

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO RICHLAND COUNTY
HON. D. CRAIG BROWN, CIRCUIT COURT JUDGE

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APR 24 2017

S.C. SUPREME COURT

Brice Di'von Coley,

Petitioner,

v.

State of South Carolina,

Respondent.

APPELLATE CASE NO. 2016-0001759

JOHNSON PETITION
FOR WRIT OF
CERTIORARI

Mr. Brice Di'von Coley
(Appellate Pro Se)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Brice Di'von Coley,)
Petitioner,)
v.)
State of South Carolina,)
Respondent.)
_____)

APPELLATE CASE NO: 2016-0001759

JOHNSON BRIEF

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S.C. SUPREME COURT

Petitioner, Brice D. Coley, respectfully present to this Honorable Court A JOHNSON BRIEF for Writ of Certiorari. April 21, 2015, Petitioner was sentenced to fifty (50) years, day for day, without the possibility for parole. On, July 14, 2016, the Petitioner's PCR for relief was denied. Petitioner's Counsel was in violation of the sixth (6th) and fourteenth (14th) Amendment.

ISSUES

Issue #1: Plea Counsel was ineffective for failing to present Dr. Susan Knight as a mitigation witness during Petitioner's Sentencing. Petitioner was also prejudiced because if counsel would have presented Dr. Knight as a mitigation expert during sentencing, there would have been a strong probability that Petitioner would have received a lesser sentence, particularly given his youth and his chaotic childhood. Rosemond v. Catoe, 680 S.E.2d5

Issue #2: June 18, 2015, Petitioner stood in front of Hon. Judge Allison Renee Lee, for a motion to reconsider. The same Judge that sentenced Petitioner to Fifty (50) years. Petitioner only asked for eight (8) years and was denied. Counsel was ineffective for failing to file a motion to appeal the conviction or the actual sentence. As was requested by the Petitioner. Turner v. United states 961 F.Supp 189 (ED.Mich.1997).

Issue #3: The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of Counsel. Right to have counsel provided under this Amendment is so Fundamental, that a violation of the Rights, Mandates reversal even if no particular prejudice is shown and even if defendant was clearly guilty. US v. Decoster, 1976, 624 F.2d, 199 U.S. App D.C. 359.

Issue #4: A sentence must be allowed to consider that a youth is more than a chronological fact and carries with it immaturity, irresponsibility, impetuosity, recklessness, and factors as youth itself. The Petitioner's youthful and chaotic childhood and lack of knowledge for the law. Juveniles differ from Adults in their general lack of responsibility, vulnerability, to negative influence and outside pressures, including family and peers and still evolving character and personality traits. (1) The Chronological age of the offender and the hallmark features of youth, including immaturity and failure to appreciate the risks and the consequences; (2) The family and home environment; (3) The circumstances of the homicide offense; (4) The incompetencies associated with youth, including the offender's ability to deal with police officers; (5) And the possibility of rehabilitation. Alabama v. Miller, 132 Supreme Court 2455. Aiken v. Byars, 765 S.E.2d 572 2012-213-286.

Issue #5: Petitioner filed a motion to include records on appeal. ~~On~~ March 23, 2017. Petitioner is currently on lockdown for a correctional officer getting stabbed on February 17, 2017.

in the Marion Unit, which is on said lockdown for Ninety (90) days and the Petitioner asserts that causes limited time for the Law Library. Petitioner is still waiting on a response for motion to include the Records on Appeal.

CONCLUSION

The Petitioner respectfully ask this Court to Reverse the ruling of the PCR Court, Please hold that the plea counsel was in fact ineffective and then Remand for a new trial. The Petitioner also Respectfully request that this Great Court grant the Petition for Writ of Certiorari and permit full briefing on the five (5) issues that were presented.

Respectfully submitted,

sign this 20 day of April, 2017 s/ Brice Coley
Mr. Brice D. Coley (Pro Se)
Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Writ of Certiorari was mailed via B.R.C.I. mail-room on April 20, 2017, to the following address(es):
P.O. Box 11330 Columbia, SC 29211
a total of 4 pages.

sign this 20 day of April, 2017 s/ Brice Coley
Petitioner pro se

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S.C. SUPREME COURT

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