

July, 5, 2017

Dear Clerk,

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JUL 17 2017

S.C. SUPREME COURT

Enclosed you will find my Pro Se
Response to my petition for writ of
certiorari. Could you please stamp it
and send me a copy.

Sincerely,

Thomas Lee Giddie

STATE OF SOUTH CAROLINA

RECEIVED

JUL 17 2017

IN THE SUPREME COURT

S.C. SUPREME COURT

CERTIORARI to SUMNER COUNTY
HONORABLE GEORGE C. JAMES, JR.
HONORABLE JOCELYN NEWMAN

THOMAS LEE GEDDIE, PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-002155

PRO SE PETITION FOR WRIT CERTIORARI

THOMAS LEE GEDDIE
PRO SE

OPENING ARGUMENT

THIS IS A CLEAR CASE WHERE AN INNOCENT MAN IS INCARCERATED BASED ON TESTIMONY OF A CO-DEFENDANT, IN EXCHANGE OF PLEA DEAL OFFERED BY THE STATE. THIS PARTICULAR PRACTICE MUST STOP HERE IN SOUTH CAROLINA. KELVIN GREEN HAD A MOTIVE TO LIE; HIS MOTIVE WAS TO GET OUT OF MURDER. IN FACT, IN GREEN'S FIRST STATEMENT HE DID NOT MENTION GEDDIE AT ALL. NO ONE SAW GEDDIE AT THE SCENE, AND THERE WAS NO WEAPON RECORDED. THE ONLY PERSON AGAINST WHOM THERE WAS A MOUNTAIN OF EVIDENCE WAS KELVIN GREEN.

GREEN FURTHER ADMITTED THAT IT WAS HE ALONE THAT TITUS AND HIS PASSENGER, CEDRIC HILTON, FOLLOWED DOWN A DIRT ROAD.

SIXTH AMENDMENT

* Right to Speedy Trial, Witnesses, Etc.

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE OR DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, AND TO BE INFORMED OF THE NATURE AND CAUSE OF

THE ACCUSATION, TO BE CONFRONTED WITH THE WITNESS AGAINST HIM, TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESS IN HIS FAVOR, AND TO HAVE THE EFFECTIVE ASSISTANCE OF COUNSEL FOR HIS DEFENSE. HOWEVER THERE IS SEVERAL TIMES IN THIS CASE WHERE COUNSEL FAILED TREMENDOUSLY.

FIRST OF ALL COUNSEL WAS INEFFECTIVE FOR FAILING TO INVESTIGATE AND ADEQUATELY PREPARE FOR TRIAL. DEFENDANT MADE SEVERAL REQUESTS TO MEET WITH TRIAL COUNSEL TO DISCUSS DEFENSE, ALL IN WHICH WERE UNSUCCESSFUL. COUNSEL FAILED TO INTERVIEW (5) FACT WITNESSES AND FAILED

to hire investigator to interview the witnesses. Counsel failed to move to quash the indictment, and failed to enter the applicant's statement into evidence and request an alibi instruction be given to jury. Applicant made a clear statement that he was not at the crime scene. This case also involves several other constitutional violations such as Due Process-14th Amendment and Article (1-3) of the S.C. Constitution. The trial counsel was also ineffective in failing to request that the jury be recharged on mere presence in response

to the second question "CAN YOU JUST CONVICT SOMEONE FOR JUST BEING PRESENT, OR DO YOU HAVE TO SHOW INTENT THAT THEY WERE PLANNING A CRIME?"; App. 288-290; AND TRIAL COUNSEL WAS ALSO CLEARLY INEFFECTIVE IN FAILING TO OBJECT TO A COERCIVE ALLEN CHARGE FOLLOWING THE JURY'S NOTE INDICATING THAT THEY WERE UNABLE TO REACH A VERDICT, ESPECIALLY IN LIGHT OF THE SHORT TIME BETWEEN THE CHARGE AND THE VERDICT. SEE App 290-295. IT IS WITHOUT QUESTION THAT COUNSEL'S PERFORMANCE WAS DEFICIENT. COUNSEL'S DEFICIENT PERFORMANCE DID IN FACT PREJUDICE THE

APPLICANT SUCH THAT "THERE IS A REASONABLE
PROBABILITY THAT, BUT FOR COUNSEL'S ERRORS,
THE RESULT OF THE PROCEEDING WOULD HAVE
BEEN DIFFERENT. THE APPLICANT IN THIS
CASE FEEL THAT THIS COURT WOULD AGREE
AS WELL.

