

SUPREME COURT OF SOUTH CAROLINA

POST CONVICTION APPELLANT BRIEF

OUT OF SUMTER SOUTH CAROLINA

JOSEPH WADELL DUNBAR JR.

VS.

THE STATE OF SOUTH CAROLINA

CASE# 2017000019.

page1

RECEIVED
JAN 24 2018
S.C. SUPREME COURT

TABLE OF CONTINTS

- 1.) COVER SHEET
- 2.) TABLE OF CONTINTS
- 3.) TABLE OF AUTHERUTES
- 4.) STATEMENT OF THE CASE
- 5.) STATEMENT OF THE ISSUES
- 6.) STATEMENT OF THE ISSUES
- 7.) AURGEUMENT
- 8.) AURGEUMENT
- 9.) JURISDICTION
- 10.) CONCLUSION

RECEIVED

JAN 24 2018

S.C. SUPREME COURT

pg 2

TABLE OF AUTHORITIES

A.) IN THIS PCR PROCEEDING, PETITIONER MUST MEET THE STANDARD ESTABLISHED IN; STRICKLAND V. WASHINGTON, 466 U.S.668,104 S.CT.2052,80 L.Ed.2d 674 (1984).

B.) THESE PRINCIPLES ARE ROOTED IN DUE PROCESS AND THE BELIEF THAT JUSTICE IS BEST SERVED WHEN A TRIAL IS FUNDAMENTALLY FAIR. SEE; BRECHT V. ABRAHAMSON, 507 U.S.619,629,113 S.CT.1710,1717,123 L.Ed.2d 353,367(1993).

STATEMENT OF THE CASE

This is post conviction release arising out of Sumter S.C.

Of a final judgment issued in Sumter Municipal Court Sumter county
state of south Carolina case no; 10-GS-43-0543 Hearing on November
7, 2011-11,9, 2011 before The Honorable William j. young.

January 1, 2010 there was alleged armed robbery at untouchable cuts .

STATEMENT OF THE ISSUES.

- 1.) Did counsel error ineffective assistance of counsel failure to object to state witness adding new statement onto there one page victim statement to falsifying evidence to get a convection.
- 2.) Did counsel error by not objecting or asking the judge to remove himself from openly trying to stop MR. Dunbar from getting a fair and a impartial hearing by the statements judge said if one of the jurors knows this person and knows that he is a creep or something that they're staying on the jury.page114-line-24-25 trail transcript.
- 3.) Did the trail counsel error by not objecting to jury eyes closed or filing a mistrial.
- 4.) Did counsel error by not asking for all the state witnesses not being in the court room at the same time.
- 5.) Did the court error with the photo line up with a blue, back-ground behind Mr. Dunbar and the rest where black back ground

5pg

6.) Did the trial counsel error by not calling witnesses to trial or taking depositions of the victims or witnesses or have investigator investigate the case before going to trial.

6pg

ARGUMENT.

Mr. lion racial profile Mr. Dunbar Jr. by color of his skin and last name the area where his cousin Rockeem Dunbar lived rockeem went to get his hair done untouchable cuts as he left a robbery took place Mr. lion stopped him as he was walking home and brought him in for questioning to see if he seen anything or heard anything and let him go and found out that Rockeem had nothing do with the robbery . joseph dunbar was not in Sumter he was in Florida. Mr. lion called Mr. Joseph Dunbar on the phone to ask about a robbery Dunbar Joseph told him that he is in Florida. He's father got on the phone with Mr. lions to let him know that joseph was in Florida at the time. A week later the U.S. Marshal Came to the house.

Pg 7.

Jahmeila ward victims statement says that a light skin men kept his face thing up say” ya betta not tell no one or I’m come after ya the victims statement one page and no objection to state adding new statements. If joseph attorney that he paid over 8,000 dollars, for a defence. that had some typ of investigation.

See Exhibit A. jahmeila ward. Statement.

JURISDICTION

The supreme court of south Carolina has appellate jurisdiction code of laws title 14-chapter-8 the court to the extent the supreme court may by rule provide for it to do so, has jurisdiction to entertain petition for writs certiorari in postconviction relief.

Subject matter jurisdiction is the power of this court to hear and determine cases of the general class to which the general class to which the proceedings in question belong, and this court has jurisdiction over this subject matter postconviction relief.

STATE OF SOUTH CAROLINA SUPREME COURT

CONCLUSIONS OF LAW.

We are asking this Honorable Court for a reversal or
any other type of relief that this honorable court can give.

Pg 10

Exhibit A

WITNESS/VICTIM STATEMENT

Jahmeila Ward ADDRESS [REDACTED]
 NAME ADDRESS
10/23/94 SS# [REDACTED] PHONE# [REDACTED]
 DOB SS# PHONE#

Case#: _____
 First a boy with already black, red sock
 flipflops came in ask for the owner and
 left out. Then my mother came from
 outside and lock the she asked me were
 her phone because she felt like something
 was going wrong I walked halfway by
 the door then the window bust I dropped
 the phone screamed and ran back to the
 tv room. I hid behind the stool so
 they couldn't see me. Everyone kept on
 yelling and the was cussing saying "where
 the fuck its at over and over. My mother
 gave them the money out of her breast
 about 100\$ they stole my sister boy
 my mother's client bag. One of the men
 were light skin showing the gun ^(up in) and everyone's
 face took my oldest sister and the ^(up in) clients
 youngest child out of there hiding spot in the
 Breeber shop stick the guns in there faces
 too. One of the boys I went to school
 with (chestnut oak middle). That was the first
 boy who came in there (the light skin one kept)
this face thing I say "ya better not tell no one or

I have read or had read to me the above statement consisting of 1 page(s) and attest that I'm ^{sure}
 is a true and accurate account, to the best of my knowledge, of the events which took place ^{after} ~~after~~
 on or about or during the above given time. I have received a copy of this statement from
 Detective Alex

SIGNED: Jahmeila Ward DATE: Jan. 1, 2010
 WITNESS: [Signature] WITNESS: _____

Exhibit A

It was really scary because when he pulled up his face mask I had a feeling we were going to die. One of the skinny JW clark skin boys had a shot gun to my head say "Where the fxxx its at" I dont know what but he kept asking. I guess that it was there first time in there because they didnt know how to get out, so while my mother was really scared she pissed on herself telling them to get out the way JW they came and please dont kill anyone. JW They took all the money, wallets, keys, bags, everything can ran straight out.

Chameka Ward