STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Darlington County

Eugene C. Griffith, Jr., Circuit Court Judge

ANTHONY EDWARDS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000892

PRO SE MEMORANDUM FOR WRIT OF CERTIORARI

ANTHONY EDWARDS 295387

Petitioner

Lee C. I. F5-D142

990 Wisacky Hwy.

Bishopville, SC 29010

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Issue Presented

Did the PCR court err in ruling petitioner was effectively represented where petitioner testified he did not want his jury instructed on voluntary manslaughter, because he correctly reasoned there was no evidence of voluntary manslaughter in this murder or self-defense case, and petitioner was convicted of voluntary manslaughter in an apparent compromise verdict as he feared?

Statement of Facts

In this case there is more than enough testimonial evidence to prove cool reflection throughout the night of the altercation. Witness, Clay Tedder Sr. testified to me not being argumentative with the decedent App 86, 18. He also gave testimony towards me putting the gun away on my own accord far before the shooting App 89, 17-22 and App 93, 11-15. Clay Tedder Sr. testified to my lack of hostility App 97,12-14, and he also made it known that there was an extended opportunity for cool reflection before the shooting App 99, 4-6.

Witness, Perry Wilds Jr. testifies to his own thought of when he believed I would have fired upon the decedent, but my cool reflection exceeded his belief and I didn't take the shot App 106, 2-4 and App 121, 24-122, 1.

State's witness, Patrick Smith, relayed to the courts that my weapon was drawn clearly after the sight of weapons already drawn and in the possession of the decedent and his entourage App 145, 19-22, App 156, 21-24, App 158, 8-11, App 168, 3-23. He also testifies to threats made on the dwelling that could cause bodily injuries or death to the patrons of the bar that no one could carry fault in bringing on App 160, 24-161, 11. When questioned on my disposition as other witnesses Mr. Smith also testified to my lack of fear or anger App 164, 5-6, App 165, 12-20.

PCR HEARING

Trial counsel, Richard Jones, testified to his belief that I never lost my temper App 412, 24-25. Mr. Jones clearly testified to my lack of pursuit in bringing on the altercation with the decedent safely exiting the establishment while staff and I remained behind App 416, 2-11. He

also testified to his own slight belief that voluntary manslaughter and self-defense was mutually exclusive after choosing self-defense as a defense App 416, 21-24.

I testified on my own will to the fact that I made trial counsel fully aware that this was a murder or self-defense case long before trial App 419, 8-11. After having been given and researching the full knowledge of voluntary manslaughter, I did not see where the elements of that crime was met in this case App 419, 17-20.

Trial counsel testified to him "pushing it for voluntary" App 427, 11. Mr. Jones testified that he doesn't make anyone do anything App 429, 2.

Argument

The PCR court did exhaust an error of law in ruling that I was effectively represented where I testified I did not want a jury instructed on voluntary manslaughter, because I correctly reasoned that there was no evidence of voluntary manslaughter in this murder or self-defense case, and I was convicted of voluntary manslaughter in an apparent compromise verdict.

DISCUSSION

Justice Lockemy concurs and dissents in part stating, "Williams's testimony is the only evidence in the record supporting a charge that could excuse him of killing the victim." State v. Williams (478,697 S.E.2d 578,583 (2010) In light of my PCR case the courts leaned solely on my statement saying I was "instigated" and "blanked out" which is not enough to support voluntary manslaughter. State v. Cooley (Opinion No. 25184 (2000) after arguing all day the courts still did not find sufficient legal provocation. In light of State v. Devon Frazier (Appellate Case No. 2010-171626) quoting Starnes ("A person may act in a deliberate, controlled manner, notwithstanding the fact that he is afraid or in fear. Conversely, a person can be acting under an uncontrollable impulse to do violence and be incapable of cool reflection as a result of fear. The latter situation constitutes sudden heat of passion, but the former does not...) I pray the court's indulgence, turning to the facts of my case viewing the testimony and evidence in the light most favorable to me there is nothing to support a voluntary manslaughter charge. There is no evidence that I was out of control or that I had an uncontrollable impulse to do violence. The only evidence in the record is that I deliberately and intentionally shot the victim, and that I either did that with malice aforethought (murder) or in fear of losing my life (self-defense). The lower courts desire you to view it in light of me not being acquitted by self-defense, but in the correct light the matter at hand is that I was not found guilty of the indicted charge of murder and

had counsel not abandoned my defense of self-defense by asking for the lesser included offense I would have been acquitted. In this same court that I now petition to, Clarence K. Cook's sentence was over turned on December 9, 2015 that goes unpublished currently for the exact same argument as my own. I feel if viewed in light most favorable to the law, trial transcript, PCR Hearing records, Johnson Petition, and this very memorandum shows clearly that no sufficient legal provocation exist in evidence, and that I took more than my share of cool reflection in this altercation. At PCR counsel Jones spewed out accusations and testimony that the Appendix does not support about fear and uncontrollable impulse. Trial courts never offered a rebuttal to disprove the elements of self-defense as charged App333, 4 – 334, 23. Trial counsel had no reason to usher in the lesser included offense when his defense was never disproved, evidence of the lesser included didn't exist, and above all a plea of the lesser was offered and declined. The only trial strategy executed was to force me into the original wishes of the courts by asking for the lesser included offense after having full knowledge that I wouldn't willingly plea to it. Chief Appellate Defender Robert Dudek made a clear argument that I was ineffectively represented by Richard Jones. I would like to state for the record, that my petition doesn't support reasoning for a Johnson Petition because of great merit. If anything is not preserved for the higher courts it is only because of counsel's desire to say merit doesn't stand. I am another victim of the 4th Circuit Court's injustices as Clarence Kendall Cook. Asking for the lesser included offense in this case was extremely ineffective when it is clearly evident that a shot was taken in an attempt to commit murder or spare my own life in self-defense.

Conclusion

By factual findings in the forwarded Appendix of this case, the recorded Johnson Petition, and this memorandum the petition for writ of certiorari should be granted for an entire briefing upon this matter. I understand that this is a discretionary stage, however the forwarded findings shows more than clear error of law.

Most Respectfully,

X Anthony Edwards 295387

Anthony Edwards 295387
Petitioner

This 29th day of December, 2015

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CERTIFICATE OF SERVICE

I certify that a true copy of this Pro Se Brief for writ of certiorari have been served on Daniel E. Shearouse, Clerk of Court, P.O. Box 11330 Columbia, SC 29201

This 29th day of December, 2015

X Anthony Edwards 295387

Anthony Edwards 295387
Petitioner

KENYATTA LATORIA MOSES
NOTARY PUBLIC
SOUTH CAROLINA
COMMISSION EXPIRES 2/20/2018

Kenyatta Latoria Moses

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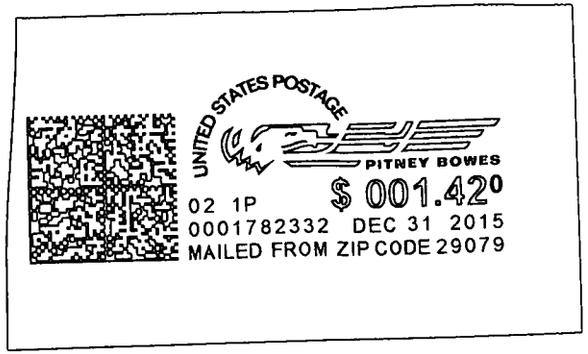

The Supreme Court of South Carolina
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