14th AMENDMENT

ALL PERSONS BORN OR NATURALIZED IN THE
UNITED STATES, AND SUBJECT TO THE JURISDICTION
THEREOF, ARE CITIZENS OF THE UNITED STATES
AND OF THE STATE WHEREIN THEY RESIDE. NO
STATE SHALL MAKE OR ENFORCE ANY LAW WHICH
SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES

OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

RELEVANT FACTS

THE ENTIRE CASE AGAINST DEFENDANT WAS THE TESTIMONY OF KELVIN GREEN WHO WAS A SCHIZOPHRENIC MAN ON CRACK COCAINE. IT WAS GREEN WHO DREAMED UP THE PLAN TO PURCHASE MORE CRACK COCAINE FROM THE DEFENDANT AT A PREARRANGED PLACE IN THE

woods, AND TO ROB HIM. THE DEFENDANT
WOULD RESPECTFULLY ASK THIS COURT TO
LOOK AT Pg. 65 OF TRIAL TRANSCRIPT. THIS
IS TESTIMONY OF CEDRIC HILTON-EYEWITNESS.
(Pg 65-LINE 5-14). AND IN FACT IN ONE OF
YOUR STATEMENTS TO POLICE, YOU SAID THAT
YOU WROTE DOWN, KELVIN STARTED SHOOTING
OR IT WAS SOMEBODY IN THE BUSHES; RIGHT?
YES, SIR. OKAY AT THAT TIME, YOU THOUGHT
KELVIN WAS THE --- WAS THE SHOOTER. ---
SHOOTER. RIGHT? YES, SIR. THIS IS A CLEAR
CASE WHERE AN INNOCENT MAN IS LOCKED
UP, AND A GUILTY MAN IS WALKING THE

STREET. THE NOTION THAT A PROSECUTOR
MUST WIN A CASE AT ANY COST MUST STOP.
THERE ARE CASES HERE IN SOUTH CAROLINA
WHERE EVIDENCE IS PLANTED AT THE CRIME
SCENE, IN THIS CASE THERE IS NO EVIDENCE.
HERE WE HAVE A INNOCENT MAN CONVICTED
WITH A LIFE SENTENCE BASED ON A TESTIMONY
OF A CONVICTED FELON. THIS PARTICULAR PRACTICE
MUST STOP. THERE ARE JUST TOO MANY PIECES
THAT DON'T FIT. IF IT DON'T FIT, YOU MUST
ACQUIT. THE STATE PRESENTED THE EXPERT
OPINION OF MARIE HODGE THAT APPELLANT'S
FINGERPRINT WERE ON A BUDWEISER BOTTLE

collected near the crime scene. Hodge admitted there was no way to "date" fingerprints, and it was possible the bottle had been in the woods for some time. The court erred by forcing appellant to agree that in order to receive a jury instruction on "mere presence" counsel had to agree to a charge on the "hand of one is the hand of all" since appellant was entitled to a "mere presence" charge based upon the facts of this case, and appellant should not have been forced to accept the highly prejudicial "hand

OF ONE" INSTRUCTION TO RECEIVE IT. AGAIN,
THE STATE'S CASE AGAINST APPELLANT WAS
THE TESTIMONY OF KELVIN GREEN WHO WAS
A SCHIZOPHRENIC MAN ON CRACK COCAINE.
ALSO FOR THIS COURT'S REVIEW IS AN EXHIBIT
WHERE KELVIN GREEN WAS LISTED AS A
CONFIDENTIAL INFORMANT FOR THE SUMNER
COUNTY NARCOTICS DIVISION. THE APPLICANT
WOULD RESPECTFULLY ASK THIS COURT TO
REVIEW EXHIBIT #2 AS MARKED. SGT. BURNISH
STEPPED OUT THE INTERVIEW ROOM AND SHERIFF
DENNIS WALKED IN TO TALK TO HILTON. HILTON
BEGAN EXPLAINING WHERE HE THOUGHT KEVIN

LIVED AND DESCRIBED KEVIN'S VEHICLE. IT WAS DISCUSSED BY SHERIFF DENNIS, LT. LANE AND SGT. BURNISH THAT THE PERSON HILTON KNOWS AS KEVIN MAY ACTUALLY BE KEVIN GREEN, BECAUSE GREEN HAD SIGNED UP RECENTLY WITH THE SUMNER COUNTY SHERIFF'S NARCOTICS UNIT AS A CONFIDENTIAL INFORMANT.

