

APPELLATE,)
)
Mr. Johnny James Edwards Jr.)
)
233803)
)
VS)
)
)
RESPONDENT,)
)
STATE OF SOUTH CAROLINA)
)
)
_____)

STATE OF SOUTH CAROLINA,
SOUTH CAROLINA SUPREME COURT
Pro se Petition, to Proceed with
writ of certiorari:
APPELLATE CASE # 2016-000319

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NOV 02 2016

S.C. SUPREME COURT

The petitioner moves prose before the Honorable supreme court of South Carolina, to raise the following grounds for the courts to continue with petitioners Writ of Certiorari.

Ground one: The petitioner plead guilty on June 25, 2013 in Pickens County court to, burglary 2nd degree, SC code 16-11-312 which provides subsections (A) and (B). Subsection (A) states as follows, a person is guilty of burglary 2nd degree if the person enters a dwelling, without permission or consent, with the intent to commit a crime therein. Subsection (B) states the same as above.

On June 25, 2013 the petitioner entered a plea pursuant to North Carolina vs Alford 400 U.S. 25 (1970) to the lesser included offense of burglary 2nd degree.


The petition entered this plea under Alford because he realized a crime was committed after entering the home, but stated that he had permission to enter the home. At Post conviction Relief the petitioner stated that his attorney told him to plea under Alford, because if he didn't, the state would still make it look like he did it. The owner of the residence Stacey Ridder also testified at the PCR hearing that the petitioner called her to request that he be allowed to go by her home to check on the kids so she told him that it was ok for him to do so (App P. 91 lines 112-118). Plea counsel was asked during the PCR what discussions he had with Petitioner in regards to the fact that Stacy Ridder gave him permission to enter the mobile home. (App. P. 110-p 111 lines 1-2) Plea counsel states he told him that was an issue for trial, but here were ramifications about going to trial. With that being said the petitioner raises the issue of ineffective assistance of counsel, because under SC code 16-11-312 burglary 2nd degree states a person is only guilty with the intention to commit a crime. The petitioner Mr. Edwards clearly did not violate section SC -16-11-312 therefore should have been advised by counsel to proceed with a Jury trial. Petitioners counsel cohered him into entering a plea, by using scare tactics and therefore with evidence presented by petitioner and the home owner of the residence, the petitioner did not violate SC code 16-11-312 because the residence was not entered without consent, the residence was not entered to commit or with intent to commit a crime, so petitioners trial counsel failed to protect, petitioners constitutional right of effective assistance of counsel, and a right to a trial by Jury.

Ground Two Under SC code 16-11-312 (B) states that your only guilty of committing a crime of burglary 2nd degree with the intention to harm someone in the residence who is not a participant of the crime, Mr. Edwards had intentions to only check on his children and had permission, a fight/argument only insued after Mr. Edwards had been at the dwelling several minutes and realized his son had bad diaper rash. By South Carolina code 16-11-312 Mr. Edwards did not commit, 2nd degree burglary, which further shows Petitioners Attorney was ineffective by not having this charge dismissed at preliminary hearing, because there was not grounds to proceed forward with a burglary 2nd charge. When Petitioners counsel advised him to plea under Alford it clearly proved he was ineffective, because there was no burglary committed, in this case.

Ground Three Petitioners constitutional right under the six Amendment of the United States Constitution was clearly violated, because he was not rendered effective assistance of counsel. US Const. Amend. VI; Strickland V. Washington 466 U.S. 668,104 s. CT 2052, 80 l. ED.2d 674 (1984). Petitioners Attorney clearly was ineffective under the tow pronged test. The petitioners trial Attorney did nothing to protect his client from a charge of burglary 2nd, when he know that the owner of the home gave Mr. Edwards permission to be at the residence. Petitioner pleads with the court, to fully evaluate this, because to allow him to be charged with burglary of any type, sets a rule that the law must not follow, its on rules, and that you can clearly be charge, and convicted, on the ground that law enforcement decides they want to charge you with something just because they want to.

The petitioner closes with his pro, se brief, requesting that the courts understand, that he does not understand legal limbo, or wording and he has entered this, to the best of his ability.

JOHNNY JAMES EDWARD Jr.

1/1 

Date 10-28-16

CERTIFICATE OF SERVICE

The petitioner moves to serve all parties in this case, with a copy of this pro' se petition to the SOUTH CAROLINA SUPREME COURT.

RESPECTFULLY SUBMITTED


JOHNNY JAMES EDWARDS, Jr. #233803

TYGER RIVER C. I. unit 8 · 101

200 PRISON ROAD

ENOREE, SOUTH CAROLINA. 29335

JOHNNY JAMES EDWARDS

1/1 

Date 10-28-16

SERVED:

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SUPREME COURT OF SOUTH CAROLINA

DANIEL E. SHEAROUSE, Clerk of Court

Post Office Box 11330

Columbia, South Carolina 29211

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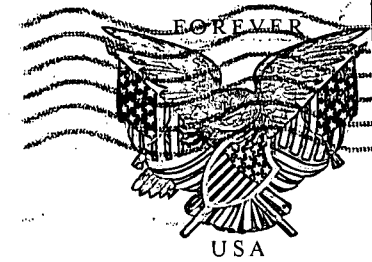
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S.C. SUPREME COURT

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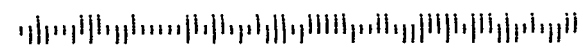
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The Supreme Court of South Carolina
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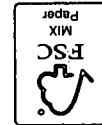
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Columbia South Carolina 29211



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