

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable William H. Seals, Circuit Court Judge

ALONZA DENNIS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000089

PETITION FOR WRIT OF CERTIORARI

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S.C. SUPREME COURT

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ISSUE PRESENTED

Whether trial counsel provided ineffective assistance when she failed to obtain Detective Lawrence's personnel file to impeach his crucial testimony at the suppression hearing, where trial counsel was on notice that impeaching Detective Lawrence's credibility was paramount in Petitioner's case?

STATEMENT

During the October 2009 term, the Charleston County Grand Jury indicted Petitioner for Assault and Battery with Intent to Kill (ABWIK), Attempted Armed Robbery, and Possession of a Firearm during the Commission of a Violent Crime. App. 700 – 705.

Petitioner's trial was held on March 14 – 16, 2011, in front of the Honorable Roger M. Young, and a jury. App. 1. Jennifer Shealy and Timothy Finch represented the state. Id. Andrew Grimes and Megan Ehrlich represented Petitioner. Id.

As a result of the coerced statement that Petitioner gave to Detective Lawrence, Petitioner was found guilty as of ABWIK and Possession of a Firearm during the Commission of a Violent Crime. App. 599, ll. 2 – 8. Due to a prior conviction, Judge Young sentenced Petitioner to life imprisonment without the possibility of parole for ABWIK pursuant to S.C. Code Ann. § 17-25-45(A)(2)(b) and five years' imprisonment for Possession of a Firearm during the Commission of a Violent Crime. App. 602, l. 5 – 606, ll. 22; S.C. Code Ann. § 17-25-45(A)(2)(b).

Petitioner filed his post-conviction relief application on September 3, 2014. App. 608 – 613. The state filed its return on April 27, 2015. App. 615 – 618. An evidentiary hearing was held on January 12, 2017 in front of the Honorable William H. Seals. App. 620. Rodney Davis represented Petitioner and Alicia Olive represented the state. Id.

By an order filed November 11, 2017, Judge Seals denied Petitioner's post-conviction relief application because trial counsel, "had no reason to suspect Detective Lawrence was untruthful or did not perform his job adequately at the time." App. 682 – 699.

This petition follows.

ARGUMENT

Trial counsel provided ineffective assistance when she failed to obtain Detective Lawrence's personnel file to impeach his crucial testimony at the suppression hearing, where trial counsel was on notice that impeaching Detective Lawrence's credibility was paramount in Petitioner's case.

Relevant Facts

On June 22, 2009, four men attempted to rob Moses Alford, and during the attempt Alford was shot. App. 181, ll. 2 – 20. Petitioner did not want to participate with the other three men and only went with them because he feared severe bodily harm if he refused. App. 475, l. 15 – 476, l. 3.

Moses Alford was the proprietor of a clothing store. App. 162, ll. 15 – 21. Alford would travel to buy clothes from whole-sellers and, while traveling, would sell clothes out of his car. App. 163, ll. 15 – 25. The other three men planned a ruse where they called Alford to meet them at a Kangaroo gas station to buy clothes from him, but they were actually going to rob him. App. 473, l. 22 – 475, l. 14.

Petitioner testified at trial that one of his co-defendants told Alford, "Give me your clothes and your money." App. 482, ll. 12 – 18. However, it is alleged that Petitioner said to Alford, "give me everything." App. 181, ll. 2 – 20. During the incident, Alford reached for his own gun. App. 182, l. 12 – 13. The co-defendants gave Petitioner a gun shortly before the incident and, in fear of being shot by Alford, Petitioner defended himself by firing it. App. 484, l. 21 – 485, l. 1; App. 487, ll. 14 – 22. Petitioner did not intend to hit Alford when he fired in self-defense, he only wanted to scare Alford. App. 485, ll. 2 – 5; App. 487, ll. 2 – 25.

The police arrested Petitioner shortly after the incident for an unrelated offense. App. 78, 1. 22 – 79, 1. 2. When he was arrested, Detective Casale read Petitioner his Miranda¹ rights, and Petitioner told Detective Casale that he did not want to talk to the police then. App. 41, ll. 18 – 19.