CLOSING ARGUMENT

THE CRITICAL POINT IN THIS CASE WAS WHEN THE JURY SENT A NOTE ASKING: IF GEDDIE GETS OFF DOES KEVIN GREEN GET CHARGE. THE ANSWER TO THAT IS, THAT IS NOT FOR YOUR CONSIDERATION. THE COURT HAD A DUTY TO

(12)

ANSWER ANY AND ALL QUESTIONS FROM THE jury. The jury also wanted to know: CAN you just CONVICT SOMEONE FOR BEING PRESENT, OR do you HAVE to SHOW INTENT that they WERE PLANNING A CRIME. NOW I AM going to GIVE THEM A COPY OF THE CHARGE. DEFENSE did AGREE that SENDING THE jury the WRITTEN CHARGE WAS A PROPER WAY TO ANSWER THE QUESTION. The jury SENT A NOTE OUT AN HOUR AND A HALF LATER STATING they WERE DEADLOCKED. The JUDGE GAVE AN ALLEN CHARGE WITHOUT ANY OBJECTIONS. FOUR MINUTES LATER THE jury RETURNED it's GUILTY VERDICT.

In closing, I hereby Respectfully ask
this court to GRANT MY PETITION FOR WRIT
OF CERTIORARI due to CONSTITUTIONAL DEPRIVATIONS.
This petition is without question is with
MERIT. THE CONVICTION AND SENTENCE WAS IN
VIOLATION OF THE CONSTITUTION OF THE UNITED
STATES, THE SOUTH CAROLINA CONSTITUTION, AND
SOUTH CAROLINA STATE LAW. THERE IS EVIDENCE
OF MATERIAL FACTS THAT RESPECTFULLY REQUIRES
VACATION OF THE CONVICTION AND SENTENCE IN
THE INTEREST OF THE JUSTICE.

Respectfully,



Exhibit #1

VOLUNTARY STATEMENT

CASE # 10118038

LAST NAME <u>Hilton</u>	FIRST NAME <u>Cedric</u>	MIDDLE NAME <u>O'Neil</u>	AGE <u>26</u>	D.O.B. <u>11-1-1984</u>
NICKNAME/AKA	<input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> S	STREET ADDRESS <u>2 Phillip St</u>		
CITY <u>Sumter</u>	STATE <u>SC</u>	ZIP <u>29150</u>	MAILING ADDRESS IF DIFFERENT	
HOME TELEPHONE	WORK TELEPHONE <u>775-2480</u>	CELL TELEPHONE <u>410-7416</u>	OCCUPATION <u>Landscaping</u>	
EMPLOYER <u>Willie Shannon</u>	EMPLOYER ADDRESS <u>11 Bird St Sumter</u>			
DRIVER'S LICENSE NUMBER/STATE	DATE AND TIME OF INTERVIEW <u>09/23/10 12:33 pm</u>			
LOCATION OF INTERVIEW <u>Sumter Sheriff's Office</u>				
INTERVIEWING AGENT <u>Sgt. Robert Burick</u>	DEPARTMENT <u>SCSO</u>	INTERVIEWING AGENT <u>LT. JOE CANE</u>	DEPARTMENT <u>SCSO</u>	

I, Cedric Hilton understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can cannot read and write and completed the 11th grade in school.

