

STATE OF South Carolina

South Carolina Supreme Court

Oconee County

Case No: 2016-001557

Pro Se Petition

MOTION For Writ of Certiorari

STATE OF SC, Defendant:

Johnson vs STATE Brief

RECEIVED

JAN 23 2017

Christopher T. Wilder

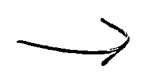
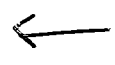
S.C. SUPREME COURT

Now Comes Christopher T. Wilder before the Honorable of the court pleading for writ of Certiorari

Now comes Christopher T. Wilder before this court to plead for Grant of motion for Certiorari to hear Petitioners merits of the P.C.R. case that was heard on June 6, 2016 I went back to court on a hearing on merits of ineffective Assistance Counsel I would ask due honor of the court would they "reconsider" to hear my merits in court again for a fair Trial These are the questions I was trying to ask at my first P.C.R. hearing but there was some "miscommunication" at the hearing between the Attorney General and the questions the Judge Mr. R. Scott Sprouse of me trying to get the actual questions and print across to the Judge Mr. R. Scott Sprouse

Questions of The Merits:

- (1) I am ask due process and honor of the courts on reconsider merits of new trial under circumstances of enhancement of the agreed plea deal with no objection by my plea attorney Mr. Wilson Burr of 10 years when I sign a plea deal to plea guilty to these charges and waive my constitution right to review the evidence on the (Disc) and on my Rule "Motion of Discovery" with no withdrawal of the negotiated plea.
- (2) I am asking of the courts to give me a chance to a fair trial so that the proper evidence can be presented so I can prove my innocence to the courts and the victims family under the codes of newly discovered evidence? Nor do I find anything in any way of the other Maryland cases cited by the court (Ante, p 1197) which bears on the admissibility vel non of the Bobby statement on the issue of guilt None of these cases suggests anything more relevant here than that a Jury may overrule the trial court on questions relating to the admissibility of evidence. Indeed they are by no means clear as to what happened if they Jury in fact undertake to do so In this very case, for example, the final "analysis" the Jury are the Judges of both the law and the facts, and the verdict in this case is entirely the Jury's responsibility"



ON BACK

(3) How can a defendant be found guilty on word of mouth and off statements from other people that was not on the scene when the incidents suppose to had taken place? we have held that suspicion, however strong does not suffice to sustain a conviction *State vs. Powell*, 202, SC, 432, 25 S.E.2d 479 suspicion "implies a belief or opinion as to guilt based on facts or circumstances which do not amount to proof."

(4) I had a prejudice error which pertain facts on the behalf on my Attorney Mr. Wilson Burr. he withheld the full plea deal on 15 years which he falsly advise his client of the full plea deal so he hold back valuable information that I needed to have a honest plea deal when I was trial my sentence that I sign for 7 years was revoke based on my prior history and the sentence was "enhanced" that's how I was violated of my const. right 5, 14 Amend cite codes of *State vs. Bullock* 235, SC, 356 111 S.E.2d 657
"Judgment reversed"

(5) Defendant was entitled to withdraw the negotiated guilty plea to "rape" charge based on ineffective assistance of counsel, where counsel was unaware to statutory "designating" rape a serious violent felony for which entire 15 year sentence would have to be spent in prison but instead placed "evidence of mitigating" factors on record for future consideration by sentence review panel; there was reasonable probability that defendant he would have not plead guilty if attorney would have put full stipulation on the charge and amount of time this particular charge carries and the seriousness of this charge I would have gone to trial but for counsel's "deficiency" U.S.C.A const. Amend., 6; O.C.G.A § 17-10-6.1

My Last Question To The Court

(6) would you please take these violations in consideration to the honor of the court and please let me get a Fair trial because my first Attorney did not represent me to his fully ability as a appointed litigator of the State my Outcome was not accepted fairly Thank's

STATE OF South Carolina
Oconee County

South Carolina
Supreme Court

NAME: Christopher T. Wilder

Pro Se Petition,

STATE OF SC, Defendant

Case No: 2016-001557

MOTION For Writ of Certiorari
Johnson Brief

Now comes Christopher T. Wilder before the Honorable of the court pleading for writ of Certiorari.