On June 22, 2009, the same day he was arrested, Petitioner was taken to police headquarters. App. 271, ll. 2 – 9. While at police headquarters, Petitioner was read his Miranda rights by Detective Kip Cooke. App. 373, ll. 17 – 23. Petitioner signed a waiver of rights form. App. 377, 1. 1 – 378, 1. 20. Detective Cooke left the room and Detective Lawrence began to interview Petitioner. App. 379, ll. 19 – 23. The interview lasted approximately two hours. App. 81, ll. 6 – 15.

On June 29, 2009, Detective Lawrence decided to interview Petitioner again. App. 85, ll. 3 – 8. Detective Lawrence testified that he read Petitioner his Miranda rights and Petitioner signed a second waiver of rights form. App. 86, ll. 1 – 3; App. 88, ll. 3 – 4. Detective Lawrence also claimed that he did not threaten or promise Petitioner anything. App. 89, ll. 13 – 16. However, Petitioner testified that Detective Lawrence threatened him that if he did not cooperate they would turn the case over to the federal government and that if the federal authorities “picked up his case it would be hard on him.” App. 111, 1. 21 – 112, 1. 18.

After hearing the threat, Petitioner made an inculpatory statement that explained his involvement in the incident. App. 89, ll. 17 – 21. Petitioner stated that he shot in self-defense because he was scared that Alford was going to shoot him and that he did not intend to hit Alford. App. 483, 1. 5 – 485, 1. 5. Petitioner also stated that the only reason he participated in the incident was because he feared severe bodily harm from the three other co-defendants if he

¹ Miranda v. Arizona, 384 U.S. 436 (1966)

refused. App. 460, l. 7 – 461, l. 14; App. 461, l. 16 – 462, l. 13; App. 462, l. 25 – 463, l. 4; App. 475, l. 22 – 476, l. 14; App. 480, ll. 1 – 17.

At trial, a Jackson v. Denno, 378 U.S. 368 (1964), hearing was held to determine the admissibility of the June 22 and 29, 2009 statements made by Petitioner. App. 37, ll. 19 – 21.

Several witnesses testified at the suppression motion hearing. Detective Casale testified that Petitioner's case was, "Detective Lawrence's case." App. 48, l. 2. Detective Cooke testified that Petitioner was very quiet. App. 55, l. 16. Cooke testified that he read Petitioner his Miranda rights at police headquarters. App. 57, ll. 4 – 12. Cooke testified that he did no questioning of Petitioner. Id. Detective Lawrence was the only person to witness Petitioner sign the waiver of rights form. App. 60, ll. 2 – 8; App. 61, ll. 3 – 5; App. 80, ll. 4 – 6; 379, ll. 17 – 18.

At the suppression motion, Detective Cooke testified that on June 29, 2009 Petitioner was brought to the, "interview room," to be interrogated by Detective Lawrence, instead of the, "captain's office," where he was taken on June 22, 2009 for the first interview. App. 62, l. 19 – 63, l. 7. Cooke opined that the interview room is a different type of room, "it's a dedicated interview room." Id. However, on cross examination, Cooke testified that there were no recording devices present in this particular, "dedicated interview room." App. 70, ll. 8 – 9.

Detective Lawrence testified during the suppression motion as well. He claimed that Petitioner did not say at any point that he did not want to talk to police or that he wanted a lawyer present. App. 81, l. 24 – 82, l. 3. He speculated repeatedly on Petitioner's truthfulness, and testified that Petitioner was being evasive in an effort to see how much information the police knew before telling them the truth. App. 82, ll. 4 – 6; App. 82, ll. 10 – 17.

During cross-examination Detective Lawrence testified at length that Petitioner was deceitful and that Petitioner was trying to find out what the police knew to gain a strategic

advantage. App. 92, ll. 1 – 22. He then directly contradicted his earlier testimony when he admitted Petitioner was not trying to find out information the police had against him before telling the truth. App. 101, ll. 9 – 11.

During the suppression hearing, Petitioner testified that Detective Lawrence coerced the June 29, 2009 statement by telling Petitioner he would get federal agents involved in the case if Petitioner did not cooperate. App. 111, l. 21 – 112, l. 1. Lawrence's threat to federalize Petitioner's case made Petitioner fearful because he interpreted that to mean the "feds will give you more time." App. 112, ll. 2 – 7.

