHONY M. LOUNDS

MCCORMICK CORRECTIONAL INSTITUTION

386 REDEMPTION WAY

MCCORMICK S.C. 29899

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1. Trial Counsel erred in Failing to inform trial court He was denied the right to make intelligent use of Peremptory Challenge by information Jury # 40 Presented after being Seated.

## ISSUE PRESENTED

1. Trial Counsel erred in failing to inform trial Court He was denied the right to make intelligent use of Peremptory Challenge by information Jury #40 Presented after being Seated.

## STATEMENT

Petitioner Anthony Maurice Lounds was convicted of armed robbery and possession of a weapon during the commission of a violent crime during the November 2010 term of the Greenville County General Sessions Court before Judge C. Victor Pyle. Petitioner received a sentence of life without parole on the armed robbery conviction and five years on his conviction of possession of a weapon during the commission of a violent crime

APP. 1-237, SCOTT Robinson represented petitioner at trial, and Assistant Solicitors George Campbell and Sloan Ellis appeared on behalf of the state. Petitioner appealed, but his conviction and sentence were affirmed on appeal. See State v. Lounds, OP. No. 2013-up-289 (S.C. Ct. App. Filed June 26, 2013) Susan B. Hackett, of the office of Appellate Defense, represented petitioner on direct appeal.

On August 3, 2013 Petitioner filed PCR application with the Greenville County Office of the Clerk of Court. APP. 239-245. The Respondent filed return dated April 8, 2014, requesting that a PCR hearing be held in the case. APP. 246-249. A PCR hearing was convened on October 21, 2014. at the Greenville County Courthouse before Judge Letitia H. Verdin. APP. 251-322. Petitioner was present at the hearing and represented by Mills Ariail and Assistant Attorney General Karen Ratigan appeared on behalf of the state. on November 8, 2014 Judge Verdin signed an order of dismissal in the case therein denying Petitioner's allegations of ineffective assistance of trial counsel. APP. 324-333.

Petitioner appealed Judge Verdin's order. This petition follows.

## QUESTION 1

Trial Counsel erred in failing to inform trial court  
He was denied the right to make intelligent  
use of Peremptory Challenge by information  
July #40 Presented after being seated.

Petitioner testified at the PCR hearing and explained that his  
trial attorney prejudiced him and caused him to go to trial  
where a juror who had been victim of the same crime  
Petitioner on trial For SEE PCR Testimony pg. 271 line 17-21  
pg 271 line 7-11 SEE PCR Testimony pg. 272 line 5-20 SEE  
trial Tr. pg. 19 line 14-17 SEE Trial Tr. pg. 20 line 14-25 Trial  
Tr. pg. 21 line 1-25 SEE PCR Tr. pg. 320 line 20-25 pg. 321 line 1-8

Trial Counsel failed to defend his action at PCR hearing on this  
issue.

\*The sixth and fourteenth Amendments of the United States  
Constitution guarantee a defendant a fair trial by a  
panel of impartial and indifferent jurors.

It is true that the right to exercise peremptory challenge  
is one of the most important of the rights secured  
to the accused.

In the instant case trial counsel failed to inform trial court the information jury #40 revealed denied him the right to exercise peremptory challenge. The information would have been a material factor in the use of peremptory challenge. Petitioner's PCR testimony was certainly had the information been revealed I would have struck her. At that time. SEE PCR Tr. pg. 272 Line 13-17 Petitioner even provided alternative for trial counsel stating: The least trial counsel could have done was ask that jury #40 be removed and replaced with alternate. SEE PCR Tr. pg. 272 Line 5-13 Petitioner cite Woods v. State 550 S.E.2d 282 (2001) In Woods, trial counsel informed the trial court, had information been revealed by juror during voir dire peremptory challenge would have been altered and the concealment prejudiced defendant's rights to exercise peremptory

Trial counsel for Lounds failed to even mention to trial court regarding peremptory challenge thus prejudiced petitioner in violation of the Sixth and Fourteenth Amendment to the United States Constitution.

## CONCLUSION

Based on the Foregoing argument, Petitioner Requests that this Court grant the petition and allow Full briefing on the issue raised above

RESPECTFULLY SUBMITTED

ANTHONY M. Lounds

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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ANTHONY MAURICE LOUNDS

PETITIONER

V.

STATE OF SOUTH CAROLINA

RESPONDENT

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CERTIFICATE OF SERVICE

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I Certify that a true copy of the Petition For Writ of Certiorari in this case have been served on Karen Patigan, Esquire, at the Rembert Dennis Building 1000 Assembly street, Room 519 Columbia S.C. 29201, and all parties involved.

SWORN TO BEFORE ME THIS 13 day  
of October, 2015

J. Franklin

NOTARY Public For South Carolina  
my Commission Expires

12-16-2019

Anthony Lounds

MAY 21, 2015

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OCT 16 2015

S.C. SUPREME COURT

Wanda H. Carter  
Deputy Chief Appellate Defender  
SC Commission on Indigent Defense  
Division of Appellate Defense  
1330 Lady Street, suite 401  
Columbia, SC 29201

Re: MY CASE 2013-CP-23-4178

Dear Wanda H. Carter

I received your letter dated May 12, 2015 informing me your my Attorney whom will be handling my case in the Supreme Court, And when you file the petition you will send a copy of all relevant hearing transcripts and material in the form of an Appendix.

I ANTHONY M. LOUNDS #227456. AS your client humbly request that you as my counsel raise every issue that's addressed in the PCR order in the petition for writ of certiorari to prevent procedural default in Federal habeas review. I thank you in advance.

Sworn and Subscribed before me  
on this 21<sup>st</sup> May day of  
MAY 2015. Frank G. Morton  
my commission expires  
Feb 28, 2018

ANTHONY LOUNDS #227456

File.

October 13, 2015

THE SUPREME COURT OF SOUTH CAROLINA  
DANIEL E. SHEAROUSE, Clerk of Court  
POST OFFICE BOX 11330  
Columbia, SOUTH CAROLINA 29211

Dear Clerk,

I Petitioner through my counsel Wanda H. Carter humbly request Counsel File the above issue with your office to be considered in the Petition for Writ of Certiorari. I have notified my counsel through a notarized letter dated May 21, 2015 that I wanted her to petition in the Writ ~~every issue~~ addressed in the order to prevent procedural default in Federal habeas review. However, Counsel has failed to do so which compelled me to ~~brief~~ inform you as the Clerk, Petitioner ask that you accept this and file and not return because I have notified Counsel of my request with notarized letter.

ANTHONY M. LOUNDS.