

THE SUPREME COURT OF SOUTH CAROLINA
THE HONORABLE JENNY A. KITCHINGS
POST OFFICE BOX 11330
COLUMBIA, SC 29211

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AUG 09 2018
SC Court of Appeals

RE: APPELLATE CASE NO. 2017-002507
JOHNSON PETITION FOR WRIT OF CERTIORARI
ROBERT M. PACHAK, APPELLATE DEFENDER

PETITIONER'S COUNSEL FILED A JOHNSON PETITION TO BE RELIEVED AS COUNSEL. ALONG WITH THIS PETITION HE HAS FILED (1) ISSUE FOR WRIT OF CERTIORARI. THIS IS ISSUE THAT COUNSEL FILED WAS IN FORM OF AN "ASSERTION".

ISSUE PRESENTED

WHETHER THERE WAS ANY EVIDENCE TO SUPPORT THE PCR COURT'S FINDING THAT PETITIONER FAILED TO MEET HIS BURDEN THAT APPELLATE COUNSEL WAS IN RAISING THE ISSUE OF WHETHER THAT COUNSEL WAS INEFFECTIVE IN FAILING TO OBJECT TO THE ADMISSION OF PRIOR BAD ACTS.

PETITIONER'S ISSUES IS NOT BASED ON THE FAILURE OF THAT COUNSEL FAILING TO OBJECT TO THE ADMISSION OF PRIOR BAD PETITIONER'S ISSUES WERE,

- (1) WAS THERE ANY EVIDENCE TO SUPPORT THE PCR COURT'S FINDINGS THAT PETITIONER FAILED TO MEET HIS BURDEN THAT APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO RAISE CLAIMS THAT CONSTITUTED AN ERROR OF LAW.
- (2) DID THE TRIAL COURT ERRED IN ADMITTING THE DRUG EVIDENCE WHEN THE STATE FAILED TO ESTABLISH A COMPLETE CHAIN OF CUSTODY.
- (3) DID THE TRIAL COURT ERRED WHEN IT HELD A TRIAL AN ABSENTIA OF PETITIONER WITHOUT EVIDENTIARY SUPPORT.

PETITIONER WOULD ALSO LIKE TO PUT THE COURT'S ON NOTICE OF THE FACT THAT MR. ROBERT M. PACHEK IS CURRENTLY EMPLOYED WITH THE DIVISION OF APPELLATE DEFENSE. PETITIONER FILED INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL WANDA H. CARTER, DEPUTY CHIEF APPELLATE DEFENDER. THIS MAKES MRS. CARTER, MR. PACHEK SUPERVISOR. PETITIONER QUESTION'S THE CONFLICT OF INTEREST IN THIS MATTER.

PETITIONER SEEKS THIS COURT'S INSIGHT IN WHICH MANNER TO PROCEED TO ENSURE THAT HIS ISSUE'S AND THE RECORD IS BEING PROPERLY PRESENTED TO THE SOUTH CAROLINA COURT OF APPEALS.

~~DATE~~ 8/2/2018

X Kevin D. Cox
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SC Court of Appeals

THE Supreme Court of South Carolina
THE Honorable Jenny A. Kitchings
Post office Box 11330
Columbia, S.C. 29211