

The Supreme Court of South Carolina  
Daniel E. Shearouse, clerk of Court  
P.O. Box 11330  
Columbia, SC 29211

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JUN 10 2016

S.C. SUPREME COURT

RE: ACKBAR V. STATE, 2015-001052

Dear Clerk of Court

Please find enclosed for filing in your office Petitioner's letter dated June, 6 2016,  
address to David Alexander, Esq. and a Certificate of Service.

Would you please notify Petitioner when the filing is complete.

Sincerely  
Supreme T. Ackbar  
Petitioner

David Alexander, Esq.  
Division of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211-1589

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**S.C. SUPREME COURT**

RE: ACKBAR V. STATE, 2015-001052

Dear Mr Alexander

Petitioner is writing to inform you of discovered law concerning Marcus Wright and the PCR Court's error. App. 65, 1. 14-16

I'll submit to you that some witnesses may have a reason for testifying the way that they will do so. App. 239, 1. 1-19, App. 244, 1. 17-22, App. 245, 1. 2-12, 25 - App. 246, 1. 8.

Q. Had you not spoken with the police on the day of September 26th?

A. Yeah, when I turned myself in.

Q. Okay, well didn't you talk to them? When they came around asking questions right after this occurred, you spoke with the police right?

A. Yeah.

Q. Didn't you testify to that?

A. Yes, sir.

Q. You testified that you lied.

A. Yeah. I told 'em I didn't know anything.

Q. All right. And then when you turned yourself in, okay, on September 26<sup>th</sup> of 2008 you gave a written statement, didn't you?

A. Yes, sir?

Q. And that first statement was a lie.

A. Yeah.

Q. A total lie.

A. Yeah.

Q. And are you not charged with murder in this case?

A. Yes, sir.

Q. And isn't it your understanding that you will be allowed to plead to accessory after the fact of murder in this case?

A. Yes, sir.

Q. Your intention is to plead to accessory after the fact of murder isn't it?

A. Yes, sir.

Q. And you're charged with murder at this point in time.

A. Yes, sir.

Q. And you understand that your exposure to prison time is less on an accessory after the fact than it is to the principle charge of murder.

A. Yes, sir.

Q. A sizable difference.

A. Yes, sir.

Q. After you're charged with murder you're going to be allowed to plead to accessory after the fact, aren't you?

A. Yes, sir.

Q. And you know that if you didn't testify you would not be given that deal, don't you?

A. Yes, sir.

Q. So that's why you're here today, isn't it?

A. Yes, sir.

To make a confession admissible it must have been made voluntarily, without being induced by another by the slightest hope of benefit or remotest fear of injury. OCGA § 24-3-58. "A remark

of lighter punishment is generally the 'hope of benefit' to which [OCGA § 24-3-50] refers, Presnell v. State, 241 Ga. 49 (243 S.E.2d 496) (1978), reversed on other grounds in 439 U.S. 14 (99 SC 235, 58 L.Ed.2d 207) (1978). " Caffo v. State, 247 Ga. 751, 757 (3) 279 S.E.2d 678 (1981). Unless clearly erroneous, a trial court's findings as to the factual determinations regarding the voluntariness of a confession will be upheld on appeal. E.g., Caffo v. State, supra and cit. (Note: The trial record is absence of a Jackson v. Duto hearing.) See U.S. v. Butko, 728 F.3d 327 (4th Cir. 2013). Government may not knowingly use false evidence, including false testimony it knew or should have known to be false or simply allowed such testimony to pass uncorrected. Kiddie v. Ozment, 631 S.E.2d 70, App. 268, 1, 6-21, App. 497, 1, 12-16, See App. 500, 1, 22- App. 501, 11, 13. (Note: Reynoso v. Giordano, 462 F.3d 1099, 1110-20 (9th Cir. 2006). Counsel's failure to interview key witnesses before trial about their knowledge of reward for information leading to conviction was ineffective assistance because credibility of witnesses "was determinative" and failure to interview led to failure to "elicit essential impeachment evidence" through cross-examination.)

The per curiam findings concerning counsel failed to object to perjury is not supported by the record. App. 517, 11, - App. 520, 11, . See Frett v. State, 378 S.E.2d 249 (S.C. 1988). The court held that although normally a defendant must prove actual prejudice, "such a showing may be exempt where counsel's ineffectiveness is so pervasive as to render a particularized prejudice inquiry unnecessary" Id., at 251. This error is plain and obvious. App. 510, 11, 2-11.

Sincerely  
Supreme L. Adkins

June 6, 2016

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STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

S.C. SUPREME COURT

SUPREME R. ACKBAR  
PETITIONER

C.A. No.: 2015-001052

v.

CERTIFICATE OF SERVICE

THE STATE OF SOUTH CAROLINA  
RESPONDENT

I, Supreme R. Ackbar, hereby certify that on ~~June~~ June 7, 2016 I sent a true copy of Petitioner's letter dated June 6, 2016 to the following address below with postage prepaid through Lieber Coll. Inst. Mail-room.

David Alexander, Esq.  
Division of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211-1589

SUPREME R. ACKBAR 215886  
A-8-14  
LIEBER CORR. INST.  
P.O. Box 205  
KIDDEVILLE, SC 29472

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JUN 07 2016

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THE SUPREME COURT OF SOUTH CAROLINA  
DANIEL E. SHEAROUSE, CLERK OF COURT  
P.O. Box 11330  
COLUMBIA, SC 29211

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