

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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JAN 02 2018

**S.C. SUPREME COURT**

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Certiorari to Sumter County  
Honorable Brooks P. Goldsmith, Circuit Court Judge

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TIMOTHY DONALD DINGLE,

PETITIONER,

Vs.

STATE OF SOUTH CAROLINA,

RESPONDENT,

Appellate Case No. 2017-000103

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Petitioner's Pro-Se Brief

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Timothy D. Dingle, #298989  
Petitioner pro-se  
Lieber Correctional Inst.  
Post Office Box 205  
Ridgeville, South Carolina 29472

## STATEMENT OF THE CASE

Petitioner was indicted for two count of arson in the first degree and two counts of murder in connection with an apartment fire that resulted in the death of two minors. Petitioner's case was called to trial on August 12, 2013, before the honorable George C. James, Jr. and a jury. Petitioner was represented at trial by Timothy W. Murphy. Ernest E. Finney, III, John P. Meadors and Tyler Brown represented the state.

## ISSUES PRESENTED

1. Did the PCR Court err in refusing to find Petitioner's trial counsel ineffective for failing to object when the trial Court instructed the jurors that, "The State of South Carolina and the defendant are both entitled to, and they both certainly expect a fair and impartial verdict at your hand," because the instruction diluted the State's burden of proof and deprived Petitioner of the right to a fair trial?
  
2. Was Petitioner's PCR counsel ineffective for failing to raise and argue trial counsel's failure to challenge and/or object to the admission of prejudicial testimony during the trial, which alleged that Petitioner stated he would burn down the victims house?
  
3. Did the PCR Court err by failing to find that Petitioner's trial counsel failed to provide effective assistance of counsel?

A R G U M E N T


Petitioner's trial counsel, appellate counsel and post-conviction relief counsel all have failed to provide him effective assistance throughout the various proceedings in this case. The question posed before this Court now is, what constitutes "effective assistance" of counsel? Petitioner allegedly set an apartment on fire, which resulted in two deaths. For Petitioner to be convicted of "murder" the state would be required to establish facts that prove the elements of murder, one of which is "malice" towards each victim. Petitioner's trial counsel was ineffective for failing to raise and/or argue this point. Furthermore, Petitioner was indicted for two counts of arson and two counts of murder that were the result of one act or course of conduct. During sentencing, the trial Court imposed consecutive sentences which is an err of law (Blockburger) rule.

Petitioner has been denied his Fifth, Sixth and Fourteenth Amendment rights under the Constitution of the United States. He has been denied a fair trial, appeal and collateral attack as a result of incompetent and ineffective representation and counsel.

C O N C L U S I O N

By reason of the foregoing argument, this Court should grant the petition for writ of certiorari to allow further briefing on the issues.

Respectfully Submitted,



Timothy D. Dingle, Petitioner pro se

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CERTIFICATE OF SERVICE

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Petitioner hereby certifies that a true copy of Petitioner's pro se Petition for Writ of Certiorari in the above referenced case has been served upon the office of the Attorney General for South Carolina, Mr. Alan M. Wilson, Post Office Box 11549 Columbia, S.C. 29211-1549 by placing same in the United States Mail with first class postage affixed thereto.

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MAIL ROOM  
LIEBERMAN

Office of the Clerk  
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