Trial counsel pressed Lawrence on the defense's coercion argument. Initially, when Detective Lawrence was asked whether he said anything to Petitioner about involving the federal government in Petitioner's case, he denied it. App. 82, l. 25 – 83, l. 1. Then Lawrence admitted the conversation about involving the federal government took place, but that Petitioner did not hear it. App. 104, ll. 6 – 11. However, upon further questioning he admitted that Petitioner may "have [heard] use talking outside of the room on that." App. 104, 14 – 16. Moreover, Lawrence had to admit that the conversation he had with a fellow officer about involving the federal government in Petitioner's case was held, "right outside the door to the interview room." App. 105, ll. 20 – 24.

Defense counsel argued that Petitioner's testimony was more "powerful" than Lawrence's because it spoke to, "a clear account of what happened." App. 124, l. 23 – 125, l. 4. Defense counsel argued, that Lawrence's reluctant admission that Petitioner may have overheard Lawrence talking to other officers about the case, "going federal," corroborated Petitioner's testimony about the threat of turning the case over to the federal government. Moreover, Defense

counsel concluded, “[I]f it wasn’t [for the] testimony about the case going federal, we don’t believe Mr. Dennis would have made that second statement.” App. 125, ll. 5 – 12.

The state argued that the procedures that the police followed were in accordance with Miranda. App. 125, l. 16. Judge Young found Detective Lawrence’s testimony credible and denied Petitioner’s motion to suppress the statement. App.130, ll. 2 – 4. At trial, defense counsel made contemporaneous objections to the admittance of the June 22 and 29, 2009 statements. App. 376, ll. 5 – 7; App. 396, ll. 3 – 4. Petitioner was acquitted of attempted armed robbery, but found guilty of ABWIK and possession of a firearm during the commission of a violent crime. App. 599, ll. 2 – 8.

Petitioner then filed a post-conviction relief application which alleged that trial counsel provided ineffective assistance because she failed to obtain a copy of Detective Lawrence’s personnel file to impeach his credibility. App. 608 – 614.

Post-Conviction Relief Hearing

At his post-conviction relief hearing, Petitioner testified that Detective Lawrence threatened Petitioner that he would, “see to it the defendant[’s] case [would] be picked up by the feds if the defendant did not cooperate with him.” App. 656, ll. 8 – 11.

Trial counsel also testified at the post-conviction hearing that Detective Lawrence did all the questioning. App. 626, l. 13. Trial counsel clarified that even though other officers were involved in the case, Detective Lawrence was the lead detective. App. 626, ll. 18 – 21. Of great concern was the fact that the police in this case recorded **none** of the statements made by anyone. App. 629, ll. 8 – 11. (emphasis added) Trial counsel testified, “[T]hey didn’t record co-defendants. They didn’t record witnesses. They didn’t record the accuser in this case. There was no audio recording or anything. They didn’t record. They did identifications at one point, none of

that is recorded.” App, 629, ll. 13 – 17. Moreover, there was no “in-depth report” from Detective Lawrence regarding any statements he took either. App. 629, ll. 23 – 25.

Detective Lawrence’s shortcuts in his investigation left the trial court in a position where the only issue at the suppression motion was the credibility of the police verses the credibility of Petitioner. App. 630, ll. 10 – 14.

Trial counsel testified at the post-conviction relief hearing about the litany of episodes that involved Detective Lawrence that eventually got him fired from the police force because of his dishonesty. App. 630, l. 18 – 633, l. 8. Trial counsel explained that her impetus to obtain Detective Lawrence’s personnel file was because, “[S]ome time in 2014, we were made aware that Detective Lawrence had been fired by the Sheriff’s Office... We remembered how crucial Detective Lawrence’s testimony had been to convicting Mr. Dennis. And so we requested his personnel file to get more information about it.” App. 630, ll. 18 – 25. She testified that she had reviewed the file and that there were incidents of wrongful behavior by Detective Lawrence, that affected his credibility, that predated both Petitioner’s trial and Petitioner’s arrest on June 22, 2009. App. 631, ll. 3 – 15.