I was on the 19th of Sept. me and Zae was chillin' at a friend house. Zae leave and come back and he (Zae) was like I got a hoo to go catch meaning he got to go catch a side. So he (Zae) was bout to leave. (Cedric) asked Zae to take me to get some weed. We rode through Dixie (a place not known for weed). Didnt see nobody, so Zae got another called. Zae was like I gotta go, I dont have time to take you back you just ride w/ me. So we riding im drinking a beer listening to the radio. Lil Zae must of got like 15 or so calls while riding out there. All I heard is im on the way man chill im coming. So we made it to Spans store where (Kevin) told Lil Zae to meet him. Kevin wasn't there his coming down the road from where the shooting happen. He (Kevin) was like follow me, so Lil Zae follow him down the road where he turn off on a dirt road. Kevin pulled off to side of the road and was like cut the lights off. I told Zae to dont park like him straighten up and park right face the way we came in, so if anything happen just mash out. I thought it was I set up from the start of going in the woods that's why I told him to straighten up. So Kevin keep saying hit the lights soon as Lil Zae but the lights hasn't start shooting or either a person jump out the dark and start shooting. Once I heard the shooting I drop to the floor using one hand on the pedal and the other on the wheel, I tried to get us from up and there. I wreck the truck must be into a tree or bushes, once the truck stop. I jumped out scared s hell coming for my life and I ended

Kevin told that he walk off but Hilton said not

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 09/23/10 Time: 1:06 pm Cedric Hilton
Signature of person giving voluntary statement

WITNESS: Sgt. Robert Burick WITNESS: LT. Joe Cane

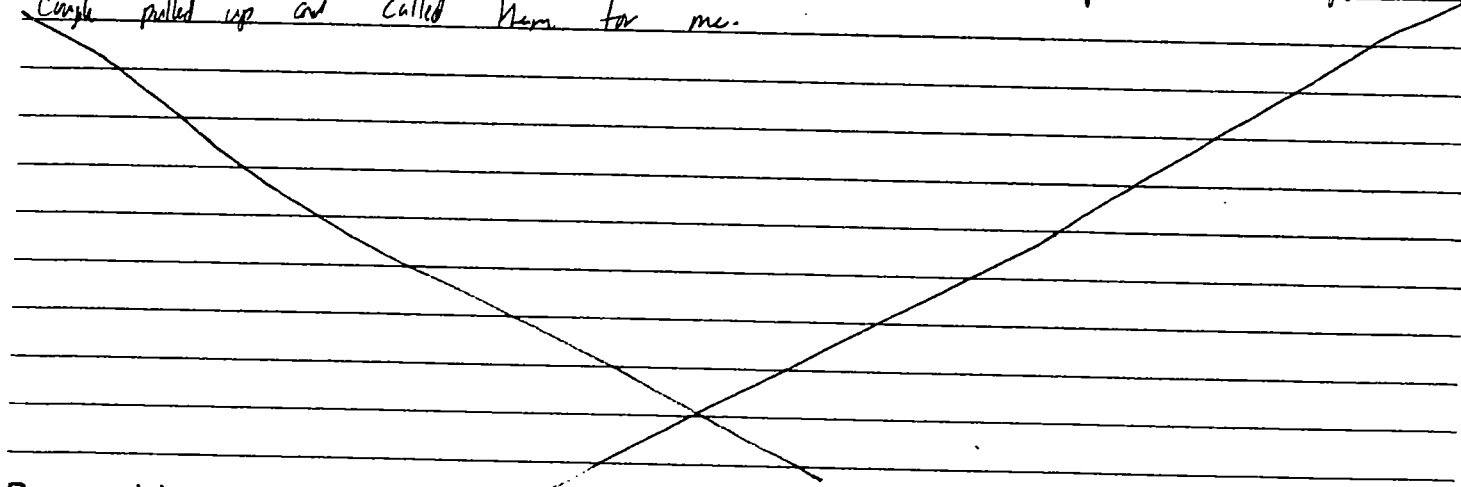
I certify that I have been given a copy of this statement consisting of 2 pages.

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

Lil Zae picked me up well we was at a house on Northmain st. Chillin i told lil zae to take me to get some smokes so we riding and didn't see no body out he gets a phone call and headed towards Board st. i asked where he going he say he going to hells of sum somebody name Kevin so i was like take me back, i'm ready to get right for the Club. So he told me to ride with him, so I did. So we ride towards wedgfield next spann to go meet this chade name Kevin (that's where Kevin suppose to be). So we got to Spann's and Kevin wasn't there lil zae phone ring and it was Kevin must be saying he coming down the road. So a Toyota truck lil orange or rust color truck came there. I guess it was Kevin because he told us to follow him. Lil Zae follow him and he turn off on a dirt road and went up in a cut on the dirt road and pull to the side. He told Lil Zae to back up and park like he was. So I told Lil Zae to straight up on face the way we come in, because he had us in a cut. [So he (Kevin) came to Lil Zae window and told him to cut off the lights, because his people stay cross the field and he don't want the lights all up in there house, so as Lil Zae turn them (Lights) off all I heard was shots] and I told Lil Zae to mash the gas he did a little bit but he was scared leaning trying to duck the shots. I'm bending down already so I tried to hit the gas pedal myself and try to stir the wheel because it was dark and Lil zae been seems like he was going off road so I jumped out and told him to come on I ran three some wood and knock on people doors "NOBODY" wanted to help call the cops. Some Couple pulled up and called them for me.