Now comes Christopher before this court to plead for Grant of motion for Certiorari to hear petitioners merits of the case on June 6, 2016 I went back to a court hearing for PCR hearing on merits of Ineffective Assistance Counsel I would ask due honor of the courts would they reconsider to hear my merits in court again for a fair trial these are the questions I was trying to ask at the PCR hearing but there was a miscommunication at the hearing of me trying to get the actual point across to the Judge R. Scott Sprouse Circuit Court Judge.

"Questions of the Merits"

(1) Why didn't my first trial lawyer fully advise me of the full plea agreement of 15 years on the table if I would have known that much of time I was up against I would have never took a guilty plea I would have took my chance at Trial.

(2) In order to obtain relief on a claim of ineffective assistance, the applicant must demonstrate both that counsel's performance fell below professional norms, and that the applicant suffered prejudice as a result of counsel deficient performance, prejudice is defined as a reasonable probability that had trial counsel's not been deficient the result

at trial would have been different (Eg) Miller Vs. State 379 S.C. 108, 665 S.E. 2d 596 (2008)

(3) Criminal law key 627.8 (1) ←

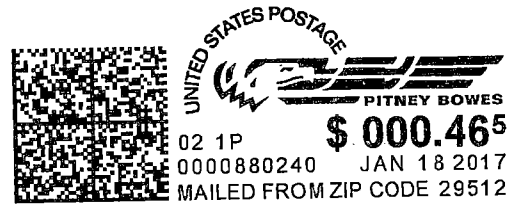
I was prejudiced by my first trial lawyer Mr. Wilson Burr from Oconee County solicitor office I was falsely advised by him by him not presenting my motion to the courts with substantial evidence to find me guilty of this charge. Although prosecutor has no duty to provide defense counsel with unlimited (discovery) of everything known by him, if subject matter of defense counsel's request for (evidence) is material, or indeed if substantial basis for claiming materiality exist, it is reasonable to require prosecutor to respond either by furnishing information or by submitting problem to trial judge; and when prosecutor receives specific and relevant request, failure to make any response is seldom, if ever, excusable. U.S.G.A. Const. Appendix 5, 14

(4) My trial objections and errors my counsel Mr. Wilson Burr counsel may be found deficient for failing to object to trial court error when my recommendation of 15 suspension to 7 years with 2 years probation which can't be probation but 2 years of "supervision" This includes failure to object the "enhancement" of the sentence from 7 years to 10 years failure to object inadmissible evidence Dawkins Vs. State 346 S.C. 151, 551 S.E. 2d 260 (2001) failure to object to hearsay; improper arguments by prosecution, Mathews Vs. State 2001 WL 1887491 (S.C. Sup Ct. decided June 17, 2002); erroneous jury instructions, Poyer Vs. State, 308 S.C. 408, 424 S.E. 2d 477 (1992) counsel deficient for failing to improper charge or lower offense with no evidence.

(5) Due to honor of the court I didn't understand the question fairly so I ask would you all let me get another fair trial because my trial Attorney did not object at all through the trial once I was sentence of 10 years. If the courts rejects the plea of 7 years, the court shall, on the record, inform the parties of this fact, advise the defendant personally in open court, or on a showing of good cause, in camera that the court is not bound by the plea agreement, afford defendant the opportunity to then withdraw his plea, and advise the defendant that if he persists in his guilty plea, and or plea of nolo contendere the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.

Christopher T. Wilcher # 308905 / LA-195
Evans Corr. Inst.
610 Hwy # 9 west
Bennettsville SC, 29512

COLUMBIA
SC 290
18 JAN '17
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The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

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