Detective Lawrence’s troubled behavior seeped into his job performance. Trial counsel testified that she was particularly concerned with Detective Lawrence’s credibility regarding the coercion argument that she raised at trial. App. 641, l. 14 – 642, l. 25. Trial counsel discovered Lawrence had a history of publicly threatening people, “because there was also a write-up in his personnel file where he, outside of preliminary hearing court, was cursing at a family or maybe a suspect related to a case.” App. 641, ll. 21 – 24. She explained that if the defense could have shown that Detective Lawrence had a history of public threatening people then the defense could use that prior bad behavior to help Petitioner’s case. App. 640, l. 14 – 641, l. 24; App. 644, ll. 2 –

11. Trial counsel testified that if she obtained Lawrence's personnel file prior to trial, she would have confronted him with the personnel file when he denied coercing Petitioner into making the inculpatory statement. App. 643, ll. 8 – 15.

Another incident involved, a 2008 case where Detective Lawrence was suspended in May of 2009, where he was involved in an incident where a car almost hit his car. Detective Lawrence was off duty. And he responded by firing shots in the direction of that car. Eventually, Detective Lawrence notified the police of the incident, but **he didn't report that he fired shots**. He got in trouble again for use of force." App. 631, l. 24 – 632, l. 7. (emphasis added)

Trial counsel testified that in 2007, "[Detective Lawrence] was tasked to investigate a missing child... And he was sent out -- he was supposed to talk to the parents, and **lied** and said he had [talked to them,] when he had not." App. 631, ll. 16 – 23. (emphasis added)

Detective Lawrence's misconduct continued and he was eventually fired for it. App. 633, ll. 13 – 15. Detective Lawrence, "was having a sexual relationship with a suspect's mother in a homicide where he was the detective, on top of the fact that there was that inappropriate relationship. He had been questioned about it and **found to be untruthful**." App. 633, ll. 16 – 19. (emphasis added)

Prior to discovering Detective Lawrence's true nature, trial counsel opined, "I liked Detective Lawrence. I mean, you meet him and you like him. He's kind of a charming guy. And it's hard to think of him acting that way unless you've seen it or you know it. And I think it would have been hard to paint him in his true light without knowing that information. I mean, he comes across great." App. 641, ll. 1 – 6. She elaborated on the enormous impact that having Detective Lawrence's personnel file to impeach him would have made during the trial,

"I think confronted with some of his prior behavior, you would have seen little bit more of him. He did a lot of editorializing

during the trial of [Petitioner's] truthfulness. He kept commenting on how he could say he was deceitful and he was evading me and things that that we kept objecting to. But, still, having an officer who comes across well without being able to really attack his credibility, I think hurt [Petitioner]... overall.”

App. 641, ll. 7 – 15. She further commented on the typical jury's view of an officer at trial, “it's hard to attack a police officer's credibility. People automatically are going to think better of them. I think that's just the way it is. He, in particular, can come across very well. And I think that helped the State's case.” App. 641, ll. 16 – 20.

Trial counsel explained the severe problem the defense faced in Petitioner's case because they could not adequately challenge Detective Lawrence's credibility at trial. App. 642, ll. 20 – 22. For example, Detective Lawrence claimed that Petitioner was deceitful during interrogation, which further necessitated a challenge to his credibility. App. 641, ll. 10 – 12. Without the testimony from Detective Lawrence, the other evidence against Petitioner at trial was not overwhelming. Trial counsel testified that only one of the co-defendants cooperated with police and that individual gave a statement a year and a half later that, conveniently, conformed with what already had been revealed in discovery. App. 639, ll. 8 – 11. Therefore, the case turned on the credibility battle between Petitioner and Detective Lawrence.

Even more telling was trial counsel's testimony, during cross examination at the post-conviction relief hearing, that she requests police officer's personnel files “much more frequently,” since the Detective Lawrence situation². App. 652, ll. 9 – 12. It is important to note that she did not testify that she limits her requests for police officer personnel files to instances where she already suspects wrongful police conduct.

² Defense counsel's testimony is understood to mean that she routinely requests police personnel files and that she successfully obtains them.

