

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

Case No. 2012-CP-40-7909  
Appellant Case No. 2015-000758

Tremaine Wray #337442

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SEP 19 2017

S.C. SUPREME COURT

Dear Mr. Shearouse,

The South Carolina Supreme Court did not have jurisdiction to deny Applicant's writ of certiorari because the PCR Court's Final Order did not address all issues that were properly presented at the hearing by Applicant.

The PCR Court's Final Order did not contain the required findings of facts and conclusions of law as required by S.C. Code Ann. §17-27-80 (1976), and Rule 52(a), SCRPC. In its Order, the PCR Court did not properly rule on all issues raised by the Applicant.

I. These are the issues that were properly raised but not ruled upon by PCR Court:

1. Applicant was denied his right to a fair trial, and was deprived of liberty without Due Process in violation of the Fifth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the South Carolina Constitution, Laws and Statutes, due to Prosecutorial Misconduct, by prosecuting authorities knowing presentation of false or perjured material testimony and when it failed to correct Ricky Jacobs (the State's Sole Star Eyewitness) false or perjured testimony while testifying against the Applicant, and not eliciting the truth which requires that his conviction and sentence be vacated and be granted a new trial. (See PCR Transcript)

2. Applicant was denied the right to effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the South Carolina Constitution, Laws and Statutes by Trial Counsel's failure to object to, and challenge the alternate theory of "the hand of one is the hand of all" under accomplice liability, being charged to the Jury as an alternate basis for conviction in this First Degree Murder Case. (See PCR Transcript)

3. Applicant was denied the right to effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the South Carolina Constitution Laws and Statutes by Both Trial Counsel's failure to object to the Prosecutor's and the assistant. Solicitor's improper comments, remarks, and arguments that the Applicant's Tan Suburban was Positive for Gunshot Residue which so infected the Applicant's trial with unfairness that it made the resulting conviction a denial of Due Process, due to Prosecutorial Misconduct. (See PCR Transcript)

4. Applicant was denied the right to effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the South Carolina Constitution, Laws and Statutes by Trial Counsel's failure to request a hearing, pursuant to Franks Hearing, by making a substantial preliminary showing that false statements knowingly and intentionally, or with reckless disregard for the truth was included by the Affiant (Investigator Don McRae) in the Affidavits In Support Of The Search Warrants. (See PCR Transcript)

5. Applicant was denied the right to effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the South Carolina Constitution, Laws and Statutes by Both Trial Counsels failure to object to misleading and prejudicial statements during the State's GSR expert witness testimony while giving his Opinions and Conclusions from the actual Forensic Evidence results. (See PCR Transcript)

6. Applicant was denied the right to effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendment to the United States Constitution and the corresponding provisions of the South Carolina Constitution by Trial Counsel's failure to request a Franks Hearing to make a substantial preliminary showing that the Affiant deliberately omitted facts with intent to make, or in reckless disregard of whether they thereby made, the Affidavit for Search Warrant and Arrest Warrant misleading and if omitted information would have been included in Affidavit, the information would render Affidavit insufficient to support finding of probable cause. (See PCR Transcript)

7. Applicant was denied the right to effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendment to the United States Constitution and the corresponding provisions of the South Carolina Constitution, Laws and Statutes by Trial Counsel's failure to object to the State using the fruits of the search to bolster their argument for finding of probable cause and to show pre-existing probable cause. (See PCR Transcript)

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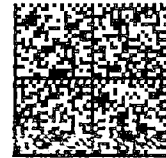
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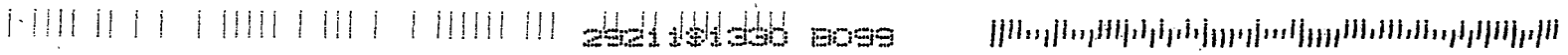
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