Kelid told that he walkrott but Hilton said not



Person giving statement to place initials behind last word of statement as appears on last page.

Witness - T. Brown

edric Hill
 Signature of person giving voluntary statement

Exhibit #2

was turned in to the evidence locker to be sent to SLED. Conyers was arrested on a unrelated charge and transported to the Sumter-Lee Regional Detention Center.

Cedric Hilton was taken to the Sumter County Sheriff's Office for questioning. While at the Sumter County Sheriff's Office, Hilton was given miranda warning verbally and a waiver of rights form by Sgt. Trevor Brown. Hilton signed the waiver of rights form, gave Sgt. Brown a written statement indicating that he and the victim were riding together and the victim decided to go meet someone known to Hilton as Kevin at Spann's Market. Hilton said when they got there, Kevin was not there but the victim received a phone call on his cell phone from Kevin stating he was on the way. Hilton said a little orange or rust colored Toyota pick up truck pulled into the parking lot of Spann's Market, and the driver held his arm out of the driver's side window and motioned for Xavier and Hilton to follow him. Hilton said they followed the Toyota truck down Wedgefield Road and they turned down the dirt road where the victim was located.

Kelvin told that he was kaff but Hilton said not

Hilton stated they went up to a cut in the dirt road and the Toyota truck pulled off to the side and parked. Hilton said Kevin told them to park like he did, but Hilton told Xavier to turn the vehicle around and face back towards Wedgefield Road. Hilton said when Xavier did that Kevin came up to the driver's side window and told Xavier to turn off his headlights. Hilton said as Xavier turned the lights off he suddenly heard gunshots. Hilton said he told Xavier to mash the gas and Xavier did a little bit but Xavier was scared and was leaning over trying to duck the shots. Hilton said he was leaning over and reached down with one hand and mashed the gas pedal, and was trying to steer the vehicle with his other hand.

Hilton stated they went off the road and he jumped out of the vehicle and told Xavier to run. Hilton said he ran through some woods, took off his white t-shirt that he was wearing and threw it away because he thought the shooter was looking for him. Hilton said he tried knocking on doors to get someone to call the police, but nobody would answer their doors. Hilton said he ran to the parking lot of Spann's Market and a couple was riding by. He said he flagged them down and asked them to call the police.

Sgt. Burnish and Lt. Lane returned to the Sumter County Sheriff's Office and began to interview Hilton. Sgt. Burnish gave Hilton miranda warning verbally and asked Hilton to repeat his statement. Hilton stated that he knew who Kevin was but he did not know his last name.

Sgt. Burnish stepped out of the interview room and Sheriff Dennis walked in to talk to Hilton. Hilton began explaining where he thought Kevin lived and described Kevin's vehicle. It was discussed by Sheriff Dennis, Lt. Lane and Sgt. Burnish that the person Hilton knows as Kevin may actually be Kelvin Green, because Green had signed up recently with the Sumter County Sheriff's Office Narcotics Unit as a Confidential Informant, and Green drove a vehicle matching the description of the vehicle that Hilton saw.

Lt. Lane made contact with Lt. Donnie Vickers of the Sumter County Sheriff's Office Narcotics Unit and asked him to check their Confidential Informant file. Lt. Vickers called Lt. Lane and confirmed that Kelvin Green had recently signed up as a Confidential Informant. Lt. Vickers met with investigators at the main building and gave them the file on Kelvin Green.

Sr. Inv. Tripp Mays was given the South Carolina Drivers License number for Kelvin Greene and sent an emergency e-mail request to SLED for a photo line up of

Timothy W. Murphy
assistant public defender
Law Offices of W. S. Kolb Jr

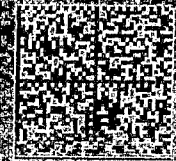
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