Trial counsel is correct to not limit her requests for police officer personnel files to instances where she already suspects wrongful police conduct because that is not the standard to which effective assistance of counsel is held. Trial counsel has a duty to, when the known evidence would point a reasonable attorney to, investigate further. In other words, when trial counsel knows a prospective case will turn on a credibility battle between the police and her client, she has a duty to investigate further into the officer's credibility. Walker v. State, 407 S.C. 400, 405, 756 S.E.2d 144, 147 (2014). That principle is reflected in trial counsel's current behavior in that she investigates officer personnel files "much more frequently". Id. Different counties may have different procedures for turning over police personnel files. Charleston routinely discloses a personnel file when the Ninth Circuit Public Defender's office makes the request.

The state argued that there was no evidence that Lawrence did anything untoward in this case. However, that is not the standard by which effective counsel is determined. Trial counsel had a duty to investigate the issues that she should have reasonably known would be important. In response to the state's argument, trial counsel reiterated the importance of obtaining Detective Lawrence's personnel file because without it she had, "no way of knowing what he actually did or didn't do," because she could no longer take Detective Lawrence at his word. App. 653, ll. 3 – 10.

Judge Seals agreed with the state that trial counsel was not ineffective for failure to obtain Detective Lawrence's personnel file to impeach his credibility because trial counsel had no reason to suspect any wrong doing on Detective Lawrence's part until years after Petitioner's trial. App. 698. That was an error and that error prejudiced Petitioner.

Discussion

It is assumed that to provide effective assistance of counsel the attorney must exercise common sense. In a case where defense counsel knows, or has reason to know, that the outcome of the trial will turn on a credibility battle between the police and their client, she has a duty to investigate into the officers' criminal and work history to impeach their credibility at trial.

The suppression motion, upon which Petitioner's trial hinged, boiled down to a credibility battle. Trial counsel provided ineffective assistance where she knew that challenging Detective Lawrence's credibility would be crucial to Petitioner's case and where she failed to obtain Detective Lawrence's personnel file to impeach his credibility. Thus, the PCR court erred in holding that trial counsel provided effective assistance of counsel. App. 364–368; *See Strickland v. Washington*, 466 U.S. 668 (1984) (provides that a petitioner must show that counsel was deficient and that the deficiency prejudiced the outcome of petitioner's proceedings); *see also Gallman v. State*, 307 S.C. 273, 414 S.E.2d 780 (1992).

In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” *Frasier v. State*, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” *Strickland*, 466 U.S. at 686; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this

presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Id. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. 668 (1984)). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-118, 386 S.E.2d at 625. Specifically, "[a] reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland, 466 U.S. at 694 (1984)); *see also* Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625 (1989).

Deficient Performance

In this case, trial counsel failed "to discover all reasonably available mitigation evidence and reasonable available evidence tending to rebut any aggravating evidence introduced by the State" when she did not obtain Detective Lawrence's personnel file, particularly where she had reason to know that Petitioner's case hinged on the ability to attack Detective Lawrence's credibility at the suppression motion. McKnight v. State, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008).

Furthermore, in Strickland, 466 U.S. at 691, the United States Supreme Court held that, "counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." *See* Ard v. Catoe, 372 S.C. 318, 642 S.E.2d 590 (2007) (provides that "[w]ithout a doubt, '[a] criminal defense attorney has a duty to investigate, but this duty is limited to reasonable investigation.'") (quoting Thompson v. Wainwright, 787 F.2d 1447, 1450 (1986)). The United States Supreme Court has also held that "[i]n assessing the reasonableness of an attorney's investigation, . . . a court must not only consider the quantum of

evidence already known to counsel, *but also whether the known evidence would lead a reasonable attorney to investigate further.*" Wiggins v. Smith, 539 U.S. 510, 527 (2003). (emphasis added)

Based on the known evidence, a competent and reasonable attorney would have investigated into Detective Lawrence's personnel file and would have been able to effectively cross-examine Detective Lawrence during the crucial suppression motion. *See Id.* Petitioner's trial counsel should have obtained Detective Lawrence's personnel file prior to trial since trial counsel would have also known (1) Petitioner's trial hinged on suppressing his inculpatory statement, (2) that because Detective Lawrence was the only officer who heard Petitioner's statement, attacking his credibility would be paramount, and (3) that because Detective Lawrence deliberately failed to record any of the statements in Petitioner's case, Lawrence's testimony would be the official version of events presented at trial. *See Id.* at 524-27 (counsel fell short of professional standards for not expanding his investigation); Ard, 372 S.C. 318, 642 S.E.2d 590. Therefore, trial counsel, based the facts known to her at the time, had a duty to investigate Detective Lawrence's personnel file where Detective Lawrence was the only officer to interview Petitioner and take his inculpatory statement, and where trial counsel had reason to know that to succeed at the crucial suppression motion it was necessary to challenge Detective Lawrence's credibility. *See Strickland*, 466 U.S. at 694; *see also McKnight*, 378 S.C. at 46, 661 S.E.2d at 360.

Trial counsel failed in that duty to investigate and thus provided constitutionally deficient performance that fell below an objective standard of reasonableness. *See Id.*; *see also Butler*, 286 S.C. 441, 334 S.E.2d 813. Therefore, the PCR court erred when it held that trial counsel provided effective assistance because trial counsel's deficient investigation hindered her ability to

impeach the credibility of the state's key witness in Petitioner's trial.

Prejudice

As to prejudice, there is a reasonable probability that Petitioner's would have been found not guilty had trial counsel conducted a proper investigation and been able to effectively impeach Detective Lawrence's testimony at the suppression motion. Trial counsel testified at PCR that it would have helped if she, "could attack Lawrence's credibility better." App. 643, ll. 10 – 11. More concerning is the fact that Detective Lawrence made no, "in-depth report... about the taking of the statements," and none of the statements were recorded. App. 629, ll. 8 – 17; App. 629, ll. 23 – 25. Trial counsel testified at the PCR hearing that the ultimatum for the judge to suppress the statements came down to a credibility battle between Petitioner and the police. App. 630, ll. 10 – 14. Trial counsel furthered at the PCR hearing that, "[T]hey didn't record his statements. They could have recorded the statements... But I think knowing that he had problems as a detective better strengthens my argument that you are up to no good when you didn't [record] that statement." App. 635, ll. 15 – 22. PCR counsel asked trial counsel if having Detective Lawrence's personnel file prior to trial would have changed how she handled the suppression hearing. Trial counsel responded,

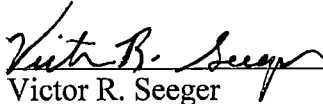
I think it changes things if I'm able to better challenge an officer's credibility. I think an officer walks into court and there's kind of an understanding that this person is going to tell the truth by nature of what they do for a living. And being able to challenge not only his ability to tell the truth, but his thoroughness in his investigation, and even potentially how he would have treated [Petitioner] during an interrogation I think would have been different knowing what I know now.

App. 635, ll. 1 – 14. Accordingly, trial counsel's performance prejudiced Petitioner's right to a fair trial since it "undermine[d] confidence in the outcome of [his] trial." See Strickland, 466 U.S. at 694; see also Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Petitioner's case hinged on suppressing the inculpatory statement made on June 29, 2009. Detective Lawrence's testimony at the suppression hearing was crucial in the admittance of the statement into evidence. If not for trial counsel's deficient investigation in her failure to obtain Detective Lawrence's personnel file, his key testimony during the suppression hearing could have been effectively impeached and Petitioner's inculpatory statement suppressed. Therefore, trial counsel provided ineffective assistance that prejudiced Petitioner because it is likely that, but for trial counsel's deficient investigation, the outcome of the Petitioner's trial would have been different.

CONCLUSION

By reason of the foregoing arguments, Petitioner respectfully requests that this Court grant his Petition for Certiorari in order to allow full briefing on this issue.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR PETITIONER

This 23rd day of July, 2018.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Charleston County

Honorable William H. Seals, Circuit Court Judge

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ALONZA DENNIS,

PETITIONER

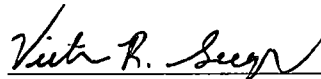
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

—————
CERTIFICATE OF SERVICE
—————


The undersigned hereby certifies that a true copy of the Petition for Writ of Certiorari and a copy of the Appendix in the above referenced case has been served upon Megan Harrigan Jameson, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Petition for Writ of Certiorari and a copy of the Appendix have been served on Alonza Dennis, #128392, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 23rd day of July, 2018.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 23rd day of July, 2018.

 (L.S)
Notary Public for South Carolina
My Commission Expires: July 3, 2023